

Official Journal

of the European Union

L 200



English edition

Legislation

Volume 54

3 August 2011

Contents

II *Non-legislative acts*

REGULATIONS

- ★ **Commission Implementing Regulation (EU) No 761/2011 of 29 July 2011 concerning the classification of certain goods in the Combined Nomenclature** 1
- ★ **Commission Implementing Regulation (EU) No 762/2011 of 29 July 2011 concerning the classification of certain goods in the Combined Nomenclature** 4
- ★ **Commission Implementing Regulation (EU) No 763/2011 of 29 July 2011 concerning the classification of certain goods in the Combined Nomenclature** 6
- ★ **Commission Implementing Regulation (EU) No 764/2011 of 29 July 2011 entering a name in the register of protected designations of origin and protected geographical indications [Bœuf de Vendée (PGI)]** 8
- ★ **Commission Implementing Regulation (EU) No 765/2011 of 29 July 2011 entering a name in the register of protected designations of origin and protected geographical indications [Porc d'Auvergne (PGI)]** 10
- ★ **Commission Implementing Regulation (EU) No 766/2011 of 29 July 2011 entering a name in the register of protected designations of origin and protected geographical indications [Ξύγαλο Σητείας (Xygalo Siteias)/Ξίγαλο Σητείας (Xigalo Siteias) (PDO)]** 12

Price: EUR 3

(Continued overleaf)

EN

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

The titles of all other acts are printed in bold type and preceded by an asterisk.

★ Commission Implementing Regulation (EU) No 767/2011 of 2 August 2011 amending the Annex to Regulation (EC) No 3199/93 on the mutual recognition of procedures for the complete denaturing of alcohol for the purposes of exemption from excise duty, as regards the entries concerning the Czech Republic and Latvia	14
★ Commission Implementing Regulation (EU) No 768/2011 of 2 August 2011 amending Implementing Regulation (EU) No 585/2011 of 17 June 2011 laying down temporary exceptional support measures for the fruit and vegetable sector	17
★ Commission Implementing Regulation (EU) No 769/2011 of 2 August 2011 providing for an allocation coefficient for the temporary exceptional Union support, for the fruit and vegetable sector	18
Commission Implementing Regulation (EU) No 770/2011 of 2 August 2011 establishing the standard import values for determining the entry price of certain fruit and vegetables	19
Commission Implementing Regulation (EU) No 771/2011 of 2 August 2011 amending the representative prices and additional import duties for certain products in the sugar sector fixed by Regulation (EU) No 867/2010 for the 2010/11 marketing year	21

DECISIONS

2011/489/EU:

★ Commission Implementing Decision of 29 July 2011 on granting a derogation requested by the Kingdom of Belgium with regard to the region of Flanders pursuant to Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources (notified under document C(2011) 4503).....	23
---	----

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) No 761/2011

of 29 July 2011

concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, and in particular Article 9(1)(a) thereof,

Whereas:

(1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.

(2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific provisions of the Union, with a view to the application of tariff and other measures relating to trade in goods.

(3) Pursuant to those general rules, the goods described in column (1) of the table set out in the Annex should be classified under the CN code indicated in column (2), by virtue of the reasons set out in column (3) of that table.

(4) It is appropriate to provide that binding tariff information which has been issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature but which is not in accordance with this Regulation can, for a period of three months, continue to be invoked by the holder, under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽²⁾.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column (1) of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column (2) of that table.

Article 2

Binding tariff information issued by the customs authorities of Member States, which is not in accordance with this Regulation, can continue to be invoked for a period of three months under Article 12(6) of Regulation (EEC) No 2913/92.

Article 3

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

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ OJ L 302, 19.10.1992, p. 1.

