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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

Information concerning the date of entry into force of the Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, signed in Lugano on 30 October 2007

The Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters ⁽¹⁾, signed in Lugano on 30 October 2007, entered into force between the European Union and the Swiss Confederation on 1 January 2011 and between the European Union and Iceland on 1 May 2011, in accordance with Article 69(5) of the Convention.

⁽¹⁾ OJ L 147, 10.6.2009, p. 5. The explanatory report to the Convention was published in OJ C 319, 23.12.2009, p. 1.

COUNCIL DECISION

of 13 May 2011

on the conclusion of an Agreement in the form of a Protocol between the European Union and the Arab Republic of Egypt establishing a dispute settlement mechanism applicable to disputes under the trade provisions of the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Arab Republic of Egypt, of the other part

(2011/307/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first subparagraph of Article 207(4), in conjunction with point (a)(v) of Article 218(6) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament,

Whereas:

- (1) On 24 February 2006 the Council authorised the Commission to open negotiations with partners in the Mediterranean region in order to establish a dispute settlement mechanism related to trade provisions.
- (2) Negotiations have been conducted by the Commission in consultation with the committee appointed under Article 207 of the Treaty and within the framework of the negotiating directives issued by the Council.
- (3) These negotiations have been concluded and an Agreement in the form of a Protocol (the Protocol) between the European Union and the Arab Republic of Egypt establishing a dispute settlement mechanism applicable to disputes under the trade provisions of the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Arab Republic of Egypt, of the other part ⁽¹⁾ was initialled on 27 April 2010.
- (4) The Protocol was signed on behalf of the Union on 11 November 2010.

(5) The Protocol should be concluded,

HAS ADOPTED THIS DECISION:

Article 1

The Agreement in the form of a Protocol between the European Union and the Arab Republic of Egypt establishing a dispute settlement mechanism applicable to disputes under the trade provisions of the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Arab Republic of Egypt, of the other part (the Protocol) is hereby approved on behalf of the Union.

The text of the Protocol is attached to this Decision.

Article 2

The President of the Council shall give, on behalf of the Union, the notification provided for in Article 23 of the Protocol ⁽²⁾.

Article 3

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

Done at Brussels, 13 May 2011.

For the Council
The President
MARTONYI J.

⁽¹⁾ OJ L 304, 30.9.2004, p. 39.

⁽²⁾ The date of entry into force of the Protocol will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

PROTOCOL

between the European Union and the Arab Republic of Egypt establishing a dispute settlement mechanism applicable to disputes under the trade provisions of the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Arab Republic of Egypt, of the other part

THE EUROPEAN UNION, hereinafter referred to as 'the Union',

of the one part,

and

THE ARAB REPUBLIC OF EGYPT, hereinafter referred to as 'Egypt',

of the other part,

HAVE DECIDED AS FOLLOWS:

CHAPTER I

OBJECTIVE AND SCOPE

Article 1

Objective

The objective of this Protocol is to avoid and settle any trade dispute between the Parties with a view to arrive at, where possible, a mutually agreed solution.

Article 2

Application of the Protocol

1. The provisions of this Protocol apply with respect to any difference concerning the interpretation and application of Title II (with the exception of Articles 22, 23 and 24), of the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Arab Republic of Egypt, of the other part (hereinafter referred to as 'the Association Agreement')⁽¹⁾, except as otherwise expressly provided. Article 82 of the Association Agreement applies to disputes relating to the application and interpretation of other provisions of the Association Agreement.

2. The procedures of this Protocol shall apply if, 60 days after a dispute has been referred to the Association Council pursuant to Article 82 of the Association Agreement, the Association Council has failed to settle the dispute.

3. For the purposes of paragraph 2, a dispute shall be deemed to be resolved when the Association Council has taken a decision as provided for in Article 82(2) of the Association Agreement, or when it has declared that there is no longer a dispute.

⁽¹⁾ The provisions of this Protocol are without prejudice to Article 34 of the Protocol concerning the definition of the concept of 'originating products' and methods of administrative cooperation.

CHAPTER II

CONSULTATIONS AND MEDIATION

Article 3

Consultations

1. The Parties shall endeavour to resolve any difference regarding the interpretation and application of the provisions referred to in Article 2 by entering into consultations in good faith with the aim of reaching a prompt, equitable and mutually agreed solution.

2. A Party shall seek consultations by means of a written request to the other Party, copied to the subcommittee 'industry, trade, services and investment', identifying any measure at issue and the provisions of the Association Agreement that it considers applicable.

3. Consultations shall be held within 40 days of the date of receipt of the request and take place, unless the Parties agree otherwise, on the territory of the Party complained against. The consultations shall be deemed concluded within 60 days of the date of receipt of the request, unless both Parties agree to continue consultations. Consultations, in particular all information disclosed and positions taken by the Parties during these proceedings, shall be confidential, and without prejudice to the rights of either Party in any further proceedings.

4. Consultations on matters of urgency, including those regarding perishable or seasonal goods, shall be held within 15 days of the date of receipt of the request, and shall be deemed concluded within 30 days of the date of receipt of the request.

5. If the Party to which the request is made does not respond to the request for consultations within 15 days of the date of its receipt, or if consultations are not held within the timeframes laid down in paragraph 3 or in paragraph 4 respectively, or if consultations have been concluded and no agreement has been reached on a mutually agreed solution, the complaining Party may request the establishment of an arbitration panel in accordance with Article 5.

*Article 4***Mediation**

1. If consultations fail to produce a mutually agreed solution, the Parties may, by mutual agreement, seek recourse to a mediator. Any request for mediation must be made in writing to the Party complained against and to the subcommittee 'industry, trade, services and investment' and state any measure which has been the subject of consultations as well as the mutually agreed terms of reference for the mediation. Each Party undertakes to accord sympathetic consideration to requests for mediation.

2. Unless the Parties agree on a mediator within 15 days of the date of receipt of the request for mediation, the chairpersons of the subcommittee 'industry, trade, services and investment', or the chairpersons' delegate, shall select by lot a mediator from the pool of individuals who are on the list referred to in Article 19 and are not nationals of either Party. The selection shall be made within 10 days of the date of receipt of the request. The mediator will convene a meeting with the Parties no sooner than 20 days and no later than 30 days after being selected. The mediator shall receive the submissions of each Party no later than 15 days before the meeting and may request additional information from the Parties or from experts or technical advisors as she or he deems necessary. Any information obtained in this manner must be disclosed to each of the Parties and submitted for their comments. The mediator shall notify an opinion no later than 45 days after having been selected.

3. The mediator's opinion may include a recommendation on how to resolve the dispute consistent with the provisions referred to in Article 2. The mediator's opinion is non-binding.

4. The Parties may agree to amend the time limits referred to in paragraph 2. The mediator may also decide to amend these time limits upon request of any of the Parties, given the particular difficulties experienced by the Party concerned or the complexities of the case.

5. The proceedings involving mediation, in particular the mediator's opinion and all information disclosed and positions taken by the Parties during these proceedings, shall be confidential, and without prejudice to the rights of either Party in any further proceedings.

6. If the Parties agree, procedures for mediation may continue while the arbitration procedure proceeds.

7. Replacement of a mediator shall take place only for the reasons and according to the procedures detailed in paragraphs 18 to 21 of the Rules of Procedure.

CHAPTER III

DISPUTE SETTLEMENT PROCEDURES

SECTION I

Arbitration procedure*Article 5***Initiation of the arbitration procedure**

1. Where the Parties have failed to resolve the dispute by recourse to consultations as provided for in Article 3, or by recourse to mediation as provided for in Article 4, the complaining Party may request the establishment of an arbitration panel.

2. The request for the establishment of an arbitration panel shall be made in writing to the Party complained against and the subcommittee 'industry, trade, services and investment'. The complaining Party shall identify in its request the specific measure at issue, and it shall explain how such measure constitutes a breach of the provisions referred to in Article 2. The establishment of an arbitration panel shall be requested no later than 18 months from the date of receipt of the request for consultations, without prejudice to the rights of the complaining Party to request new consultations on the same matter in the future.

*Article 6***Establishment of the arbitration panel**

1. An arbitration panel shall be composed of three arbitrators.

2. Within 15 days of the date of receipt by the Party complained against of the request for the establishment of an arbitration panel, the Parties shall consult in order to reach an agreement on the composition of the arbitration panel.

3. In the event that the Parties are unable to agree on its composition within the time frame laid down in paragraph 2, either Party may request the chairpersons of the subcommittee 'industry, trade, services and investment', or the chairpersons' delegate, to select all three members by lot from the list established under Article 19, one among the individuals proposed by the complaining Party, one among the individuals proposed by the Party complained against and one among the individuals selected by the Parties to act as chairperson. Where the Parties agree on one or more of the members of the arbitration panel, any remaining members shall be selected by the same procedure.

4. The chairpersons of the subcommittee 'industry, trade, services and investment', or the chairpersons' delegate, shall select the arbitrators within 10 days of the request referred to in paragraph 3 by either Party.

5. The date of establishment of the arbitration panel shall be the date on which the three arbitrators are selected.

6. Replacement of arbitrators shall take place only for the reasons and according to the procedures detailed in paragraphs 18 to 21 of the Rules of Procedure.

*Article 7***Interim panel report**

The arbitration panel shall issue an interim report to the Parties setting out the findings of fact, the applicability of relevant provisions and the basic rationale behind any findings and recommendations that it makes, as a general rule, not later than 120 days from the date of establishment of the arbitration panel. Any Party may submit a written request for the arbitration panel to review precise aspects of the interim report within 15 days of its notification. The findings of the final panel ruling shall include a discussion of the arguments made at the interim review stage.

*Article 8***Arbitration panel ruling**

1. The arbitration panel shall, as a general rule, notify its ruling to the Parties and to the subcommittee 'industry, trade, services and investment' within 150 days from the date of the establishment of the arbitration panel. Where it considers that this deadline cannot be met, the chairperson of the arbitration panel must notify the Parties and the subcommittee 'industry, trade, services and investment' in writing, stating the reasons for the delay and the date on which the panel plans to conclude its work. Under no circumstances should the ruling be notified later than 180 days from the date of establishment of the arbitration panel.

2. The arbitration panel shall, at the request of both Parties, suspend its work at any time for a period agreed by the Parties not exceeding 12 months and shall resume its work at the end of this agreed period at the request of the complaining Party. If the complaining Party does not request the resumption of the arbitration panel's work before the expiry of the agreed suspension period, the procedure shall be terminated. The suspension and termination of the arbitration panel's work are without prejudice to the rights of either Party in another proceeding on the same matter.

3. In cases of urgency, including those involving perishable or seasonal goods, the arbitration panel shall make every effort to notify its ruling within 75 days from the date of its establishment. Under no circumstance should it take longer than 90 days from its establishment. The arbitration panel shall give a preliminary ruling within 10 days of its establishment on whether it deems the case to be urgent.

*SECTION II***Compliance***Article 9***Compliance with the arbitration panel and Appellate Panel rulings**

Each Party shall take any measure necessary to comply with the arbitration panel ruling, and the Parties will endeavour to agree on the period of time to comply with the ruling.

*Article 10***The reasonable period of time for compliance**

1. No later than 30 days after the receipt of the notification of the arbitration panel ruling to the Parties, the Party complained against shall notify the complaining Party and the subcommittee 'industry, trade, services and investment' of the time it will require for compliance (reasonable period of time), if immediate compliance is not possible.

2. If there is disagreement between the Parties on the reasonable period of time to comply with the arbitration panel ruling, the complaining Party shall, within 20 days of the receipt of the notification made under paragraph 1 by the Party complained against, request, in writing, the arbitration panel to determine the length of the reasonable period of time. Such request shall be notified simultaneously to the other Party and to the subcommittee 'industry, trade, services and investment'. The arbitration panel shall notify its ruling to the Parties and to the subcommittee 'industry, trade, services and investment' within 30 days from the date of receipt of the request.

3. The reasonable period of time may be extended by mutual agreement of the Parties.

*Article 11***Review of any measure taken to comply with the arbitration panel ruling**

1. The Party complained against shall notify the other Party and the subcommittee 'industry, trade, services and investment' before the end of the reasonable period of time of any measure that it has taken to comply with the arbitration panel ruling.

2. In the event that there is disagreement between the Parties concerning the existence or the consistency of any measure notified under paragraph 1 with the provisions referred to in Article 2, the complaining Party may request, in writing, the arbitration panel to rule on the matter. Such request shall identify the specific measure at issue and it shall explain how such measure is inconsistent with the provisions referred to in Article 2. The arbitration panel shall notify its ruling within 90 days of the date of receipt of the request.

*Article 12***Temporary remedies in case of non-compliance**

1. If the Party complained against fails to notify any measure taken to comply with the arbitration panel ruling before the expiry of the reasonable period of time, or if the arbitration panel rules that the measure notified under Article 11(1) is inconsistent with that Party's obligations under the provisions referred to in Article 2, the Party complained against shall, if so requested by the complaining Party, present an offer for temporary compensation.

2. If no agreement on compensation is reached within 30 days after the end of the reasonable period of time or of the arbitration panel ruling under Article 11 that a measure taken to comply is inconsistent with the provisions referred to in Article 2, the complaining Party shall be entitled, upon notification to the other Party and to the subcommittee 'industry, trade, services and investment', to suspend obligations arising from any provision referred to in Article 2 at a level equivalent to the nullification or impairment caused by the violation. The complaining Party may implement the suspension 15 days after the date of receipt of the notification by the Party complained against, unless the Party complained against has requested arbitration under paragraph 3.

3. If the Party complained against considers that the level of suspension is not equivalent to the nullification or impairment caused by the violation, it may request, in writing, the arbitration panel to rule on the matter. Such request shall be notified to the other Party and to the subcommittee 'industry, trade, services and investment' before the expiry of the 15 day period referred to in paragraph 2. The arbitration panel, having sought, if appropriate, the opinion of experts, shall notify its ruling on the level of the suspension of obligations to the Parties and to the institutional body responsible for trade matters within 30 days of the date of receipt of the request. Obligations shall not be suspended until the arbitration panel has notified its ruling, and any suspension shall be consistent with the arbitration panel ruling.

4. The suspension of obligations shall be temporary and shall be applied only until any measure found to be inconsistent with the provisions referred to in Article 2 has been withdrawn or amended so as to bring it into conformity with those provisions, as established under Article 13, or until the Parties have agreed to settle the dispute.

Article 13

Review of any measure taken to comply after the suspension of obligations

1. The Party complained against shall notify the other Party and the subcommittee 'industry, trade, services and investment' of any measure it has taken to comply with the ruling of the arbitration panel and of its request for an end to the suspension of obligations applied by the complaining Party.

2. If the Parties do not reach an agreement on the compatibility of the notified measure with the provisions referred to in Article 2 within 30 days of the date of receipt of the notification, the complaining Party shall request, in writing, the arbitration panel to rule on the matter. Such request shall be notified simultaneously to the other Party and to the subcommittee 'industry, trade, services and investment'. The arbitration panel ruling shall be notified to the Parties and to the subcommittee 'industry, trade, services and investment' within 45 days of the date of receipt of the request. If the arbitration panel rules that any measure taken to comply is in conformity with the provisions referred to in Article 2, the suspension of obligations shall be terminated.

SECTION III

Common provisions

Article 14

Mutually agreed solution

The Parties may reach a mutually agreed solution to a dispute under this Protocol at any time. They shall notify the subcommittee 'industry, trade, services and investment' and the arbitration panel of any such solution. Upon notification of the mutually agreed solution, the panel shall terminate its work and the procedure shall be terminated.

Article 15

Rules of Procedure

1. Dispute settlement procedures under Chapter III of this Protocol shall be governed by the Rules of Procedure annexed to this Protocol.

2. Any meeting of the arbitration panel shall be open to the public in accordance with the Rules of Procedure, unless the Parties agree otherwise.

Article 16

Information and technical advice

At the request of a Party, or upon its own initiative, the arbitration panel may obtain information it deems appropriate for the arbitration panel proceeding. In particular, the arbitration panel also has the right to seek the relevant opinion of experts as it deems appropriate. The arbitration panel shall consult the Parties before choosing such experts. Any information obtained in this manner must be disclosed to each of the Parties and submitted for their comments. Unless the Parties agree otherwise, interested natural or legal persons established in the Parties are authorised to submit communications in writing to the arbitration panels in accordance with the Rules of Procedure. Such communications shall be limited to the factual aspects of the dispute and shall not address points of law.

Article 17

Rules of interpretation

Any arbitration panel shall interpret the provisions referred to in Article 2 in accordance with customary rules of interpretation of public international law, including the Vienna Convention on the Law of Treaties. The rulings of the arbitration panel cannot add to or diminish the rights and obligations provided in the provisions referred to in Article 2.

Article 18

Arbitration panel decisions and ruling

1. The arbitration panel shall make every effort to take any decision by consensus. Where, nevertheless, a decision cannot be arrived at by consensus, the matter at issue shall be decided by majority vote. However, in no case shall dissenting opinions of arbitrators be published.

2. Any ruling of the arbitration panel shall be binding on the Parties and shall not create any rights or obligations to physical or legal persons. The ruling shall set out the findings of fact, the applicability of the relevant provisions of the Association Agreement and the basic rationale behind any findings and conclusions that it makes. The subcommittee 'industry, trade, services and investment' shall make the arbitration panel ruling publicly available in its entirety unless it decides not to do so in order to ensure the confidentiality of business confidential information.

CHAPTER IV

GENERAL PROVISIONS

Article 19

Lists of arbitrators

1. The subcommittee 'industry, trade, services and investment' shall, no later than 6 months after the entry into force of this Protocol, establish a list of at least 15 individuals who are willing and able to serve as arbitrators. Each of the Parties shall propose at least five individuals to serve as arbitrators. The two Parties shall also select at least five individuals who are not nationals of either Party and who shall act as chairperson to the arbitration panel. The subcommittee 'industry, trade, services and investment' will ensure that the list is always maintained at this level.

2. Arbitrators shall have specialised knowledge or experience of law and international trade. They shall be independent, serve in their individual capacities and not take instructions from any organisation or government, or be affiliated with the government of any of the Parties, and shall comply with the Code of Conduct annexed to this Protocol.

3. The subcommittee 'industry, trade, services and investment' may establish additional lists of at least 15 individuals having a sectoral expertise in specific matters covered by the Association Agreement. When recourse is made to the selection procedure of Article 6(2), the chairpersons of the subcommittee 'industry, trade, services and investment' may use a sectoral list upon agreement of both Parties.

4. Should the list provided for in paragraph 1 of this Article not be established at the time a request for mediation or for the establishment of an arbitration panel is made, the arbitrators shall be drawn by lot from the individuals who have been formally proposed by one or both of the Parties. The individuals proposed for chairperson of the arbitration panel or mediator may not be nationals of either Party.

Article 20

Relation with WTO obligations

1. When a Party seeks the settlement of a dispute concerning an obligation under the WTO Agreement, it shall have recourse to the relevant rules and procedures of the WTO Agreement, which apply notwithstanding the provisions of this Agreement.

2. When a Party seeks the settlement of a dispute concerning an obligation falling within the scope of this Agreement as defined in Article 2, it shall have recourse to the rules and procedures of this Agreement.

3. Unless the Parties agree otherwise, when a Party seeks the settlement of a dispute concerning an obligation falling within the scope of this Agreement as defined in Article 2, which is equivalent in substance to an obligation under the WTO, it shall have recourse to the relevant rules and procedures of the WTO Agreement, which apply notwithstanding the provisions of this Agreement.

4. Once dispute settlement procedures have been initiated, the forum selected in accordance with the paragraphs above, if it has not declined its jurisdiction, shall be used to the exclusion of the other.

5. Nothing in this Agreement shall preclude a Party from implementing the suspension of obligations authorised by the Dispute Settlement Body of the WTO. The WTO Agreement shall not be invoked to preclude a Party from suspending obligations under this Agreement.

Article 21

Time limits

1. All time limits laid down in this Protocol, including the limits for the arbitration panels to notify their rulings, shall be counted in calendar days from the day following the act or fact to which they refer.

2. Any time limit referred to in this Protocol may be extended by mutual agreement of the Parties. The Parties undertake to accord sympathetic consideration to requests for extensions of any time limit by reason of difficulties faced by any Party in complying with the procedures of this Protocol. Upon request of a Party, the arbitration panel may extend the time limits applicable in the proceedings, taking into account the different level of development of the Parties.

Article 22

Review and modification of the Protocol

1. No later than 3 years after the entry into force of this Protocol and its Annexes, the Association Council shall review their implementation, with a view to decide their continuation, modification or termination.

2. In this review, the Association Council may consider the possibility of creating an Appellate Body common to several Euro-Mediterranean Agreements.

3. The Association Council may decide to modify this Protocol and its Annexes.

*Article 23***Entry into force**

This Protocol will be approved by the Parties in accordance with their own procedures. This Protocol shall enter into force on the first day of the second month following the date on which the Parties notify each other that the procedures referred to in this Article have been completed.

Done in Brussels on the eleventh day of November in the year two thousand and ten, in duplicate, in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish and Arabic languages, each of these texts being equally authentic.

За Европейския съюз
 Por la Unión Europea
 Za Evropskou unii
 For Den Europæiske Union
 Für die Europäische Union
 Euroopa Liidu nimel
 Για την Ευρωπαϊκή Ένωση
 For the European Union
 Pour l'Union européenne
 Per l'Unione europea
 Eiropas Savienības vārdā –
 Europos Sąjungos vardu
 Az Európai Unió részéről
 Ghall-Unjoni Ewropea
 Voor de Europese Unie
 W imieniu Unii Europejskiej
 Pela União Europeia
 Pentru Uniunea Europeană
 Za Európsku úniu
 Za Evropsko unijo
 Euroopan unionin puolesta
 För Europeiska unionen



عن الإتحاد الأوروبي

За Арабска република Египет
 Por la República Árabe de Egipto
 Za Egyptskou arabskou republiku
 For Den Arabiske Republik Egypten
 Für die Arabische Republik Ägypten
 Egiptuse Araabia Vabariigi nimel
 Για την Αραβική Δημοκρατία της Αιγύπτου
 For the Arab Republic of Egypt
 Pour la République arabe d'Égypte
 Per la Repubblica araba d'Egitto
 Ēģiptes Arābu Republikas vārdā –
 Egipto Arabu Respublikos vardu
 Az Egyiptomi Arab Köztársaság részéről
 Ghar-Repubblika Gharbija tal-Eġittu
 Voor de Arabische Republiek Egypte
 W imieniu Arabskiej Republiki Egiptu
 Pela República Árabe do Egipto
 Pentru Republica Arabă Egipt
 Za Arabsko republiko Egipt
 Za Egyptskú arabskú republiku
 Egyptin arabitasavallan puolesta
 På Arabrepublikken Egyptens vägnar



عن جمهورية مصر العربية

ANNEXES

ANNEX I: RULES OF PROCEDURE FOR ARBITRATION

ANNEX II: CODE OF CONDUCT FOR MEMBERS OF ARBITRATION PANELS AND MEDIATORS

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ANNEX I

RULES OF PROCEDURE FOR ARBITRATION**General provisions**

1. In the Protocol and under these rules:

'adviser' means a person retained by a Party to advise or assist that Party in connection with the arbitration panel proceeding;

'complaining Party' means any Party that requests the establishment of an arbitration panel under Article 5 of this Protocol;

'Party complained against' means the Party that is alleged to be in violation of the provisions referred to in Article 2 of this Protocol;

'arbitration panel' means a panel established under Article 6 of this Protocol;

'representative of a Party' means an employee or any person appointed by a government department or agency or any other public entity of a Party;

'day' means a calendar day.

2. The European Union shall bear the expenses derived from organisational matters regarding consultations, mediation and arbitration, with the exception of the remuneration and the expenses to be paid to the mediators and arbitrators, which shall be shared.

Notifications

3. The Parties and the arbitration panel shall transmit any request, notice, written submission or other document by e-mail, with a copy submitted on the same day by facsimile transmission, registered post, courier, delivery against receipt or any other means of telecommunication that provides a record of the sending thereof. Unless proven otherwise, an e-mail message shall be deemed to be received on the same date of its sending.
4. A Party shall provide an electronic copy of each of its written submissions to the other Party and to each of the arbitrators. A paper copy of the document shall also be provided.
5. All notifications shall be addressed to the Ministry of Trade and Industry of the Arab Republic of Egypt and to the Directorate-General for Trade of the European Commission, respectively.
6. Minor errors of a clerical nature in any request, notice, written submission or other document related to the arbitration panel proceeding may be corrected by delivery of a new document clearly indicating the changes.
7. If the last day for delivery of a document falls on an official holiday or rest day of Egypt or of the Union, the document may be delivered on the next business day. The Parties shall exchange a list of dates of their official holidays and rest days on the first Monday of every December for the following year. No documents, notifications or requests of any kind shall be deemed to be received on an official holiday or rest day.
8. Depending on the object of the provisions under dispute, all requests and notifications addressed to the subcommittee 'industry, trade, services and investment' in accordance with this Agreement shall be copied to the other relevant subcommittees established under the Association Agreement.

Commencing the arbitration

9. (a) If pursuant to Article 6 of the Protocol or to rules 19, 20 or 49 of these Rules of Procedure members of the arbitration panel are selected by lot, representatives of both Parties shall be present when lots are drawn.
(b) Unless the Parties agree otherwise, they shall meet the arbitration panel within 10 days of its establishment in order to determine such matters that the Parties or the arbitration panel deem appropriate, including the remuneration and expenses to be paid to the arbitrators, which will be in accordance with WTO standards. Members of the arbitration panel and representatives of the Parties may take part in this meeting via telephone or video conference.
10. (a) Unless the Parties agree otherwise, within 10 days from the date of the selection of the arbitrators, the terms of reference of the arbitration panel shall be:

'to examine, in the light of the relevant provisions of the Association Agreement, the matter referred to in the request for establishment of the arbitration panel, to rule on the compatibility of the measure in question with the provisions referred to in Article 2 of the Protocol and to make a ruling in accordance with Article 8 of the Protocol on Dispute Settlement.'

(b) The Parties must notify the agreed terms of reference to the arbitration panel within 5 days of their agreement.

Initial submissions

11. The complaining Party shall deliver its initial written submission no later than 25 days after the date of establishment of the arbitration panel. The Party complained against shall deliver its written counter-submission no later than 25 days after the date of delivery of the initial written submission.

Working of arbitration panels

12. The chairperson of the arbitration panel shall preside at all its meetings. An arbitration panel may delegate to the chairperson authority to make administrative and procedural decisions.
13. Unless otherwise provided in this Protocol, the arbitration panel may conduct its activities by any means, including telephone, facsimile transmissions or computer links.
14. Only arbitrators may take part in the deliberations of the arbitration panel, but the arbitration panel may permit its assistants to be present at its deliberations.
15. The drafting of any ruling shall remain the exclusive responsibility of the arbitration panel and must not be delegated.
16. Where a procedural question arises that is not covered by the provisions of this Protocol and its Annexes, the arbitration panel, after consulting the Parties, may adopt an appropriate procedure that is compatible with those provisions.
17. When the arbitration panel considers that there is a need to modify any time limit applicable in the proceedings or to make any other procedural or administrative adjustment, it shall inform the Parties in writing of the reasons for the change or adjustment and of the period or adjustment needed. The arbitration panel may adopt such change or modification after consulting the Parties.

Replacement

18. If an arbitrator is unable to participate in the proceeding, withdraws, or must be replaced, a replacement shall be selected in accordance with Article 6(3).
19. Where a Party considers that an arbitrator does not comply with the requirements of the Code of Conduct and for this reason should be replaced, this Party should notify the other Party within 15 days from the time at which it came to know of the circumstances underlying the arbitrator's material violation of the Code of Conduct.

Where a Party considers that an arbitrator other than the chairperson does not comply with the requirements of the Code of Conduct, the Parties shall consult and, if they so agree, replace the arbitrator and select a replacement following the procedure set out in Article 6(3) of the Protocol.

If the Parties fail to agree on the need to replace an arbitrator, any Party may request that such matter be referred to the chairperson of the arbitration panel, whose decision shall be final.

If the chairperson finds that an arbitrator does not comply with the requirements of the Code of Conduct, she or he shall select a new arbitrator by lot among the pool of individuals referred to under Article 19(1) of the Protocol of which the original arbitrator was a Member. If the original arbitrator was chosen by the Parties pursuant to Article 6(2) of the Protocol, the replacement shall be selected by lot among the pools of individuals that have been proposed by the complaining Party and by the Party complained against under Article 19(1) of the Protocol. The selection of the new arbitrator shall be done within 10 days of the date of receipt of the request to the chairperson of the arbitration panel.

20. Where a Party considers that the chairperson of the arbitration panel does not comply with the requirements of the Code of Conduct, the Parties shall consult and, if they so agree, replace the chairperson and select a replacement following the procedure set out in Article 6(3) of the Protocol.

If the Parties fail to agree on the need to replace the chairperson, any Party may request that such matter be referred to one of the remaining members of the pool of individuals selected to act as chairpersons under Article 19(1) of the Protocol. Her or his name shall be drawn by lot by the chairpersons of the subcommittee 'industry, trade, services and investment', or the chairpersons' delegate. The decision by this person on the need to replace the chairperson shall be final.

If this person decides that the original chairperson does not comply with the requirements of the Code of Conduct, she or he shall select a new chairperson by lot among the remaining pool of individuals referred to under Article 19(1) of the Protocol who may act as chairpersons. This selection of the new chairperson shall be within 10 days of the date of receipt of the request referred to in this paragraph.

21. The arbitration panel proceedings shall be suspended for the period taken to carry out the procedures provided for in paragraphs 18, 19 and 20.

Hearings

22. The chairperson shall fix the date and time of the hearing in consultation with the Parties and the other members of the arbitration panel, and confirm this in writing to the Parties. This information shall also be made publicly available by the Party in charge of the logistical administration of the proceedings if the hearing is open to the public. Unless a Party disagrees, the arbitration panel may decide not to convene a hearing.
23. Unless the Parties agree otherwise, the hearing shall be held in Brussels if the complaining Party is the Arab Republic of Egypt, and in Cairo if the complaining Party is the Union.
24. The arbitration panel may convene one additional hearing only in exceptional circumstances. No additional hearing shall be convened for the procedures established under Articles 10(2), 11(2), 12(3) and 13(2) of this Protocol.
25. All arbitrators shall be present during the entirety of any hearings.
26. The following persons may attend the hearing, irrespective of whether the proceedings are open to the public or not:
- (a) representatives of the Parties;
 - (b) advisers to the Parties;
 - (c) administrative staff, interpreters, translators and court reporters; and
 - (d) arbitrators' assistants.

Only the representatives and advisers of the Parties may address the arbitration panel.

27. No later than 10 days before the date of a hearing, each Party shall deliver to the arbitration panel a list of the names of persons who will make oral arguments or presentations at the hearing on behalf of that Party and of other representatives or advisers who will be attending the hearing.
28. The hearings of the arbitration panels shall be open to the public, unless the Parties decide otherwise. If the Parties decide that the hearing is closed to the public, part of the hearing may, however, be open to the public if the arbitration panel, on application by the Parties, so decides. However the arbitration panel shall meet in closed session when the submission and arguments of a Party contains confidential commercial information.
29. The arbitration panel shall conduct the hearing in the following manner:
- Argument
- (a) argument of the complaining Party;
 - (b) argument of the Party complained against.
- Rebuttal Argument
- (a) argument of the complaining Party;
 - (b) counter-reply of the Party complained against.