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

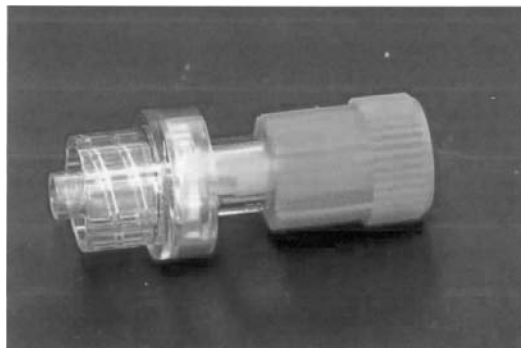
Done at Brussels, 29 July 2011.

*For the Commission,
On behalf of the President,
Algirdas ŠEMETA
Member of the Commission*

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
<p>A connector consisting of a plastic casing with openings on both sides for the inflow and outflow of liquids. It is fitted with a screw cap and a fastening in the form of a check (non-return) valve.</p> <p>The connector is used in medical infusion sets. One side is to be connected to a tube and the other to a syringe or an infusion line. The fastening opens when the connector is attached to the syringe or infusion line and closes when it is removed, thus preventing the escape of liquid and the entry of air during the infusion.</p> <p>The connectors are presented in sterile or unsterile packs.</p> <p>(*) See image</p>	8481 30 99	<p>Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 1(g) to Chapter 90, and by the wording of CN codes 8481, 8481 30 and 8481 30 99.</p> <p>Given its function, physical characteristics and way of operating, the connector is to be considered a check (non-return) valve of subheading 8481 30, as it is used to regulate the flow of liquids by opening or closing the fastening and allowing the liquid to flow through it in only one direction (see also the Harmonised System Explanatory Notes to heading 8481).</p> <p>By virtue of Note 1(g) to Chapter 90, classification under heading 9018 as instruments and appliances used in medical sciences is excluded.</p> <p>Furthermore, even when presented in sterile packs, the product is not identifiable as a product of heading 9018.</p> <p>The product is therefore to be classified under CN code 8481 30 99 as a check (non-return) valve of plastics.</p>

(*) The image is purely for information.



COMMISSION IMPLEMENTING REGULATION (EU) No 762/2011
of 29 July 2011
concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific provisions of the Union, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column (1) of the table set out in the Annex should be classified under the CN code indicated in column (2), by virtue of the reasons set out in column (3) of that table.

(4) It is appropriate to provide that binding tariff information which has been issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature but which is not in accordance with this Regulation can, for a period of three months, continue to be invoked by the holder, under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽²⁾.

(5) The Customs Code Committee has not issued an opinion within the time limit set by its Chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column (1) of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column (2) of that table.

Article 2

Binding tariff information issued by the customs authorities of Member States, which is not in accordance with this Regulation, can continue to be invoked for a period of three months under Article 12(6) of Regulation (EEC) No 2913/92.

Article 3

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

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

Done at Brussels, 29 July 2011.

*For the Commission,
On behalf of the President,
Algirdas ŠEMETA
Member of the Commission*

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ OJ L 302, 19.10.1992, p. 1.

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
<p>A hollow, non-threaded cylindrical article of steel, other than stainless steel, plated with zinc (so-called "express nail"). It has a complete opening along one side. One of the ends is slightly curved outwards. The other end has a sharp, cutting edge.</p> <p>The article is used as a fastener, by hammering it into a drilled hole for, for example, quick installations of battens onto concrete walls. The sharpened end provides for greater ease in driving it in. Its hollow construction, the opening along one side and the outwardly curved end provide for increased holding power when it is hammered in entirely.</p> <p>(*) See image</p>	7317 00 90	<p>Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 7317 00 and 7317 00 90.</p> <p>Classification under heading 7318 is excluded as the design of the article is not similar to that of any of the articles mentioned under that heading.</p> <p>Classification under heading 7326 is excluded as the article cannot be regarded as a wall plug of steel as, due to its construction, it is not designed to allow the tight fitting of screws into masonry walls.</p> <p>The article is similar to, and functions in the same way as, a nail of heading 7317. Hammering it in entirely is enough to ensure that the object to be fastened, for example, a batten, remains tightly secured.</p> <p>The article is therefore to be classified under CN code 7317 00 90 as other articles of steel, similar to a nail.</p>

(*) The image is only for information.