30. The arbitration panel may direct questions to either Party at any time during the hearing.
31. The arbitration panel shall arrange for a transcript of each hearing to be prepared and delivered as soon as possible to the Parties.
32. Each Party may deliver a supplementary written submission concerning any matter that arose during the hearing within 15 days of the date of the hearing.

Questions in writing

33. The arbitration panel may at any time during the proceedings address questions in writing to one or both Parties. Each of the Parties shall receive a copy of any questions put by the arbitration panel.
34. A Party shall also provide a copy of its written response to the arbitration panel's questions to the other Party. Each Party shall be given the opportunity to provide written comments on the other Party's reply within 10 days of the date of receipt.

Confidentiality

35. The Parties shall maintain the confidentiality of the arbitration panel hearings where the hearings are held in closed session, in accordance with paragraph 28. Each Party shall treat as confidential any information submitted by the other Party to the arbitration panel which that Party has designated as confidential. Where a Party submits a confidential version of its written submissions to the arbitration panel, it shall also, upon request of the other Party, provide a non-confidential summary of the information contained in its submissions that could be disclosed to the public no later than 15 days after the date of either the request or the submission, whichever is later. Nothing in these rules shall preclude a Party from disclosing statements of its own positions to the public.

Ex parte contacts

36. The arbitration panel shall not meet or contact a Party in the absence of the other Party.
37. No member of the arbitration panel may discuss any aspect of the subject matter of the proceedings with one Party or both Parties in the absence of the other arbitrators.

Unsolicited Submissions

38. Unless the Parties agree otherwise within 5 days of the date of the establishment of the arbitration panel, the arbitration panel may receive unsolicited written submissions, provided that they are made within 10 days of the date of the establishment of the arbitration panel, that they are concise and in no case longer than 15 typed pages, including any annexes, and that they are directly relevant to the factual issue under consideration by the arbitration panel.
39. The submission shall contain a description of the person making the submission, whether natural or legal, including the nature of their activities and the source of its financing, and specify the nature of the interest that the person has in the arbitration proceeding. It shall be drafted in the languages chosen by the Parties in accordance with rules 42 and 43 of these Rules of Procedure.
40. The arbitration panel shall list in its ruling all the submissions it has received that conform to the above rules. The arbitration panel shall not be obliged to address in its ruling the arguments made in such submissions. Any submission obtained by the arbitration panel under this rule shall be submitted to the Parties for their comments.

Urgent cases

41. In cases of urgency referred to in this Agreement, the arbitration panel, after consulting the Parties, shall adjust the time limits referred to in these rules as appropriate and shall notify the Parties of such adjustments.

Translation and interpretation

42. During the consultations referred to in Article 6(2) of the Protocol, and no later than the meeting referred to in Rule 9(b) of these Rules of Procedure, the Parties shall endeavour to agree on a common working language for the proceedings before the arbitration.
43. If the Parties are unable to agree on a common working language, each Party shall arrange for and bear the costs of the translation of its written submissions into the language chosen by the other Party.
44. The Party complained against shall arrange for the interpretation of oral submissions into the languages chosen by the Parties.
45. Arbitration panel rulings shall be notified in the language or languages chosen by the Parties.
46. Any Party may provide comments on any translated version of a document drawn up in accordance with these rules.

Calculation of time limits

47. Where, by reason of the application of paragraph 7 of these Rules of Procedure, a Party receives a document on a date other than the date on which this document is received by the other Party, any period of time that is calculated on the basis of the date of receipt of that document shall be calculated from the last date of receipt of that document.

Other procedures

48. These Rules of Procedure are also applicable to procedures established under Articles 10(2), 11(2), 12(3) and 13(2) of this Protocol. However, the time limits laid down in these Rules of Procedure shall be adjusted in line with the special time limits provided for the adoption of a ruling by the arbitration panel in those other procedures.
 49. In the event of the original panel, or some of its members, being unable to reconvene for the procedures established under Articles 10(2), 11(2), 12(3) and 13(2) of the Protocol, the procedures set out in Article 6 of the Protocol shall apply. The time limit for the notification of the ruling shall be extended by 15 days.
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ANNEX II

CODE OF CONDUCT FOR MEMBERS OF ARBITRATION PANELS AND MEDIATORS**Definitions**

1. In this Code of Conduct:
 - (a) 'member' or 'arbitrator' means a member of an arbitration panel effectively established under Article 6 of this Protocol;
 - (b) 'mediator' means a person who conducts a mediation in accordance with Article 4 of this Protocol;
 - (c) 'candidate' means an individual whose name is on the list of arbitrators referred to in Article 19 of this Protocol and who is under consideration for selection as a member of an arbitration panel under Article 6 of this Protocol;
 - (d) 'assistant' means a person who, under the terms of appointment of a member, conducts, researches or provides assistance to the member;
 - (e) 'proceeding', unless otherwise specified, means an arbitration panel proceeding under this Protocol;
 - (f) 'staff', in respect of a member, means persons under the direction and control of the member, other than assistants.

Responsibilities to the process

2. Every candidate and member shall avoid impropriety and the appearance of impropriety, shall be independent and impartial, shall avoid direct and indirect conflicts of interests and shall observe high standards of conduct so that the integrity and impartiality of the dispute settlement mechanism is preserved. Former members must comply with the obligations established in paragraphs 15, 16, 17 and 18 of this Code of Conduct.

Disclosure obligations

3. Prior to confirmation of her or his selection as a member of the arbitration panel under this Protocol, a candidate shall disclose any interest, relationship or matter that is likely to affect his or her independence or impartiality or that might reasonably create an appearance of impropriety or bias in the proceeding. To this end, a candidate shall make all reasonable efforts to become aware of any such interests, relationships and matters.
4. A candidate or member shall only communicate matters concerning actual or potential violations of this Code of Conduct to the subcommittee 'industry, trade, services and investment' for consideration by the Parties.
5. Once selected, a member shall continue to make all reasonable efforts to become aware of any interests, relationships or matters referred to in paragraph 3 of this Code of Conduct and shall disclose them. The disclosure obligation is a continuing duty which requires a member to disclose any such interests, relationships or matters that may arise during any stage of the proceeding. The member shall disclose such interests, relationships or matters by informing the subcommittee 'industry, trade, services and investment', in writing, for consideration by the Parties.

Duties of members

6. Upon selection a member shall perform her or his duties thoroughly and expeditiously throughout the course of the proceeding, and with fairness and diligence.
7. A member shall consider only those issues raised in the proceeding and necessary for a ruling and shall not delegate this duty to any other person.
8. A member shall take all appropriate steps to ensure that his or her assistant and staff are aware of, and comply with, paragraphs 2, 3, 4, 5, 16, 17 and 18 of this Code of Conduct.
9. A member shall not engage in ex parte contacts concerning the proceeding.

Independence and impartiality of members

10. A member must be independent and impartial and avoid creating an appearance of impropriety or bias and shall not be influenced by self-interest, outside pressure, political considerations, public clamour, and loyalty to a Party or fear of criticism.
11. A member shall not, directly or indirectly, incur any obligation or accept any benefit that would in any way interfere, or appear to interfere, with the proper performance of her or his duties.

12. A member may not use her or his position on the arbitration panel to advance any personal or private interests and shall avoid actions that may create the impression that others are in a special position to influence her or him.
13. A member may not allow financial, business, professional, family or social relationships or responsibilities to influence her or his conduct or judgement.
14. A member must avoid entering into any relationship or acquiring any financial interest that is likely to affect her or his impartiality or that might reasonably create an appearance of impropriety or bias.

Obligations of former members

15. All former members must avoid actions that may create the appearance that they were biased in carrying out their duties or derived advantage from the decision or ruling of the arbitration panel.

Confidentiality

16. No member or former member shall at any time disclose or use any non-public information concerning a proceeding or acquired during a proceeding except for the purposes of that proceeding and shall not, in any case, disclose or use any such information to gain personal advantage or advantage for others or to adversely affect the interest of others.
17. A member shall not disclose an arbitration panel ruling or parts thereof prior to its publication in accordance with this Protocol.
18. A member or former member shall not at any time disclose the deliberations of an arbitration panel, or any member's view.

Expenses

19. Each member shall keep a record and render a final account of the time devoted to the procedure and of her or his expenses.

Mediators

20. The disciplines described in this Code of Conduct as applying to members or former members shall apply, mutatis mutandis, to mediators.
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REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) No 514/2011

of 25 May 2011

laying down the detailed rules for implementing the preferential trade arrangements applicable to certain goods resulting from the processing of agricultural products, as provided for in Article 7(2) of Council Regulation (EC) No 1216/2009

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1216/2009 of 30 November 2009 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products ⁽¹⁾, and in particular Article 7(2) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1460/96 ⁽²⁾ establishes the detailed rules for implementing the preferential trade arrangements applicable to certain goods resulting from the processing of agricultural products, as provided for in Article 7 of Regulation (EC) No 1216/2009. In view of developments in preferential trade arrangements applicable to certain goods resulting from the processing of agricultural products, it is necessary to replace that Regulation.
- (2) Certain preferential agreements concluded by the Union with third countries provide for the application of agricultural components or additional duties which are lower than the agricultural components or additional duties fixed by the Common Customs Tariff. It is therefore necessary to lay down detailed rules for implementing the reductions granted.
- (3) It is necessary to lay down a list of the basic products for which reduced agricultural components may be established pursuant to preferential agreements with third countries.
- (4) In accordance with Regulation (EC) No 1216/2009 the reductions granted should be established either by reducing the basic amounts used to calculate the agricultural components or by reducing the agricultural components applicable to certain specific goods.
- (5) In accordance with Article 14 of Regulation (EC) No 1216/2009, where necessary to determine the reduced agricultural components applicable in preferential trade, the characteristics of the basic products and the quantities of the basic products considered to have been used should be laid down.
- (6) It is appropriate to lay down rules for calculating reductions in the additional duties applicable in respect of the cereal and sugar content of certain goods where in the framework of preferential agreements provision is made for the reduction of such additional duties.
- (7) Eligibility for the reduced rates of duty is generally granted within the limits of tariff quotas as provided for by the relevant preferential agreement. To ensure the efficient management of those tariff quotas, they should be managed in accordance with the rules on the management of tariff quotas laid down in 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 ⁽³⁾.
- (8) In the interest of clarity and transparency the list of goods covered by reduced agricultural components or reduced additional duties, whether or not within a tariff quota, should be provided for in the relevant preferential agreement.
- (9) In accordance with Regulation (EC) No 1216/2009 it should be permitted to replace the part of the *ad valorem* duties corresponding to the agricultural component by a specific amount where provided for by a preferential agreement. However this amount should not exceed the charge applicable in respect of non-preferential trade.

⁽¹⁾ OJ L 328, 15.12.2010, p. 10.

⁽²⁾ OJ L 187, 26.7.1996, p. 18.

⁽³⁾ OJ L 253, 11.10.1993, p. 1.

- (10) Since eligibility for reduced rates of duty is conditional on the goods originating in the countries with which a preferential agreement has been concluded, it is necessary to specify the rules of origin to be applied.
- (11) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for horizontal questions concerning trade in processed agricultural products not listed in Annex I to the Treaty,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down the rules for determining the reduced agricultural components referred to in Article 7(2), and the related additional duties referred to in Article 5(2), of Regulation (EC) No 1216/2009, and for managing quotas opened pursuant to preferential agreements applicable to goods and products covered by Regulation (EC) No 1216/2009.

Article 2

For the purpose of establishing reduced agricultural components in the meaning of Regulation (EC) No 1216/2009, the following basic products shall be considered:

- CN code ex 1001 90 99 common wheat,
- CN code 1001 10 00 durum wheat,
- CN code 1002 00 00 rye,
- CN code 1003 00 90 barley,
- CN code 1005 90 00 maize, other than maize for sowing,
- CN codes 1006 20 96 and 1006 20 98 long grain husked rice, hereinafter referred to as 'rice',
- CN code 1701 99 10 white sugar,
- CN codes 1703 10 00 and 1703 90 00 molasses,
- CN code ex 0402 10 19 milk powder with a fat content by weight not exceeding 1,5 %, with no sugar or other sweetener added and in immediate packing with a net content greater than 2,5 kg, hereinafter referred to as 'PG 2',
- CN code ex 0402 21 19 milk powder with a milkfat content by weight of 26 %, with no sugar or other sweetener added

and in immediate packing with a net content greater than 2,5 kg, hereinafter referred to as 'PG 3',

- N code ex 0405 10 butter, with a fat content by weight of 82 %, hereinafter referred to as 'PG 6'.

Article 3

1. The reduced agricultural components applicable in the framework of preferential trade shall be calculated on the basis of the quantities of basic products considered to have been used in the manufacture of the goods covered by this Regulation.

2. The quantities of basic products referred to in paragraph 1 shall be those set out in Annex I for the goods listed therein by Combined Nomenclature (CN) codes.

3. For the goods listed by CN codes for which Annex I refers to Annex II, the quantities referred to in paragraph 1 shall be as set out in Annex II.

4. For the goods referred to in paragraph 3, additional codes shall apply, according to the composition of the goods, as set out in Annex III.

5. Where provided for in a preferential agreement, by derogation from paragraphs 1 to 4, the reduced agricultural components, and, where appropriate, the reduced additional duties, applicable to each good eligible for a reduction of duty, shall be obtained by applying a reduction coefficient to the agricultural components and the related additional duties fixed in the Common Customs Tariff.

Article 4

1. For goods listed in Annex II, the quantities of sugar and cereals to be taken into consideration in calculating the reduced additional duties on sugar (AD S/Z) and on flour (AD F/M) shall be as set out in points B and C of Annex II, for the given contents of sucrose, invert sugar and/or isoglucose, and of starch and/or glucose, respectively.

2. For goods not listed in Annex II, the additional duties referred to in paragraph 1 shall be obtained by taking in consideration only the quantities of basic products falling within either the cereals sector or the sugar sector as set out in Parts I and III respectively of Annex I to Council Regulation (EC) No 1234 /2007 ⁽¹⁾.

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

Article 5

1. In accordance with Article 3(1) the reduced agricultural components, and, where appropriate, the reduced additional duties, applicable to each good eligible for such a reduction in duty, shall be obtained by multiplying the quantities of the relevant basic products used by the basic amount referred to in paragraph 2 and by adding these amounts for all the relevant basic products used in the manufacture of the good.

2. The basic amount to be taken into account for calculating the reduced agricultural components and, where appropriate, the reduced additional duties, shall be the amount fixed in euro provided for by the relevant preferential agreement or determined pursuant to that agreement.

3. Where a preferential agreement provides for a reduction in the rates of the agricultural components per good instead of a reduction in the basic amounts, the reduced agricultural components shall be calculated by applying the reduction provided for in the agreement to the agricultural components fixed by the Common Customs Tariff.

4. In cases where the reduced agricultural component and, where appropriate, the reduced additional duties, determined pursuant to paragraphs 1, 2 and 3, would be less than EUR 2,4/100 kg, the component or duty shall be fixed at zero.

Article 6

1. The amounts of the reduced agricultural components and, where appropriate, the reduced additional duties, established pursuant to Article 5 will be published by the Commission in the *Official Journal of the European Union*.

2. Save as otherwise provided in the agreement with the relevant third country, the amounts published in accordance with paragraph 1 shall apply from 1 July to 30 June of the year following the publication.

However, where both the reduced agricultural components and the reduced additional duties applicable to the basic products remain unchanged, the agricultural components and additional duties established pursuant to Article 5 shall continue to apply until such time as replacement agricultural components and additional duties are published.

Article 7

The preferential agreement shall lay down or permit the determination of the following:

(a) the goods eligible for a reduced agricultural component;

(b) the goods eligible for a reduced additional duty;

(c) the reduction or reductions granted;

(d) the tariff quota applicable, where reductions are granted within such a quota.

Article 8

Where, in the case of processed agricultural products listed in Table 2 of Annex II to Regulation (EC) No 1216/2009, a preferential agreement provides for the application of an agricultural component in the form of a specific amount, whether or not subject to a reduction under a tariff quota, and where the Common Customs Tariff provides for the application of an *ad valorem* duty for non-preferential imports of such goods, the amount payable shall not exceed the latter rate.

Article 9

For the purposes of this Regulation, 'originating goods' means goods that meet the conditions for obtaining the status of originating goods established by the preferential agreement concerned.

Article 10

1. The agricultural components of the Common Customs Tariff shall apply in the following cases:

(a) the agricultural components relate to goods covered by Annex II to Regulation (EC) No 1216/2009 which are not covered by the preferential arrangements relating to trade in such goods with the country concerned;

(b) the agricultural components apply to goods which exceed the tariff quota.

2. Where the tariff quota concerns a reduction in *ad valorem* duties corresponding to the agricultural component thereof in the form referred to in Article 8, the duties applicable for quantities exceeding the tariff quotas shall be those of the Common Customs Tariff or those otherwise provided for in the agreement.

Article 11

The tariff quotas covered by this Regulation shall be managed in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

Article 12

Regulation (EC) No 1460/1996 is repealed.

Article 13

This Regulation 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.

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

Done at Brussels, 25 May 2011.

For the Commission
The President
José Manuel BARROSO

ANNEX I

(referred to in Article 3(2))

Quantities of basic products considered to be used

(per 100 kg of goods)

CN code	Description	Common wheat	Durum wheat	Rye	Barley	Maize	Rice	White sugar	Molasses	Skimmed milk powder (PG 2)	Whole milk powder (PG 3)	Butter (PG 6)
		kg	kg	kg	kg	kg	kg	kg	kg	kg	kg	kg
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
0403	Buttermilk, curdled milk and cream, yoghurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter or flavoured or containing added fruit, nuts or cocoa:											
0403 10	- Yoghurt:											
	-- Flavoured or containing added fruit, nuts or cocoa:											
	--- In powder, granules or other solid forms, of a milkfat content by weight:											
0403 10 51	---- Not exceeding 1,5 %									100		
0403 10 53	---- Exceeding 1,5 % but not exceeding 27 %										100	
0403 10 59	---- Exceeding 27 %									42		68
	--- Other, of a milkfat content by weight:											
0403 10 91	---- Not exceeding 3 %									9		2
0403 10 93	---- Exceeding 3 % but not exceeding 6 %									8		5
0403 10 99	---- Exceeding 6 %									8		10

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
0403 90	- Other:											
	-- Flavoured or containing added fruit, nuts or cocoa:											
	--- In powder, granules or other solid forms, of a milkfat content by weight:											
0403 90 71	---- Not exceeding 1,5 %									100		
0403 90 73	---- Exceeding 1,5 % but not exceeding 27 %										100	
0403 90 79	---- Exceeding 27 %									42		68
	--- Other, of a milkfat content by weight:											
0403 90 91	---- Not exceeding 3 %									9		2
0403 90 93	---- Exceeding 3 % but not exceeding 6 %									8		5
0403 90 99	---- Exceeding 6 %									8		10
0405	Butter and other milkfats and oils derived from milk; dairy spreads:											
0405 20	- Dairy spreads:											
0405 20 10	-- Of a fat content, by weight, of 39 % or more but less than 60 %											
0405 20 30	-- Of a fat content, by weight, of 60 % or more but not exceeding 75 %											
0710	Vegetables (uncooked or cooked by steaming or by boiling in water), frozen:											
0710 40 00	- Sweetcorn											
0711	Vegetables provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption:											

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
0711 90	- Other vegetables; mixtures of vegetables:											
	-- Vegetables:											
0711 90 30	--- Sweetcorn					100(a)						
1517	Margarine; edible mixtures or preparations of animal or vegetable fats or oils or of fractions of different fats or oils of this chapter, other than edible fats or oils or their fractions of heading 1516:											
1517 10	- Margarine, excluding liquid margarine:											
1517 10 10	-- Containing, by weight, more than 10 % but not more than 15 % of milkfats											15
1517 90	- Other:											
1517 90 10	-- Containing, by weight more than 10 % but not more than 15 % of milkfats											15
1704	Sugar confectionery (including white chocolate), not containing cocoa:											
1704 10	- Chewing gum, whether or not sugar-coated:											
1704 10 10	-- Containing less than 60 % by weight of sucrose (including invert sugar expressed as sucrose)					30		58				
1704 10 90	-- Containing 60 % or more by weight of sucrose (including invert sugar expressed as sucrose)					16		70				
1704 90	- Other:											
1704 90 30	-- White chocolate							45			20	
1704 90 51 to 1704 90 99	-- Other											
1806	Chocolate and other food preparations containing cocoa:											
1806 10	- Cocoa powder, containing added sugar or other sweetening matter:											

See Annex II

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
1806 10 20	-- Containing 5 % or more but less than 65 % by weight of sucrose (including invert sugar expressed as sucrose) or isoglucose expressed as sucrose							60				
1806 10 30	-- Containing 65 % or more but less than 80 % by weight of sucrose (including invert sugar expressed as sucrose) or isoglucose expressed as sucrose							75				
1806 10 90	-- Containing 80 % or more by weight of sucrose (including invert sugar expressed as sucrose) or isoglucose expressed as sucrose							100				
1806 20	- Other preparations in blocks, slabs or bars weighing more than 2 kg or in liquid, paste, powder, granular or other bulk form in containers or immediate packings of a content exceeding 2 kg - Other, in blocks, slabs or bars:						See Annex II					
1806 31	-- Filled						See Annex II					
1806 32	-- Not filled						See Annex II					
1806 90	- Other						See Annex II					
1901	Malt extract; food preparations of flour, groats, meal, starch or malt extract, not containing cocoa or containing less than 40 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included; food preparations of goods of headings 0401 to 0404, not containing cocoa or containing less than 5 % per weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included:											
1901 10 00	- Preparations for infant use, put up for retail sale						See Annex II					
1901 20 00	- Mixes and doughs for the preparation of bakers' wares of heading 1905						See Annex II					
1901 90	- Other: -- Malt extract:											

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
1901 90 11	--- With a dry extract content of 90 % or more by weight				195							
1901 90 19	--- Other				159							
	-- Other:											
1901 90 99	--- Other						See Annex II					
1902	Pasta, whether or not cooked or stuffed (with meat of other substances) or otherwise prepared, such as spaghetti, macaroni, noodles, lasagne, gnocchi, ravioli, cannelloni, couscous, whether or not prepared:											
	- Uncooked pasta not stuffed or otherwise prepared:											
1902 11 00	-- Containing eggs		167									
1902 19	-- Other:											
1902 19 10	--- Containing no common wheat flour or meal		167									
1902 19 90	--- Other	67	100									
1902 20	- Stuffed pasta, whether or not cooked or otherwise prepared:											
	-- Other:											
1902 20 91	--- Cooked		41									
1902 20 99	--- Other		116									
1902 30	- Other pasta:											
1902 30 10	-- Dried		167									
1902 30 90	-- Other		66									
1902 40	- Couscous:											
1902 40 10	-- Unprepared		167									
1902 40 90	-- Other		66									

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
1903 00 00	Tapioca and substitutes therefor prepared from starch, in the form of flakes, grains, pearls, siftings or similar forms					161						
1904	Prepared foods obtained by the swelling or roasting of cereals or cereal products (for example, corn flakes); cereals (other than maize (corn)), in grain form or in the form of flakes or other worked grains (except flour, groats and meal), pre-cooked or otherwise prepared, not elsewhere specified or included:											
1904 10	- Prepared foods obtained by the swelling or roasting of cereals or cereal products:											
1904 10 10	-- Obtained from maize					213						
1904 10 30	-- Obtained from rice						174					
1904 10 90	-- Other		53		53	53	53					
1904 20	Prepared foods obtained from unroasted cereal flakes or from mixtures of unroasted cereal flakes and roasted cereal flakes or swelled cereals:											
1904 20 10	-- Preparations of the muesli type based on unroasted cereal flakes								See Annex II			
	-- Other:											
1904 20 91	--- Obtained from maize					213						
1904 20 95	--- Obtained from rice						174					
1904 20 99	--- Other		53		53	53	53					
1904 90	- Other:											
1904 90 10	-- Obtained from rice						174					
1904 90 80	-- Other		174									
1905	Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products:											

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
1905 10 00	- Crispbread			140								
1905 20	- Gingerbread and the like:											
1905 20 10	-- Containing by weight less than 30 % of sucrose (including invert sugar expressed as sucrose)	44		40				25				
1905 20 30	-- Containing by weight 30 % or more but less than 50 % of sucrose (including invert sugar expressed as sucrose)	33		30				45				
1905 20 90	-- Containing by weight 50 % or more of sucrose (including invert sugar expressed as sucrose)	22		20				65				
	- Sweet biscuits; waffles and wafers:											
1905 31	-- Sweet biscuits						See Annex II					
1905 32	-- Waffles and wafers						See Annex II					
1905 40	- Rusks, toasted bread and similar toasted products						See Annex II					
1905 90	- Other:											
1905 90 10	-- Matzos	168										
1905 90 20	-- Communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products					644						
1905 90 30 to 1905 90 90	-- Other						See Annex II					
2001	Vegetables, fruit, nuts and other edible parts of plants, prepared or preserved by vinegar or acetic acid:											
2001 90	- Other:											
2001 90 30	-- Sweetcorn (<i>Zea mays</i> var. <i>saccharata</i>)					100(a)						
2001 90 40	-- Yams, sweet potatoes and similar edible parts of plants containing 5 % or more by weight of starch					40(a)						

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
2004	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, frozen, other than products of heading 2006:											
2004 10	- Potatoes:											
	-- Other:											
2004 10 91	--- In the form of flour, meal or flakes								See Annex II			
2004 90	- Other vegetables and mixtures of vegetables:											
2004 90 10	-- Sweetcorn (<i>Zea mays</i> var. <i>saccharata</i>)					100(a)						
2005	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, not frozen, other than products of heading 2006:											
2005 20	- Potatoes:											
2005 20 10	-- In the form of flour, meal or flakes								See Annex II			
2005 80 00	- Sweetcorn (<i>Zea mays</i> var. <i>saccharata</i>)					100(a)						
2008	Fruits, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included:											
	- Other, including mixtures other than those of subheading 2008 19:											
2008 99	-- Other:											
	--- Not containing added spirit:											
	---- Not containing added sugar:											
2008 99 85	----- Maize (corn), other than sweetcorn (<i>Zea mays</i> var. <i>saccharata</i>)					100(a)						

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
2008 99 91	----- Yams, sweet potatoes and similar edible parts of plants containing 5 % or more by weight of starch					40(a)						
2101	Extracts, essences and concentrates, of coffee, tea or maté and preparations with a basis of these products or with a basis of coffee, tea or maté; roasted chicory and other roasted coffee substitutes and extracts, essences and concentrates thereof: - Extracts, essences and concentrates, of coffee, and preparations with a basis of these extracts, essences or concentrates or with a basis of coffee:											
2101 12	-- Preparations with a basis of these extracts, essences or concentrates or with a basis of coffee:											
2101 12 98	--- Other						See Annex II					
2101 20	- Extracts, essences and concentrates, of tea or maté, and preparations with a basis of these extracts, essences or concentrates, or with a basis of tea or maté: -- Preparations:											
2101 20 98	--- Other						See Annex II					
2101 30	- Roasted chicory and other roasted coffee substitutes and extracts, essences and concentrates thereof: -- Roasted chicory and other roasted coffee substitutes:											
2101 30 19	--- Other -- Extracts, essences and concentrates of roasted chicory and other roasted coffee substitutes:					137						
2101 30 99	--- Other					245						
2102	Yeasts (active or inactive); other single-cell micro-organisms, dead (but not including vaccines of heading 3002); prepared baking powders:											
2102 10	- Active yeasts: -- Bakers' yeast:											

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
2102 10 31	--- Dried								425			
2102 10 39	--- Other								125			
2105 00	Ice cream and other edible ice, whether or not containing cacao:											
2105 00 10	- Containing no milkfats or containing less than 3 % by weight of such fats							25		10		
	- Containing by weight of milkfats:											
2105 00 91	-- 3 % or more but less than 7 %							20			23	
2105 00 99	-- 7 % or more							23			35	
2106	Food preparations not elsewhere specified or included:											
2106 10	- Protein concentrates and textured protein substances:											
2106 10 80	-- Other						See Annex II					
2106 90	- Other:											
	-- Other:											
2106 90 98	--- Other						See Annex II					
2202	Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured, and other non-alcoholic beverages, not including fruit or vegetable juices of heading 2009:											
2202 90	- Other:											
	-- Other, containing by weight of fat obtained from the products of heading 0401 to 0404:											
2202 90 91	--- Less than 0,2 %							10		8		
2202 90 95	--- 0,2 % or more but less than 2 %							10			6	
2202 90 99	--- 2 % or more							10			13	

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
2905	Acyclic alcohols and their halogenated, sulphonated, nitrated or nitrosated derivatives: – Other polyhydric alcohols:											
2905 43 00	-- Mannitol							300				
2905 44	-- D-Glucitol (sorbitol): --- In aqueous solution:											
2905 44 11	---- Containing 2 % or less by weight of D-mannitol, calculated on the D-glucitol content					172						
2905 44 19	---- Other --- Other:							90				
2905 44 91	---- Containing 2 % or less by weight of D-mannitol, calculated on the D-Glucitol content					245						
2905 44 99	---- Other							128				
3302	Mixtures of odoriferous substances and mixtures (including alcoholic solutions) with a basis of one or more of these substances, of a kind used as raw materials in industry; other preparations based on odoriferous substances, of a kind used for the manufacture of beverages:											
3302 10	– Of a kind used in the food or drink industries: -- Of a kind used in the drink industries: --- Preparations containing all flavouring agents characterising a beverage: ---- Other:											
3302 10 29	----- Other						See Annex II					
3505	Dextrins and other modified starches (for example, pregelatinised or esterified starches); glues based on starches, or on dextrins or other modified starches:											

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
3505 10	- Dextrins and other modified starches:											
3505 10 10	-- Dextrins					189						
	-- Other modified starches:											
3505 10 90	--- Other					189						
3505 20	- Glues:											
3505 20 10	-- Containing, by weight, less than 25 % of starches of dextrins or other modified starches					48						
3505 20 30	-- Containing, by weight, 25 % or more but less than 55 % of starches or dextrins or other modified starches					95						
3505 20 50	-- Containing, by weight, 55 % or more but less than 80 % of starches or dextrins or other modified starches					151						
3505 20 90	-- Containing, by weight, 80 % or more of starches or dextrins or other modified starches					189						
3809	Finishing agents, dye carriers to accelerate the dyeing or fixing of dyestuffs and other products and preparations (for example, dressings and mordants), of a kind used in the textile, paper, leather or like industries, not elsewhere specified or included:											
3809 10	- With a basis of amylaceous substances:											
3809 10 10	-- Containing by weight of such substances less than 55 %					95						
3809 10 30	-- Containing by weight of such substances 55 % or more but less than 70 %					132						
3809 10 50	-- Containing by weight of such substances 70 % or more but less than 83 %					161						
3809 10 90	-- Containing by weight of such substances 83 % or more					189						
3824	Prepared binders for foundry moulds or cores; chemical products and preparations of the chemical or allied industries (including those consisting of mixtures of natural products), not elsewhere specified or included:											

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
3824 60	- Sorbitol other than of subheading 2905 44: -- In aqueous solution:											
3824 60 11	--- Containing 2 % or less by weight of D-mannitol, calculated on the D-glucitol content					172						
3824 60 19	--- Other -- Other:							90				
3824 60 91	--- Containing 2 % or less by weight of D-mannitol, calculated on the D-glucitol content					245						
3824 60 99	--- Other							128				