COMMISSION IMPLEMENTING REGULATION (EU) No 763/2011
of 29 July 2011
concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific provisions of the Union, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column (1) of the table set out in the Annex should be classified under the CN code indicated in column (2), by virtue of the reasons set out in column (3) of that table.

(4) It is appropriate to provide that binding tariff information which has been issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature but which is not in accordance with this Regulation can, for a period of three months, continue to be invoked by the holder, under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽²⁾.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column (1) of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column (2) of that table.

Article 2

Binding tariff information issued by the customs authorities of Member States, which is not in accordance with this Regulation, can continue to be invoked for a period of three months under Article 12(6) of Regulation (EEC) No 2913/92.

Article 3

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

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

Done at Brussels, 29 July 2011.

For the Commission,
On behalf of the President,
Algirdas ŠEMETA
Member of the Commission

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ OJ L 302, 19.10.1992, p. 1.

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
<p>A portable battery operated apparatus (so-called "E-book") for recording and reproducing various types of text files (for example, PDF, WOL and HTML), still image files (for example, JPEG) and audio files (for example, MP3), with dimensions of approximately 18 x 12 x 1 cm and a weight of approximately 220 g.</p> <p>The apparatus is equipped with:</p> <ul style="list-style-type: none"> — a monochrome display (using electronic-ink technology with 4-level grayscale) with dimensions of approximately 12 x 9 cm, a diagonal measurement of the screen of approximately 15 cm (6 inches) and a resolution of 600 x 800 pixels, — a USB interface, — a connector for earphones, — a memory card slot, — control/navigation buttons, — a 200 MHz processor, and — an internal memory of 512 MB. <p>The apparatus can be connected to an automatic data-processing machine for the purpose of transferring files.</p> <p>The apparatus can reproduce text, still images and audio by processing data stored either on the internal memory or on a memory card.</p> <p>The apparatus does not have translation or dictionary functions.</p>	<p>8543 70 90</p>	<p>Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 8543, 8543 70 and 8543 70 90.</p> <p>Classification as an automatic data-processing machine of heading 8471 is excluded as the apparatus does not fulfil the conditions of Note 5(A) to Chapter 84.</p> <p>In addition, as the apparatus is not of a kind solely or principally used in an automatic data-processing system, classification as a unit of such a system under heading 8471 is also excluded.</p> <p>Classification under heading 8528 as a monitor is excluded given the product's inability to display video images as a result of the specific technology used for the display and the subsequent low quality of image allowing visualisation of document formats and static images only.</p> <p>The apparatus is to be considered an electronic apparatus, having an individual function, not specified or included elsewhere in Chapter 85.</p> <p>It is therefore to be classified under CN code 8543 70 90.</p>

COMMISSION IMPLEMENTING REGULATION (EU) No 764/2011**of 29 July 2011****entering a name in the register of protected designations of origin and protected geographical indications [Bœuf de Vendée (PGI)]**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Pursuant to the first subparagraph of Article 6(2) of Regulation (EC) No 510/2006, France's application to register the name 'Bœuf de Vendée' was published in the *Official Journal of the European Union* ⁽²⁾.

- (2) As no statement of objection under Article 7 of Regulation (EC) No 510/2006 has been received by the Commission, that name should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

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

*Article 2*This Regulation shall enter into force on the 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, 29 July 2011.

*For the Commission,
On behalf of the President,
Dacian CIOLOȘ
Member of the Commission*

⁽¹⁾ OJ L 93, 31.3.2006, p. 12.

⁽²⁾ OJ C 312, 17.11.2010, p. 19.