ANNEX II
(referred to in Article 3(3))

Quantities of basic products considered to be used where Annex I refers to this Annex

<i>(per 100 kg of goods)</i>						
Milkfat, milk proteins, sucrose, invert sugar and isoglucose; starch and glucose contents	Skimmed milk powder (PG 2)	Whole milk powder (PG 3)	Butter (PG 6)	White sugar	Common wheat	Maize
	kg	kg	kg	kg	kg	kg
(1)	(2)	(3)	(4)	(5)	(6)	(7)
A. Containing no milkfats or containing less than 1,5 % by weight of such fats, and containing by weight of milk proteins:						
— 2,5 % or more but less than 6 %	14					
— 6 % or more but less than 18 %	42					
— 18 % or more but less than 30 %	75					
— 30 % or more but less than 60 %	146					
— 60 % or more	208					
Containing 1,5 % or more but less than 3 % by weight of milkfats:						
— Containing no milk proteins or containing less than 2,5 % by weight of such proteins:			3			
— Containing by weight of milk proteins:						
— 2,5 % or more but less than 6 %	14		3			
— 6 % or more but less than 18 %	42		3			
— 18 % or more but less than 30 %	75		3			
— 30 % or more but less than 60 %	146		3			
— 60 % or more	208		3			
Containing 3 % or more but less than 6 % by weight of milkfats:						
— Containing no milk proteins or containing less than 2,5 % by weight of such proteins:			6			
— Containing by weight of milk proteins:						
— 2,5 % or more but less than 12 %	12	20				

(1)	(2)	(3)	(4)	(5)	(6)	(7)
— 12 % or more	71		6			
Containing 6 % or more but less than 9 % by weight of milkfats:						
— Containing no milk proteins or containing less than 4 % by weight of such proteins			10			
— Containing by weight of milk proteins:						
— 4 % or more but less than 15 %	10	32				
— 15 % or more	71		10			
Containing 9 % or more but less than 12 % by weight of milkfats:						
— Containing no milk proteins or containing less than 6 % by weight of such proteins			14			
— Containing by weight of milk proteins:						
— 6 % or more but less than 18 %	9	43				
— 18 % or more	70		14			
Containing 12 % or more but less than 18 % by weight of milkfats:						
— Containing no milk proteins or containing less than 6 % by weight of such proteins			20			
— Containing by weight of milk proteins:						
— 6 % or more but less than 18 %		56	2			
— 18 % or more	65		20			
Containing 18 % or more but less than 26 % by weight of milkfats:						
— Containing no milk proteins or containing less than 6 % by weight of such proteins			20			
— Containing 6 % or more by weight of milk proteins	50		29			
Containing 26 % or more but less than 40 % by weight of milkfats:						
— Containing no milk proteins or containing less than 6 % by weight of such proteins			45			
— Containing 6 % or more by weight of milk proteins	38		45			

(1)	(2)	(3)	(4)	(5)	(6)	(7)
Containing by weight of milkfats:						
— 40 % or more but less than 55 %			63			
— 55 % or more but less than 70 %			81			
— 70 % or more but less than 85 %			99			
— 85 % or more			117			
B. Containing by weight of sucrose, invert sugar and/or isoglucose:						
— 5 % or more but less than 30 %				24		
— 30 % or more but less than 50 %				45		
— 50 % or more but less than 70 %				65		
— 70 % or more				93		
C. Containing by weight of starch and/or glucose:						
— 5 % or more but less than 25 %					22	22
— 25 % or more but less than 50 %					47	47
— 50 % or more but less than 75 %					74	74
— 75 % or more					101	101

ANNEX III

(referred to in Article 3(4))

Additional codes based on the composition of the goods

Milkfat (% by weight)	Milk proteins (% by weight) ⁽³⁾	Starch/glucose (% by weight) ⁽¹⁾																		
		≥ 0 < 5					≥ 5 < 25					≥ 25 < 50					≥ 50 < 75			≥ 75
		Sucrose/Invert sugar/Isoglucose (% by weight) ⁽²⁾																		
		≥ 0 < 5	≥ 5 < 30	≥ 30 < 50	≥ 50 < 70	≥ 70	≥ 0 < 5	≥ 5 < 30	≥ 30 < 50	≥ 50 < 70	≥ 70	≥ 0 < 5	≥ 5 < 30	≥ 30 < 50	≥ 50	≥ 0 < 5	≥ 5 < 30	≥ 30	≥ 0 < 5	≥ 5
≥ 0 < 1,5	≥ 0 < 2,5	7 000	7 001	7 002	7 003	7 004	7 005	7 006	7 007	7 008	7 009	7 010	7 011	7 012	7 013	7 015	7 016	7 017	7 758	7 759
	≥ 2,5 < 6	7 020	7 021	7 022	7 023	7 024	7 025	7 026	7 027	7 028	7 029	7 030	7 031	7 032	7 033	7 035	7 036	7 037	7 768	7 769
	≥ 6 < 18	7 040	7 041	7 042	7 043	7 044	7 045	7 046	7 047	7 048	7 049	7 050	7 051	7 052	7 053	7 055	7 056	7 057	7 778	7 779
	≥ 18 < 30	7 060	7 061	7 062	7 063	7 064	7 065	7 066	7 067	7 068	7 069	7 070	7 071	7 072	7 073	7 075	7 076	7 077	7 788	7 789
	≥ 30 < 60	7 080	7 081	7 082	7 083	7 084	7 085	7 086	7 087	7 088	X	7 090	7 091	7 092	X	7 095	7 096	X	X	X
	≥ 60	7 800	7 801	7 802	X	X	7 805	7 806	7 807	X	X	7 810	7 811	X	X	X	X	X	X	X
≥ 1,5 < 3	≥ 0 < 2,5	7 100	7 101	7 102	7 103	7 104	7 105	7 106	7 107	7 108	7 109	7 110	7 111	7 112	7 113	7 115	7 116	7 117	7 798	7 799
	≥ 2,5 < 6	7 120	7 121	7 122	7 123	7 124	7 125	7 126	7 127	7 128	7 129	7 130	7 131	7 132	7 133	7 135	7 136	7 137	7 808	7 809
	≥ 6 < 18	7 140	7 141	7 142	7 143	7 144	7 145	7 146	7 147	7 148	7 149	7 150	7 151	7 152	7 153	7 155	7 156	7 157	7 818	7 819
	≥ 18 < 30	7 160	7 161	7 162	7 163	7 164	7 165	7 166	7 167	7 168	7 169	7 170	7 171	7 172	7 173	7 175	7 176	7 177	7 828	7 829
	≥ 30 < 60	7 180	7 181	7 182	7 183	X	7 185	7 186	7 187	7 188	X	7 190	7 191	7 192	X	7 195	7 196	X	X	X
	≥ 60	7 820	7 821	7 822	X	X	7 825	7 826	7 827	X	X	7 830	7 831	X	X	X	X	X	X	X
≥ 3 < 6	≥ 0 < 2,5	7 840	7 841	7 842	7 843	7 844	7 845	7 846	7 847	7 848	7 849	7 850	7 851	7 852	7 853	7 855	7 856	7 857	7 858	7 859
	≥ 2,5 < 12	7 200	7 201	7 202	7 203	7 204	7 205	7 206	7 207	7 208	7 209	7 210	7 211	7 212	7 213	7 215	7 216	7 217	7 220	7 221
	≥ 12	7 260	7 261	7 262	7 263	7 264	7 265	7 266	7 267	7 268	7 269	7 270	7 271	7 272	7 273	7 275	7 276	X	7 838	X
≥ 6 < 9	≥ 0 < 4	7 860	7 861	7 862	7 863	7 864	7 865	7 866	7 867	7 868	7 869	7 870	7 871	7 872	7 873	7 875	7 876	7 877	7 878	7 879
	≥ 4 < 15	7 300	7 301	7 302	7 303	7 304	7 305	7 306	7 307	7 308	7 309	7 310	7 311	7 312	7 313	7 315	7 316	7 317	7 320	7 321
	≥ 15	7 360	7 361	7 362	7 363	7 364	7 365	7 366	7 367	7 368	7 369	7 370	7 371	7 372	7 373	7 375	7 376	X	7 378	X

Milkfat (% by weight)	Milk proteins (% by weight) ⁽³⁾	Starch/glucose (% by weight) ⁽¹⁾																			
		≥ 0 < 5					≥ 5 < 25					≥ 25 < 50					≥ 50 < 75				≥ 75
		Sucrose/invert sugar/isoglucose (% by weight) ⁽²⁾																			
		≥ 0 < 5	≥ 5 < 30	≥ 30 < 50	≥ 50 < 70	≥ 70	≥ 0 < 5	≥ 5 < 30	≥ 30 < 50	≥ 50 < 70	≥ 70	≥ 0 < 5	≥ 5 < 30	≥ 30 < 50	≥ 50	≥ 0 < 5	≥ 5 < 30	≥ 30	≥ 0 < 5	≥ 5	
≥ 9 < 12	≥ 0 < 6	7 900	7 901	7 902	7 903	7 904	7 905	7 906	7 907	7 908	7 909	7 910	7 911	7 912	7 913	7 915	7 916	7 917	7 918	7 919	
	≥ 6 < 18	7 400	7 401	7 402	7 403	7 404	7 405	7 406	7 407	7 408	7 409	7 410	7 411	7 412	7 413	7 415	7 416	7 417	7 420	7 421	
	≥ 18	7 460	7 461	7 462	7 463	7 464	7 465	7 466	7 467	7 468	X	7 470	7 471	7 472	X	7 475	7 476	X	X	X	
≥ 12 < 18	≥ 0 < 6	7 940	7 941	7 942	7 943	7 944	7 945	7 946	7 947	7 948	7 949	7 950	7 951	7 952	7 953	7 955	7 956	7 957	7 958	7 959	
	≥ 6 < 18	7 500	7 501	7 502	7 503	7 504	7 505	7 506	7 507	7 508	7 509	7 510	7 511	7 512	7 513	7 515	7 516	7 517	7 520	7 521	
	≥ 18	7 560	7 561	7 562	7 563	7 564	7 565	7 566	7 567	7 568	X	7 570	7 571	7 572	X	7 575	7 576	X	X	X	
≥ 18 < 26	≥ 0 < 6	7 960	7 961	7 962	7 963	7 964	7 965	7 966	7 967	7 968	7 969	7 970	7 971	7 972	7 973	7 975	7 976	7 977	7 978	7 979	
	≥ 6	7 600	7 601	7 602	7 603	7 604	7 605	7 606	7 607	7 608	7 609	7 610	7 611	7 612	7 613	7 615	7 616	X	7 620	X	
≥ 26 < 40	≥ 0 < 6	7 980	7 981	7 982	7 983	7 984	7 985	7 986	7 987	7 988	X	7 990	7 991	7 992	X	7 995	7 996	X	X	X	
	≥ 6	7 700	7 701	7 702	7 703	X	7 705	7 706	7 707	7 708	X	7 710	7 711	7 712	X	7 715	7 716	X	X	X	
≥ 40 < 55		7 720	7 721	7 722	7 723	X	7 725	7 726	7 727	7 728	X	7 730	7 731	7 732	X	7 735	7 736	X	X	X	
≥ 55 < 70		7 740	7 741	7 742	X	X	7 745	7 746	7 747	X	X	7 750	7 751	X	X	X	X	X	X	X	
≥ 70 < 85		7 760	7 761	7 762	X	X	7 765	7 766	X	X	X	7 770	7 771	X	X	X	X	X	X	X	
≥ 85		7 780	7 781	X	X	X	7 785	7 786	X	X	X	X	X	X	X	X	X	X	X	X	

⁽¹⁾ Starch/glucose

The content of the goods (as presented) in starch, its degradation products, i.e. all the polymers of glucose, and the glucose, determined as glucose and expressed as starch (on a dry matter basis, 100 % purity; factor for conversion of glucose to starch: 0,9).

However, where a mixture of glucose and fructose is declared (in whatever form) and/or is found to be present in the goods, the amount of glucose to be included in the above calculation is that which is in excess of the fructose content of the goods.

⁽²⁾ Sucrose/invert sugar/isoglucose

The content of the goods (as presented), in sucrose, together with the sucrose which results from expressing as sucrose any mixture of glucose and fructose (the arithmetical sum of the amounts of these two sugars multiplied by 0,95), which is declared (in whatever form) and/or found to be present in the goods.

However, where the fructose content of the goods is less than the glucose content, the amount of glucose to be included in the above calculation shall be an amount equal, by weight, to that of fructose.

Note: In all cases, where a hydrolysis product of lactose is declared, and/or galactose is found to be present among the sugars, then the amount of glucose equal to that of galactose is deducted from the total glucose content before any other calculations are carried out.

⁽³⁾ Milk proteins

Caseins and/or caseinates forming part of goods shall not be regarded as milk proteins if the goods do not have any constituent of lactic origin.

Milkfat contained in the goods at less than 1 %, and lactose at less than 1 %, by weight, are not considered as other constituents of lactic origin.

When customs formalities are completed, the person concerned must include in the appropriate declaration: 'only milk ingredient: casein/caseinate', if such is the case.

COMMISSION IMPLEMENTING REGULATION (EU) No 515/2011
of 25 May 2011
concerning the authorisation of vitamin B₆ as a feed additive for all animal species
(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 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition,⁽¹⁾ and in particular Article 9(2) thereof,

Whereas:

(1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation. Article 10 of that Regulation provides for the re-evaluation of additives authorised pursuant to Council Directive 70/524/EEC⁽²⁾.

(2) Vitamin B₆ was authorised without time limit as a feed additive for use in all animal species by Directive 70/524/EEC as part of the group 'Vitamins, provitamins and chemically well-defined substances having similar effect'. The additive was subsequently entered in the Register of Feed Additives as an existing product, in accordance with Article 10(1) of Regulation (EC) No 1831/2003.

(3) In accordance with Article 10(2) of Regulation (EC) No 1831/2003 in conjunction with Article 7 of that Regulation, an application was submitted for the re-evaluation of vitamin B₆ as a feed additive for all animal species, requesting it to be classified in the additive category 'nutritional additives'. The application was accompanied by the particulars and documents required under Article 7(3) of Regulation (EC) No 1831/2003.

(4) The European Food Safety Authority (the Authority) concluded in its opinion of 9 November 2010 that, under the proposed conditions of use, vitamin B₆ does

not have an adverse effect on animal health, consumer health or the environment⁽³⁾. It also verified the report on the method of analysis of the feed additive in feed submitted by the Reference Laboratory for Feed Additives set up by Regulation (EC) No 1831/2003.

(5) The assessment of vitamin B₆ shows that the conditions for authorisation, as provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of the additive should be authorised as specified in the Annex to this Regulation.

(6) Since the modifications on the conditions of the authorisation are not related to safety reasons, it is appropriate to permit a transitional period for the use of existing stocks of the premixtures and compound feed containing this additive.

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

HAS ADOPTED THIS REGULATION:

Article 1

The preparation specified in the Annex, belonging to the additive category 'nutritional additives' is authorised as additive in animal nutrition subject to the conditions laid down in that Annex.

Article 2

Feed containing vitamin B₆ labelled in accordance with Directive 70/524/EEC or Regulation (EC) No 1831/2003 may continue to be placed on the market and used until stocks are exhausted.

Article 3

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

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.

⁽²⁾ OJ L 270, 14.12.1970, p. 1.

⁽³⁾ EFSA Journal 2010;8(12):1917.

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

Done at Brussels, 25 May 2011.

For the Commission
The President
José Manuel BARROSO

ANNEX

Identification number of the additive	Additive	Chemical formula, description, methods of analysis	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
Nutritional additives: Vitamins, pro-vitamins and chemically well-defined substances having similar effect								
3a831	Vitamin B ₆ /pyridoxine hydrochloride	<p><i>Active substance</i></p> <p>pyridoxine hydrochloride C₈H₁₁NO₃.HCl</p> <p>Purity criteria: not less than 98,5 %</p> <p><i>Analytical methods</i> ⁽¹⁾</p> <p>1. For the determination of vitamin B₆ in feed additives: European Pharmacopoeia monograph 0245 – 7th edition)</p> <p>2. For the determination of vitamin B₆ in premixtures: Reversed phase high performance liquid chromatography coupled with UV detector (RP-HPLC-UV) ⁽²⁾</p>	All animal species	—	—	—	<p>1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life and stability to pelleting and in water.</p> <p>2. Vitamin B₆/pyridoxine hydrochloride may be used also via water for drinking.</p> <p>3. For user safety: breathing protection, safety glasses and gloves shall be worn during handling.</p>	15 June 2021

⁽¹⁾ Details of the analytical methods are available at the following address of the Reference Laboratory: http://irmm.jrc.ec.europa.eu/EURLs/EURL_feed_additives/Pages/index.aspx

⁽²⁾ VDLUFA, Bd III, 13.9.1.

COMMISSION IMPLEMENTING REGULATION (EU) No 516/2011

of 25 May 2011

amending Regulation (EC) No 600/2005 as regards the use of the preparation of *Bacillus licheniformis* DSM 5749 and *Bacillus subtilis* DSM 5750 in feed containing formic acid

(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 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition ⁽¹⁾, and in particular Article 9(2) thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the possibility to modify the authorisation of an additive further to an application from the holder of the authorisation and an opinion of the European Food Safety Authority ('the Authority').
- (2) The preparation of *Bacillus licheniformis* DSM 5749 and *Bacillus subtilis* DSM 5750, belonging to the group of 'micro-organisms', was authorised, without a time limit, in accordance with Council Directive 70/524/EEC ⁽²⁾ as a feed additive for use on sows by Commission Regulation (EC) No 1453/2004 ⁽³⁾, for use on turkeys for fattening and calves up to 3 months by Commission Regulation (EC) No 600/2005 ⁽⁴⁾ and for use on pigs for fattening and piglets by Commission Regulation (EC) No 2148/2004 ⁽⁵⁾.
- (3) The Commission received an application requesting a modification of the conditions of the authorisation of the preparation of *Bacillus licheniformis* DSM 5749 and *Bacillus subtilis* DSM 5750 to allow its use in feed for

turkeys for fattening containing formic acid. That application was accompanied by the relevant supporting data. The Commission forwarded that application to the Authority.

- (4) The Authority concluded in its opinion of 7 December 2010 that the compatibility of the preparation of *Bacillus licheniformis* DSM 5749 and *Bacillus subtilis* DSM 5750, as set out in the Annex, with formic acid for use on turkeys for fattening was established ⁽⁶⁾.
- (5) The conditions provided for in Article 5 of Regulation (EC) No 1831/2003 are satisfied.
- (6) Regulation (EC) No 600/2005 should therefore be amended accordingly.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

Annex III to Regulation (EC) No 600/2005 is amended in accordance with the Annex to this Regulation.

*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, 25 May 2011.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.⁽²⁾ OJ L 270, 14.12.1970, p. 1.⁽³⁾ OJ L 269, 17.8.2004, p. 3.⁽⁴⁾ OJ L 99, 19.4.2005, p. 5.⁽⁵⁾ OJ L 370, 17.12.2004, p. 24.⁽⁶⁾ EFSA Journal 2011;9(1):1953.

ANNEX

In Annex III to Regulation (EC) No 600/2005 the entry with number E 1700 concerning the additive *Bacillus licheniformis* DSM 5749 and *Bacillus subtilis* DSM 5750 is replaced by the following:

EC No	Additive	Chemical formula, description	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
					CFU/kg of complete feedingstuffs			
Micro-organisms								
E 1700	<i>Bacillus licheniformis</i> DSM 5749 <i>Bacillus subtilis</i> DSM 5750 (In a 1/1 ratio)	Mixture of <i>Bacillus licheniformis</i> DSM 5749 and <i>Bacillus subtilis</i> DSM 5750 containing a minimum of $3,2 \times 10^9$ CFU/g additive ($1,6 \times 10^9$ of each bacterium)	Turkeys for fattening	—	$1,28 \times 10^9$	$1,28 \times 10^9$	In the directions for use of the additive and premixture, indicate the storage temperature, storage life and stability to pelleting. May be used in compound feed containing one of the following coccidiostats: diclazuril, halofuginone, monensin sodium, robenidine, maduramicin ammonium, lasalocid sodium and the preservative formic acid.	Without a time limit
			Calves	3 months	$1,28 \times 10^9$	$1,28 \times 10^9$	In the directions for use of the additive and premixture, indicate the storage temperature, storage life and stability to pelleting.	Without a time limit

COMMISSION REGULATION (EU) No 517/2011

of 25 May 2011

implementing Regulation (EC) No 2160/2003 of the European Parliament and of the Council as regards a Union target for the reduction of the prevalence of certain *Salmonella* serotypes in laying hens of *Gallus gallus* and amending Regulation (EC) No 2160/2003 and Commission Regulation (EU) No 200/2010

(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 2160/2003 of the European Parliament and of the Council of 17 November 2003 on the control of *Salmonella* and other specified food-borne zoonotic agents⁽¹⁾, and in particular the second subparagraph of Article 4(1), and Article 13(1), thereof,

Whereas:

- (1) The purpose of Regulation (EC) No 2160/2003 is to ensure that measures are taken to detect and control *Salmonella* and other zoonotic agents at all relevant stages of production, processing and distribution, particularly at the level of primary production, in order to reduce their prevalence and the risk they pose to public health.
- (2) Regulation (EC) No 2160/2003 provides for Union targets to be established for the reduction of the prevalence of the zoonoses and zoonotic agents listed in Annex I thereto in the animal populations listed therein. It also lays down certain requirements for those targets. Such reduction is important in view of the strict measures which have to be applied to infected flocks in accordance with Regulation (EC) No 2160/2003. In particular, eggs originating from flocks with unknown *Salmonella* status, that are suspected of being infected or from infected flocks, may be used for human consumption only if treated in a manner that guarantees the elimination of *Salmonella* serotypes with public health significance in accordance with Union legislation on food hygiene.
- (3) Annex I to Regulation (EC) No 2160/2003 refers to all *Salmonella* serotypes with public health significance in laying flocks of *Gallus gallus*. Those laying flocks may

spread *Salmonella* infection via their eggs to the consumer. Therefore, a reduction in the prevalence of *Salmonella* in laying flocks contributes to the control of that zoonotic agent in eggs, which is an important public health risk.

- (4) Commission Regulation (EC) No 1168/2006 of 31 July 2006 implementing Regulation (EC) No 2160/2003 as regards a Community target for the reduction of the prevalence of certain *Salmonella* serotypes in laying hens of *Gallus gallus* and amending Regulation (EC) No 1003/2005⁽²⁾ provides for a Union target for the reduction of the prevalence of *Salmonella Enteritidis* and *Salmonella Typhimurium* in adult laying hens of *Gallus gallus*. The Union target for each Member State is an annual minimum percentage of reduction of positive flocks of adult laying hens by 10 to 40 % depending on the prevalence in the preceding year. Alternatively, a reduction of the maximum percentage to 2 % or less.
- (5) Regulation (EC) No 2160/2003 provides that experience gained under existing national measures and information forwarded to the Commission or to the European Food Safety Authority ('EFSA') under existing Union requirements, in particular in the framework of information provided for in Directive 2003/99/EC of the European Parliament and of the Council of 17 November 2003 on the monitoring of zoonoses and zoonotic agents, amending Council Decision 90/424/EEC and repealing Council Directive 92/117/EEC⁽³⁾, and in particular Article 5 thereof, is to be taken into account when setting the Union target.
- (6) The Community Summary Report on Trends and Sources of Zoonoses, Zoonotic Agents and Food-borne Outbreaks in the European Union in 2008⁽⁴⁾ showed that *Salmonella Enteritidis* and *Salmonella Typhimurium* are the serovars most frequently associated with human illness. Human cases caused by *S. Enteritidis* decreased markedly in 2008, while an increase in *S. Typhimurium* cases was observed. In accordance with the requirements of Regulation (EC) No 2160/2003, the EFSA has been consulted on the setting of a permanent Union target for laying flocks of *Gallus gallus*.

(1) OJ L 325, 12.12.2003, p. 1.

(2) OJ L 211, 1.8.2006, p. 4.

(3) OJ L 325, 12.12.2003, p. 31.

(4) The EFSA Journal 2010; 8(1):1496.

- (7) On 10 March 2010, the Panel on Biological Hazards of EFSA adopted on a request from the Commission a Scientific Opinion on a quantitative estimation of the public health impact of setting a new target for the reduction of *Salmonella* in laying hens⁽¹⁾. It concludes that *Salmonella Enteritidis* is the most successful vertically transmitted zoonotic *Salmonella* serotype in poultry. It also concludes that Union control measures in laying hens have successfully contributed to the control of *Salmonella* infections in production stock and to the reduction of human health risks from poultry.
- (8) Monophasic strains of *Salmonella Typhimurium* have rapidly become one of the most commonly found *Salmonella* serotypes in several species of animals and in clinical isolates of humans. According to the Scientific Opinion on monitoring and assessment of the public health risk of 'Salmonella Typhimurium-like strains'⁽²⁾, adopted by the Panel on Biological Hazards of EFSA on 22 September 2010, monophasic *Salmonella Typhimurium* strains with the antigenic formula 1,4,[5],12:i:- are considered as variants of *Salmonella Typhimurium* and pose a public health risk comparable to that of other *Salmonella Typhimurium* strains.
- (9) Accordingly, for the purposes of clarity of Union legislation, it is appropriate to amend Regulation (EC) No 2160/2003 and Commission Regulation (EU) No 200/2010 of 10 March 2010 implementing Regulation (EC) No 2160/2003 of the European Parliament and of the Council as regards a Union target for the reduction of the prevalence of *Salmonella* serotypes in adult breeding flocks of *Gallus gallus*⁽³⁾ in order to provide that *Salmonella Typhimurium* include monophasic strains with the antigenic formula 1,4,[5],12:i:-.
- (10) Taking into account the Scientific Opinion of 22 September 2010 and considering that more time is needed to assess the trend of *Salmonella* in flocks after the introduction of national control programmes, it is appropriate to provide for a Union target for the reduction of *Salmonella* in adult laying flocks of *Gallus gallus* similar to the Union target provided for in Regulation (EC) No 1168/2006.
- (11) In order to ascertain progress in the achievement of the Union target, it is necessary to provide for repeated sampling of flocks of adult laying hens of *Gallus gallus*.
- (12) The technical amendments introduced in the Annex to this Regulation are directly applicable and harmonised in Member States, therefore possible adaptations of national control programmes in accordance with this Regulation do not require reapproval by the Commission.
- (13) National control programmes for the achievement of the Union target for 2011 for flocks of adult laying hens of *Gallus gallus* have been submitted for Union co-financing
- in accordance with Council Decision 2009/470/EC of 25 May 2009 on expenditure in the veterinary field⁽⁴⁾. Those programmes were based on Regulation (EC) No 1168/2006 and approved in accordance with Commission Decision 2010/712/EU of 23 November 2010 approving annual and multiannual programmes and the financial contribution from the Union for the eradication, control and monitoring of certain animal diseases and zoonoses presented by the Member States for 2011 and following years⁽⁵⁾.
- (14) Regulation (EC) No 1168/2006 should be repealed and replaced by this Regulation. The technical provisions in the Annex to Regulation (EC) No 1168/2006 achieve the same results as the Annex to this Regulation. Therefore, Member States would be able to apply the latter immediately without the need of a transitional period.
- (15) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health and neither the European Parliament nor the Council has opposed them,

HAS ADOPTED THIS REGULATION:

Article 1

Target

1. The Union target referred to in Article 4(1) of Regulation (EC) No 2160/2003 for the reduction of the prevalence of *Salmonella Enteritidis* and *Salmonella Typhimurium* in adult laying hens of *Gallus gallus* ('Union target') shall be as follows:
- (a) an annual minimum percentage of reduction of positive flocks of adult laying hens equal to at least:
- 10 % where the prevalence in the preceding year was less than 10 %;
 - 20 % where the prevalence in the preceding year was more than or equal to 10 % and less than 20 %;
 - 30 % where the prevalence in the preceding year was more than or equal to 20 % and less than 40 %;
 - 40 % where the prevalence in the preceding year was more than or equal to 40 %;
- or
- (b) a reduction of the maximum percentage equal to 2 % or less of positive flocks of adult laying hens; however, for Member States with less than 50 flocks of adult laying hens, not more than one adult flock may remain positive.

⁽¹⁾ The EFSA Journal 2010; 8(4):1546.

⁽²⁾ The EFSA Journal 2010; 8(10):1826.

⁽³⁾ OJ L 61, 11.3.2010, p. 1.

⁽⁴⁾ OJ L 155, 18.6.2009, p. 30.

⁽⁵⁾ OJ L 309, 25.11.2010, p. 18.

The Union target shall be achieved every year based on the monitoring of the previous year. As regards the target to be achieved in 2011, the results of the year 2010 based on the monitoring carried out in accordance with Article 1 of Regulation (EC) No 1168/2006 shall be used as reference.

As regards monophasic *Salmonella Typhimurium*, serotypes with the antigenic formula 1,4,[5],12:i:- shall be included in the Union target.

2. The testing scheme necessary to verify progress on the achievement of the Union target is set out in the Annex ('testing scheme').

Article 2

Review of the Union target

The Union target shall be reviewed by the Commission taking into account the information collected in accordance with the testing scheme and the criteria laid down in Article 4(6)(c) of Regulation (EC) No 2160/2003.

Article 3

Amendment to Regulation (EC) No 2160/2003

In Annex II to Regulation (EC) No 2160/2003, in Part C, the following subparagraph is inserted:

- '6. All references in this section to '*Salmonella Typhimurium*' shall also include monophasic *Salmonella Typhimurium* with the antigenic formula 1,4,[5],12:i:-.'

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

Done at Brussels, 25 May 2011.

Article 4

Amendment to Regulation (EU) No 200/2010

In Article 1(1), the first subparagraph is replaced by the following:

- '1. From 1 January 2010, the Union target, as referred to in Article 4(1) of Regulation (EC) No 2160/2003, for the reduction of *Salmonella* spp. in breeding flocks of *Gallus gallus* ("the Union target") shall be a reduction to 1 % or less of the maximum percentage of adult breeding flocks of *Gallus gallus* remaining positive for *Salmonella Enteritidis*, *Salmonella Infantis*, *Salmonella Hadar*, *Salmonella Typhimurium*, including monophasic *Salmonella Typhimurium* with the antigenic formula 1,4,[5],12:i:-, and *Salmonella Virchow* (the relevant *Salmonella* serotypes).'

Article 5

Repeal of Regulation (EC) No 1168/2006

Regulation (EC) No 1168/2006 is repealed.

References to Regulation (EC) No 1168/2006 shall be construed as references to this Regulation.

Article 6

Entry into force and applicability

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

For the Commission

The President

José Manuel BARROSO

ANNEX

Testing scheme necessary to verify the achievement of the Union target for the reduction of *Salmonella* Enteritidis and *Salmonella* Typhimurium in adult laying hens of *Gallus gallus*, as referred to in Article 1(2)

1. SAMPLING FRAME

The sampling frame shall cover all flocks of adult laying hens of *Gallus gallus* ('laying flocks') within the framework of the national control programmes provided for in Article 5 of Regulation (EC) No 2160/2003.

2. MONITORING IN LAYING FLOCKS

2.1. **Frequency and status of sampling**

Laying flocks shall be sampled at the initiative of the food business operator and by the competent authority.

Sampling at the initiative of the food business operator shall take place at least every 15 weeks. The first sampling shall take place at the flock-age of 24 +/- 2 weeks.

Sampling by the competent authority shall take place at least:

- (a) in one flock per year per holding comprising at least 1 000 birds;
- (b) at the age of 24 +/- 2 weeks in laying flocks housed in buildings where the relevant *Salmonella* was detected in the preceding flock;
- (c) in any case of suspicion of *Salmonella* infection when investigating food-borne outbreaks in accordance with Article 8 of Directive 2003/99/EC or any cases where the competent authority considers it appropriate, using the sampling protocol laid down in point 4(b) of Part D to Annex II to Regulation (EC) No 2160/2003;
- (d) in all other laying flocks on the holding in case *Salmonella* Enteritidis or *Salmonella* Typhimurium is detected in one laying flock on the holding;
- (e) in cases where the competent authority considers it appropriate.

A sampling carried out by the competent authority may replace one sampling at the initiative of the food business operator.

2.2. **Sampling protocol**

In order to maximise the sensitivity of the sampling, and to ensure the correct application of the sampling protocol, the competent authority or the food business operator shall ensure that samples are taken by trained persons.

2.2.1. *Sampling by the food business operator*

- (a) In cage flocks, 2 × 150 grams of naturally pooled faeces shall be taken from all belts or scrapers in the house after running the manure removal system; however, in the case of step cage houses without scrapers or belts 2 × 150 grams of mixed fresh faeces must be collected from 60 different places beneath the cages in the dropping pits.
- (b) In barn or free-range houses, two pairs of boot swabs or socks shall be taken.

Boot swabs used must be sufficiently absorptive to soak up moisture. The surface of the boot swab must be moistened using appropriate diluents.

The samples must be taken while walking through the house using a route that produces representative samples for all parts of the house or the respective sector. This shall include littered and slatted areas provided that slats are safe to walk on. All separate pens within a house must be included in the sampling. On completion of the sampling in the chosen sector, boot swabs must be removed carefully so as not to dislodge adherent material.

2.2.2. Sampling by the competent authority

At least one sample must be collected using the sampling protocol in addition to samples referred to under point 2.2.1. Further samples shall be taken in order to ensure representative sampling if required by the distribution or the size of the flock.

In the case of sampling referred to in point 2.1(b), (c), (d) and (e), the competent authority shall satisfy itself by conducting further checks, namely by laboratory tests and/or documentary checks as appropriate to ensure that the results of examinations for *Salmonella* in birds are not affected by the use of antimicrobials in the flocks.

Where the presence of *Salmonella Enteritidis* and *Salmonella Typhimurium* is not detected but antimicrobials or bacterial growth inhibitory effects are detected it shall be considered and accounted for as an infected laying flock for the purpose of the Union target.

The competent authority may decide to allow replacement of one faecal sample or one pair of boot swabs by a dust sample of 100 grams collected from multiple places throughout the house from surfaces with a visible presence of dust. As an alternative one or several moistened fabric swab(s) of at least 900 cm² surface area in total may be used instead to gather dust from multiple surfaces throughout the house, ensuring that each swab is well coated with dust on both sides.

The competent authority may decide to increase the minimum number of samples in order to ensure representative sampling on a case-by-case evaluation of epidemiological parameters, namely the biosecurity conditions, the distribution or size of the flock or other relevant conditions.

3. EXAMINATION OF THE SAMPLES

3.1. Transport and preparation of the samples

Samples shall preferably be sent by express mail or courier to the laboratories referred to in Articles 11 and 12 of Regulation (EC) No 2160/2003, within 24 hours after collection. If they are not sent within 24 hours, they shall be stored refrigerated. The samples may be transported at ambient temperature provided that excessive heat (namely over 25 °C) or exposure to sunlight is avoided. At the laboratory the samples shall be kept refrigerated until examination, which must be started within 48 hours following receipt and within 4 days after sampling.

Separate preparations shall be made of the boot swabs and dust or the fabric dust swab in the case of samples by the competent authority, but as regards samples by food business operators the different sample types may be combined in one test.

3.1.1. Boot and fabric swab samples

(a) The two pairs of boot swabs (or 'socks') or dust swabs shall be carefully unpacked to avoid dislodging adherent faecal material, pooled and placed in 225 ml of Buffered Peptone Water (BPW) which has been pre-warmed to room temperature, or the 225 ml of diluent must be added directly to the two pairs of boot swabs in their container as received in the laboratory. The boot/socks or fabric swab shall be fully submersed in BPW to provide sufficient free liquid around the sample for migration of *Salmonella* away from the sample and therefore more BPW may be added if necessary.

(b) The sample shall be swirled to fully saturate it and culture shall be continued by using the detection method set out in point 3.2.

3.1.2. Other faecal and dust material

(a) The faeces samples shall be pooled and thoroughly mixed and a 25-gram sub-sample shall be collected for the culture.

(b) The 25-gram sub-sample (or 50 ml of suspension containing 25 grams of the initial sample) shall be added to 225 ml of BPW which has been pre-warmed to room temperature.

(c) Culture of the sample shall be continued by using the detection method set out in point 3.2.

If ISO standards on the preparation of relevant samples for the detection of *Salmonella* are agreed on, they shall be applied and replace those set out in points 3.1.1 and 3.1.2.

3.2. Detection method

The detection of *Salmonella* shall be carried out according to Amendment 1 of EN/ISO 6579-2002/Amd1:2007 'Microbiology of food and animal feeding stuffs – Horizontal method for the detection of *Salmonella* spp. – Amendment 1: Annex D: Detection of *Salmonella* spp. in animal faeces and in environmental samples from the primary production stage' of the International Organization for Standardization.

After incubation the samples in BPW shall not be shaken, swirled or otherwise agitated.

3.3. Serotyping

At least one isolate from each positive sample taken by the competent authority shall be serotyped, following the Kaufmann-White-LeMinor scheme. In isolates taken by the food business operators, at least the serotyping for *Salmonella Enteritidis* and *Salmonella Typhimurium* must be carried out.

3.4. Alternative methods

With regard to samples taken on the initiative of the food business operator, alternative methods may be used instead of the methods for the preparation of samples, detection methods and serotyping set out in points 3.1, 3.2 and 3.3 of this Annex, if validated in accordance with the most recent version of EN/ISO 16140.

3.5. Testing for antimicrobial resistance

The isolates shall be tested for antimicrobial resistance in accordance with Article 2 of Commission Decision 2007/407/EC⁽¹⁾.

3.6. Storage of strains

The competent authority shall ensure that at least one isolated strain of the relevant *Salmonella* serotypes from sampling as part of official controls per house and per year is stored for possible future phagetyping or antimicrobial susceptibility testing, using the normal methods for culture collection, which must ensure integrity of the strains for a minimum period of 2 years.

If the competent authority so decides, isolates from sampling by food business operators shall also be stored for these purposes.

4. RESULTS AND REPORTING

4.1. A laying flock shall be considered positive for the purpose of ascertaining the achievement of the Union target where:

(a) the presence of the relevant *Salmonella* serotypes (other than vaccine strains) has been detected in one or more samples taken in the flock, even if the relevant *Salmonella* serotype is only detected in the dust sample or dust swab; or

(b) antimicrobials or bacterial growth inhibitors have been detected in the flock.

This rule shall not apply in exceptional cases described in Annex II D point 4 of Regulation (EC) No 2160/2003, where the initial *Salmonella* positive result has not been confirmed by that respective sampling protocol.

4.2. A positive laying flock shall only be counted once regardless of:

(a) how often the relevant *Salmonella* serotype has been detected in this flock during the production period;

or

(b) whether the sampling was carried out at the initiative of the food business operator or by the competent authority.

However, if sampling during the production period is spread over 2 calendar years, the result of each year shall be reported separately.

⁽¹⁾ OJ L 153, 14.6.2007, p. 26.

4.3. Reporting shall include:

- (a) the total number of adult laying flocks which were tested at least once during the year of reporting;
- (b) the results of the testing including:
 - (i) the total number of laying flocks positive with any *Salmonella* serotype in the Member State;
 - (ii) the number of laying flocks positive at least once with *Salmonella Enteritidis* and *Salmonella Typhimurium*;
 - (iii) the number of positive laying flocks for each *Salmonella* serotype or for *Salmonella* unspecified (isolates that are untypable or not serotyped);
- (c) explanations of the results, in particular concerning exceptional cases or any substantial changes in number of flocks tested and/or found positive.

The results and any additional relevant information shall be reported as part of the report on trends and sources provided for in Article 9(1) of Directive 2003/99/EC.

COMMISSION REGULATION (EU) No 518/2011**of 23 May 2011****establishing a prohibition of fishing for megrims in VIIIc, IX and X; EU waters of CECAF 34.1.1 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 ⁽¹⁾, 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 2011 shall be deemed to be exhausted from the date set out in that Annex.

Whereas:

*Article 2***Prohibitions**(1) Council Regulation (EU) No 57/2011 of 18 January 2011 fixing for 2011 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in EU waters and, for EU vessels, in certain non-EU waters ⁽²⁾, lays down quotas for 2011.

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 2011.

*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 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, 23 May 2011.

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

Lowri EVANS

Director-General for Maritime Affairs and Fisheries⁽¹⁾ OJ L 343, 22.12.2009, p. 1.⁽²⁾ OJ L 24, 27.1.2011, p. 1.

ANNEX

No	11/T&Q
Member State	Portugal
Stock	LEZ/8C3411
Species	Megrims (<i>Lepidorhombus</i> spp.)
Zone	VIIIc, IX and X; EU waters of CECAF 34.1.1
Date	9 May 2011

COMMISSION IMPLEMENTING REGULATION (EU) No 519/2011**of 25 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) ⁽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 May 2011.

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

Done at Brussels, 25 May 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	MA	35,3
	TR	71,5
	ZZ	53,4
0707 00 05	AL	31,8
	TR	108,2
	ZZ	70,0
0709 90 70	AR	34,9
	MA	86,8
	TR	121,5
	ZZ	81,1
0709 90 80	EC	23,2
	ZZ	23,2
0805 10 20	EG	58,0
	IL	63,3
	MA	45,9
	TR	74,4
	ZZ	60,4
0805 50 10	AR	72,2
	TR	77,7
	ZA	91,9
	ZZ	80,6
0808 10 80	AR	99,8
	BR	82,8
	CA	129,0
	CL	80,3
	CN	88,5
	CR	69,1
	NZ	109,3
	US	90,7
	UY	53,3
	ZA	87,4
	ZZ	89,0

⁽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

COUNCIL DECISION

of 19 May 2011

on guidelines for the employment policies of the Member States

(2011/308/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 148(2) thereof,

Having regard to the proposal from the European Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Having regard to the opinion of the European Economic and Social Committee ⁽²⁾,

Having consulted the Committee of the Regions,

Having regard to the opinion of the Employment Committee,

Whereas:

- (1) Article 145 of the Treaty on the Functioning of the European Union (TFEU) provides that Member States and the Union are to work towards developing a coordinated strategy for employment and particularly for promoting a skilled, trained and adaptable workforce and labour markets responsive to economic change with a view to achieving the objectives defined in Article 3 of the Treaty on European Union.
- (2) The Europe 2020 Strategy proposed by the Commission enables the Union to turn its economy towards smart, sustainable and inclusive growth, accompanied by high level employment, productivity and social cohesion. On 13 July 2010, the Council adopted its Recommendation on broad guidelines for the economic policies of the Member States and of the Union ⁽³⁾. Furthermore, on 21 October 2010, the Council adopted its Decision 2010/707/EU on guidelines for the employment policies of the Member States ⁽⁴⁾ (hereinafter referred to as the 'employment guidelines'). This set of guidelines

together form the integrated guidelines for implementing the Europe 2020 Strategy. Five headline targets, listed under the relevant integrated guidelines, constitute shared objectives which guide the action of the Member States, taking into account their relative starting positions and national circumstances, and also guide the action of the Union. The European Employment Strategy plays a leading role in the implementation of the employment and labour market objectives of the Europe 2020 Strategy.

- (3) The integrated guidelines are in line with the conclusions of the European Council of 17 June 2010. The integrated guidelines give precise guidance to the Member States on defining their National Reform Programmes and on implementing reforms, reflecting interdependence and in line with the Stability and Growth Pact. The employment guidelines should form the basis for any country-specific recommendations that the Council may address to the Member States under Article 148(4) of the TFEU, in parallel with the country-specific recommendations addressed to the Member States under Article 121(4) of that Treaty. The employment guidelines should also form the basis for the establishment of the Joint Employment Report sent annually by the Council and the Commission to the European Council.
- (4) The examination of the Member States' draft National Reform Programmes, contained in the Joint Employment Report adopted by the Council on 7 March 2011, shows that Member States should continue to make every effort to address the following priorities: increasing labour market participation and reducing structural unemployment; developing a skilled workforce responding to labour market needs and promoting job quality and lifelong learning; improving the performance of education and training systems at all levels, and increasing participation in tertiary education, promoting social inclusion and combating poverty.
- (5) The employment guidelines adopted in 2010 should remain stable until 2014 to ensure a focus on their implementation. In the intermediate years, until the end of 2014, their updating should continue to be strictly limited.
- (6) Member States should explore the use of the European Social Fund when implementing the employment guidelines,

⁽¹⁾ Opinion of 17 February 2011 (not yet published in the Official Journal).

⁽²⁾ Opinion of 16 February 2011 (not yet published in the Official Journal).

⁽³⁾ OJ L 191, 23.7.2010, p. 28.

⁽⁴⁾ OJ L 308, 24.11.2010, p. 46.

HAS ADOPTED THIS DECISION:

Article 1

The guidelines for the employment policies of the Member States, as set out in the Annex to Decision 2010/707/EU, are hereby maintained for 2011 and shall be taken into account by the Member States in their employment policies.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 19 May 2011.

For the Council
The President
BALOG Z.

COUNCIL DECISION
of 19 May 2011
appointing one Dutch member of the Committee of the Regions
(2011/309/EU)

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 305 thereof,

Having regard to the proposal of the Dutch Government,

Whereas:

(1) On 22 December 2009 and on 18 January 2010, the Council adopted Decisions 2009/1014/EU ⁽¹⁾ and 2010/29/EU ⁽²⁾ appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2010 to 25 January 2015.

(2) A member's seat on the Committee of the Regions has become vacant following the end of the term of office of Mr Hans KOK,

Article 1

The following is hereby appointed to the Committee of the Regions as member for the remainder of the current term of office, which runs until 25 January 2015:

— Mr J.F.M. (Hans) JANSSEN, *burgemeester* (mayor) of Oisterwijk.

Article 2

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

Done at Brussels, 19 May 2011.

For the Council
The President
BALOG Z.

⁽¹⁾ OJ L 348, 29.12.2009, p. 22.

⁽²⁾ OJ L 12, 19.1.2010, p. 11.

COMMISSION IMPLEMENTING DECISION

of 24 May 2011

establishing a specific control and inspection programme for pelagic fisheries in Western Waters of the North East Atlantic

(notified under document C(2011) 3415)

(Only the Danish, Dutch, English, Estonian, French, German, Latvian, Lithuanian, Polish, Portuguese and Spanish texts are authentic)

(2011/310/EU)

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, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006⁽¹⁾, and in particular Article 95 thereof,

Whereas:

(1) Fisheries exploiting herring, mackerel, horse mackerel, anchovy and blue whiting stocks (hereinafter referred to as 'pelagic fisheries') in EU waters of ICES zones V to IX (hereinafter referred to as 'Western Waters') are subject to conservation and control measures provided for, inter alia:

— by Regulation (EU) No 1236/2010 of the European Parliament and of the Council of 15 December 2010 laying down a scheme of control and enforcement applicable in the area covered by the Convention on future multilateral cooperation in the North-East Atlantic fisheries⁽²⁾,

— by Council Regulation (EC) No 1300/2008 of 18 December 2008 establishing a multi-annual plan for the stock of herring distributed to the west of Scotland and the fisheries exploiting that stock⁽³⁾,

— by Council Regulation (EU) No 57/2011 of 18 January 2011 fixing for 2011 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in EU waters and, for EU vessels, in certain non-EU waters⁽⁴⁾.

(2) Landings of quantities exceeding 10 tonnes of herring, mackerel and horse mackerel caught in ICES zones I to

X, XII and XIV and EU waters of CECAF are subject to procedures laid down by Commission Regulation (EC) No 1542/2007⁽⁵⁾.

(3) As a general rule, pelagic fishing activities in Western Waters, including landings and transshipments of pelagic species are subject to the control measures laid down by Regulation (EC) No 1224/2009.

(4) In order to ensure, at Union level, the uniform and effective application of those conservation and control measures, it is necessary to establish a specific control and inspection programme involving Denmark, Germany, Estonia, Ireland, Spain, France, Latvia, Lithuania, the Netherlands, Poland, Portugal, and the United Kingdom.

(5) That specific control and inspection programme should be set up for the period from the entry into force of this Decision to 31 December 2012.

(6) The specific control and inspection programme should include common rules for the control and inspection activities to be carried out by the competent authorities of the Member States concerned. Those rules should establish benchmarks for the intensity of control and inspection activities as well as control and inspection priorities and procedures. The Member States concerned shall adopt the necessary measures in accordance with those common rules.

(7) Where a large part of the catches by pelagic fisheries is exported to third countries, it is appropriate to extend control and inspection activities throughout the whole chain, including trade.

(8) Joint inspection and surveillance activities between Member States should be carried out, where applicable, in accordance with a Joint Deployment Plan established by the Community Fisheries Control Agency (CFCA) pursuant to Article 9 of Council Regulation (EC) No 768/2005⁽⁶⁾.

(9) The results obtained by the application of the specific control and inspection programme should be periodically evaluated by the Member States concerned, where possible by the CFCA.

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ OJ L 348, 31.12.2010, p. 17.

⁽³⁾ OJ L 344, 20.12.2008, p. 6.

⁽⁴⁾ OJ L 24, 27.1.2011, p. 1.

⁽⁵⁾ OJ L 337, 21.12.2007, p. 56.

⁽⁶⁾ OJ L 128, 21.5.2005, p. 1.

- (10) The measures provided for in this Decision have been established in concert with the Member States concerned.
- (11) The measures provided for in this Decision are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999 ⁽¹⁾;

- (e) 'export' means exportation as defined in Article 2(13) of Regulation (EC) No 1005/2008.

HAS ADOPTED THIS DECISION:

Article 1

Subject matter

This Decision establishes a specific control and inspection programme in order to ensure the uniform and effective implementation of conservation and control measures applicable to pelagic fisheries in Western Waters.

Article 2

Scope

1. The specific control and inspection programme covers:
 - (a) all fishing activities, including landings and transshipments, by fishing vessels of pelagic species in Western Waters;
 - (b) all post-landing activities, including weighing, marketing, freezing, processing, storage, takeover, transport, import and export of pelagic species caught in Western Waters.
2. The specific control and inspection programme shall apply as from its entry into force until 31 December 2012.
3. The specific control and inspection programme shall be implemented by Denmark, Germany, Estonia, Ireland, Spain, France, Latvia, Lithuania, the Netherlands, Poland, Portugal and the United Kingdom.

Article 3

Definitions

For the purposes of this Decision the following definitions shall apply:

- (a) 'pelagic species' means herring, mackerel, horse mackerel, anchovy and blue whiting;
- (b) 'pelagic fisheries' means the fisheries exploiting herring, mackerel, horse mackerel, anchovy and blue whiting stocks;
- (c) 'Western Waters' means EU waters of ICES zones V to IX;
- (d) 'import' means importation as defined in Article 2(11) of 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

Article 4

Common rules and national measures

1. The common rules for the specific control and inspection programme, in particular the objectives, priorities and procedures as well as the benchmarks for inspection, are set out in Annex I.
2. The measures for the implementation of the specific control and inspection programme, adopted by Member States pursuant to Article 95(4) of Regulation (EC) No 1224/2009, shall regulate the matters listed in Annex II.

Article 5

Cooperation between Member States and with third countries

1. The Member States referred to in Article 2(3) shall cooperate for the implementation of the specific control and inspection programme.
2. All other Member States shall cooperate with the Member States referred to in Article 2(3) and with the competent authorities of third countries for the implementation of the specific control and inspection programme.
3. When Member States cooperate in the framework of Chapter III of Regulation (EC) No 768/2005, part or the whole of the specific control and inspection programme may be implemented by way of a joint deployment plan adopted by the Community Fisheries Control Agency (CFCA).

Article 6

Joint inspection and surveillance activities

1. The Member States referred to in Article 2(3) shall undertake joint inspection and surveillance activities and, where applicable, in the framework of Chapter III of Regulation (EC) No 768/2005.
2. For the purpose of joint inspection and surveillance activities, the Member States concerned shall:
 - (a) ensure that inspectors from other Member States concerned are invited to participate in joint inspection and surveillance activities;
 - (b) establish joint operational procedures applicable to their surveillance crafts.
3. Commission officials and Community inspectors may participate in joint inspection and surveillance activities.

⁽¹⁾ OJ L 286, 29.10.2008, p. 1.

*Article 7***Information**

1. The Member States referred to in Article 2(3) shall communicate by electronic means to the Commission and to the CFCA, by the 10th day of each quarter, the following information concerning the preceding quarter:

- (a) the inspection and control activities carried out;
- (b) all infringements detected, including for each infringement the identification of:
 - (i) the fishing vessel (name, flag and external identification code) or the enterprise engaged in the processing and/or trade of pelagic species concerned;
 - (ii) the date, time and location of the inspection; and
 - (iii) the nature of the infringement;
- (c) the current state of play concerning the follow-up of infringements detected.

2. An infringement shall continue to be listed on each subsequent report until the action is concluded under the laws of the Member State concerned. Each subsequent report shall:

- (a) indicate the current status of the case (e.g. case pending, under appeal, still under investigation); and

- (b) describe in specific terms any penalties imposed (e.g. level of fines, value of forfeited fish and/or gear, written warning given).

3. Reports shall include an explanation if no action has been taken following the detection of an infringement.

*Article 8***Evaluation**

The Member States referred to in Article 2(3), shall, by 31 March of 2013, send to the Commission and to the CFCA an evaluation report concerning the control and inspection activities carried out under this specific control and inspection programme.

*Article 9***Addressees**

This Decision is addressed to the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, Ireland, the Kingdom of Spain, the French Republic, the Republic of Latvia, the Republic of Lithuania, the Kingdom of the Netherlands, the Republic of Poland, the Portuguese Republic and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 24 May 2011.

For the Commission
Maria DAMANAKI
Member of the Commission

ANNEX I

COMMON RULES FOR THE SPECIFIC CONTROL AND INSPECTION PROGRAMME**1. OBJECTIVE**

The general objective of the specific control and inspection programme shall be the verification of compliance with applicable legislation concerning:

- (a) quantitative restrictions on catches and any specific conditions associated therewith, including the monitoring of quota uptake;
- (b) the documentation required by the legislation applicable to the pelagic fisheries, in particular the reliability of the information recorded and reported;
- (c) landing and weighing procedures;
- (d) transshipments;
- (e) the high grading ban provided for in Article 1(2)(b) of Council Regulation (EC) No 1288/2009 of 27 November 2009 establishing transitional technical measures from 1 January 2010 to 30 June 2011 ⁽¹⁾ and any failure to land pelagic species caught during a fishing operation as referred to in Article 90(1)(c) of Regulation (EC) No 1224/2009.

2. STRATEGY

Member States shall carry out control and inspection of fishing and all related activities by fishing vessels and other economic operators throughout the whole chain on the basis of risk management as defined in Article 4(18) of Regulation (EC) No 1224/2009.

Inspections made after landing or transshipment shall in particular be used as a complementary cross-checking mechanism to verify the reliability of the information recorded and reported on catches and landings.

3. PRIORITIES

Different gear categories shall be subject to different levels of prioritisation, according to the annual fishing plan. For that reason, each Member State shall set specific priorities based on risk management.

4. MONITORING TASKS

All fishing trips by authorised fishing vessels equipped with VMS shall be monitored in real time and cross-checked with the documentation of landing, transshipment, sales and takeover declarations as well as any inspection and surveillance reports.

All landings, sales, imports and exports shall be monitored.

5. TARGET INSPECTION BENCHMARKS

No later than 1 month after the entry into force of this Decision for year 2011 and before 1 January 2012 for year 2012, Member States shall where appropriate define additional target inspection benchmarks and schedule inspections on the basis of risk management as defined in Article 4(18) of Regulation (EC) No 1224/2009:

Place of inspection	Benchmark
Inspection at sea	<p>Benchmark to be set after a detailed analysis of the fishing activity in each area. Benchmarks at sea shall refer to the number of patrol days at sea in Western Waters, with possibly a separate benchmark for days patrolling specific areas.</p> <p>Based on risk management, specific inspections shall be programmed concerning:</p> <ul style="list-style-type: none"> — the ban on high grading; — slipping; — the provisions for third-country vessels intending to fish for blue whiting or mackerel in EU waters laid down in Annex IV to Commission Regulation (EU) No 201/2010 of 10 March 2010 laying down detailed rules for the implementation of Council Regulation (EC) No 1006/2008 concerning authorisations for fishing activities of Community fishing vessels outside Community waters and the access of third country vessels to Community waters ⁽¹⁾.

⁽¹⁾ OJ L 347, 24.12.2009, p. 6.

Place of inspection	Benchmark
Landings	<p>At least 10 % of the number of landings exceeding 10 tonnes of herring, mackerel and horse mackerel in designated ports shall be subject to full inspection.</p> <p>At least 15 % of the quantities of herring, mackerel and horse mackerel landed in designated ports shall be subject to full inspection.</p> <p>The choice of the landings to be inspected shall be based on risk analysis.</p> <p>Based on risk management, specific inspections shall be programmed for:</p> <ul style="list-style-type: none"> — not designated ports and landing places; — landings of quantities of herring, mackerel and horse mackerel of less than 10 tonnes; — possible landings of mackerel under other denominations, such as <i>Scomber japonicus</i> (MAS). <p>Benchmarks in respect of landings of anchovy and blue whiting to be set on the basis of a detailed analysis of the landing activity in each area.</p>
Transhipments	Based on risk management, at least 5 % of the number of transhipments shall be subject to inspection.
First sale	<p>At least 10 % of the first sales of herring, mackerel and horse mackerel in designated ports shall be subject to full inspection, the benchmark should be based on risk analysis.</p> <p>At least 15 % of the quantities sold of herring, mackerel and horse mackerel in designated ports shall be subject to full inspection, the benchmark should be based on a risk analysis.</p>
Import/Export	Based on risk management, in case where information is available to Member States on import/export flows, at least 5 % of the quantities imported/exported shall be subject to inspection.
Aerial surveillance	Benchmarks to be set after a detailed analysis of the fishing activity conducted in each area and taking into consideration the available resources at the Member State's disposal.

(¹) OJ L 61, 11.3.2010, p. 10.

6. PROCEDURES

6.1. General inspection tasks

Inspectors shall verify and note in their report the following information:

- (a) the details of the identity of the responsible persons involved in the activities inspected;
- (b) the fishing licenses and authorisations;
- (c) all relevant documentation;
- (d) detailed verification of species and quantities caught in compliance with the applicable EU legislation.

All relevant findings from the inspections done at sea, in ports or in any other economical operator concerned shall be noted in the inspection reports.

Those findings shall be duly cross-checked with the information made available to the inspectors by other competent authorities, including Vessel Monitoring System (VMS) information, electronic recording and reporting system (ERS) information and lists of authorised vessels.

6.2. Inspection tasks for aerial surveillance

Inspectors shall report on surveillance data for cross-checking purposes, and in particular verify sightings of fishing vessels against VMS and ERS information and authorised lists.

6.3. Inspection tasks at sea

Where one or more pelagic species is onboard the fishing vessel or is present aboard a processing or a transport vessel, inspectors shall always verify the species and quantities of fish retained on board and compare them with the quantities recorded in the relevant documentation on board.

Inspectors shall systematically verify:

- that the fishing vessels are authorised to operate in the relevant pelagic fishery,
- that the fishing vessels are equipped with an operational Vessel Monitoring System (VMS),
- that the relevant information is duly recorded in the logbook,
- the compliance of the fishing gear on board with the relevant requirements,
- the drawings of the vessel and in particular the possibility to discharge fish under the waterline,
- the presence of equipment allowing automatic grading,
- the physical quantities of pelagic species on board, and their presentation.

6.4. Inspection tasks at landing

Inspectors shall systematically verify:

- that the fishing vessels are authorised to operate in the relevant pelagic fishery,
- that the pre-notification of arrival for landing was sent and contained the correct information concerning the catch on board,
- That the landing of pelagic species has been authorised by the competent authorities, where appropriate,
- that the fishing vessels are equipped with an operational VMS and ERS,
- that the relevant information is duly recorded in the logbook and that the logbook sheets are transmitted in due course,
- for the fishing vessels participating in the transport and processing of pelagic species, that the relevant documentation on board is present and duly completed,
- the species and the physical quantities of pelagic species on board,
- that the weighing obligations are applied where appropriate,
- that the fishing gear on board corresponds to the fishing authorisation and complies with applicable technical measures.

6.5. Inspection tasks during transhipment

Inspectors shall systematically verify:

- that the fishing vessel is authorised to operate in the relevant pelagic fishery,
- for transhipments in port, that the pre-notification of arrival in port was sent and contained the correct information concerning the transhipment,
- that vessels wishing to tranship have received prior authorisation,
- that the species and quantities pre-notified to be transhipped are verified,
- that the relevant documentation on board is present and duly completed, including the transhipment declaration.

6.6. Inspection tasks concerning transports, marketing and takeover

Inspectors shall systematically verify the species and the quantity and the vessel that caught the fish and cross-check this information with the landing declaration and the logbook and verify:

- as regards transport, in particular the relevant documentation is present and duly completed,
 - as regards marketing, that the relevant documentation is present and duly completed,
 - a regards takeover, that the relevant documentation is present and duly completed.
-

ANNEX II

MINIMUM CONTENTS OF MEASURES ADOPTED BY MEMBER STATES AS REFERRED TO IN ARTICLE 4(2)

National measures shall, inter alia, specify the following:

(1) MEANS OF CONTROL:

— Human means

The number of shore-based and seagoing inspectors, as well as the periods and zones where these are to be deployed.

— Technical means

The number of patrol vessels and aircraft, as well as the periods and zones where these are to be deployed.

— Financial means

The budgetary allocation for deployment of human resources, patrol vessels and aircraft.

(2) DESIGNATION OF PORTS:

The list of the designated ports required under Regulation (EC) No 1542/2007.

(3) WEIGHING PROCEDURES:

The systems applied to comply with the rules established, in particular by Regulation (EC) No 1542/2007 regarding weighing procedures and facilities.

(4) FISHING PLANS:

The details of any system in place for the allocation of quotas and for the monitoring and control of quota uptake.

(5) MONITORING:

The details of the monitoring system for fishing activities, landings, transshipments, marketing and import/export of pelagic species.

(6) INSPECTION PROTOCOLS:

Detailed Protocols for all inspection activities.

(7) GUIDELINES:

Explanatory guidelines for inspectors, producer organisations and fishermen.

(8) COMMUNICATION PROTOCOLS:

Protocols for communication with the competent authorities designated by other Member States as being responsible for the specific control and inspection programme.

CORRIGENDA

Corrigendum to Commission Regulation (EU) No 286/2011 of 10 March 2011 amending, for the purposes of its adaptation to technical and scientific progress, Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures

(Official Journal of the European Union L 83 of 30 March 2011)

On page 52, in Annex VI, point 2(c), in the table, line '602-084-00-X', seventh column:

for: 'GHS07 Wng—',

read: 'GHS07

Wng'.

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