ANNEX

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

Class 1.1. Fresh meat (and offal)

FRANCE

Bœuf de Vendée (PGI)

COMMISSION IMPLEMENTING REGULATION (EU) No 765/2011**of 29 July 2011****entering a name in the register of protected designations of origin and protected geographical indications [Porc d'Auvergne (PGI)]**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Pursuant to the first subparagraph of Article 6(2) of Regulation (EC) No 510/2006, France's application to register the name 'Porc d'Auvergne' was published in the *Official Journal of the European Union* ⁽²⁾.

- (2) As no statement of objection under Article 7 of Regulation (EC) No 510/2006 has been received by the Commission, that name should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

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

*Article 2*This Regulation shall enter into force on the 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, 29 July 2011.

For the Commission,
On behalf of the President,
Dacian CIOLOȘ
Member of the Commission

⁽¹⁾ OJ L 93, 31.3.2006, p. 12.

⁽²⁾ OJ C 311, 16.11.2010, p. 18.

ANNEX

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

Class 1.1. Fresh meat (and offal)

FRANCE

Porc d'Auvergne (PGI)

COMMISSION IMPLEMENTING REGULATION (EU) No 766/2011

of 29 July 2011

entering a name in the register of protected designations of origin and protected geographical indications [Ξύγαλο Σητείας (Xygaló Siteias)/Ξίγαλο Σητείας (Xigaló Siteias) (PDO)]

THE EUROPEAN COMMISSION,

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

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

Whereas:

(1) Pursuant to the first subparagraph of Article 6(2) of Regulation (EC) No 510/2006, Greece's application to register the name 'Ξύγαλο Σητείας (Xygaló Siteias)/Ξίγαλο Σητείας (Xigaló Siteias)' was published in the *Official Journal of the European Union* ⁽²⁾.

(2) As no statement of objection under Article 7 of Regulation (EC) No 510/2006 has been received by the Commission, that name should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on the 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, 29 July 2011.

*For the Commission,
On behalf of the President,
Dacian CIOLOS
Member of the Commission*

⁽¹⁾ OJ L 93, 31.3.2006, p. 12.

⁽²⁾ OJ C 312, 17.11.2010, p. 25.

ANNEX

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

Class 1.3. Cheeses

GREECE

Ξύγαλο Σητείας (Xygaló Siteias)/Ξίγαλο Σητείας (Xígalo Siteias) (PDO)

COMMISSION IMPLEMENTING REGULATION (EU) No 767/2011

of 2 August 2011

amending the Annex to Regulation (EC) No 3199/93 on the mutual recognition of procedures for the complete denaturing of alcohol for the purposes of exemption from excise duty, as regards the entries concerning the Czech Republic and Latvia

THE EUROPEAN COMMISSION,

revised its original proposal so that the proposed requirements should not give rise to evasion, avoidance or abuse.

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

Having regard to Council Directive 92/83/EEC of 19 October 1992 on the harmonisation of the structures of excise duties on alcohol and alcoholic beverages ⁽¹⁾, and in particular Article 27(4) thereof,

(6) In accordance with Article 27(5) of Directive 92/83/EEC, Poland notified the Commission on 26 May 2010 that it had detected abuse of completely denatured alcohol, exempted from excise duty pursuant to Article 27(1)(a) of Directive 92/83/EEC, and denatured according to the method of Latvia authorised by Regulation (EC) No 3199/93, which is a mixture of a minimum amount of 3 litres of isopropyl alcohol and 2 grams of denatonium benzoate per 100 litres of spirit.

Whereas:

(1) Pursuant to Article 27(1)(a) of Directive 92/83/EEC, Member States are required to exempt from excise duty alcohol which has been completely denatured in accordance with the requirements of any Member State, provided that such requirements have been duly notified and accepted in accordance with the conditions laid down in paragraphs 3 and 4 of that Article.

(7) The Commission transmitted the communication of Poland to the other Member States on 25 June 2010.

(2) Commission Regulation (EC) No 3199/93 ⁽²⁾ provides that the denaturants which are employed in each Member State for the purposes of completely denaturing alcohol in accordance with Article 27(1)(a) of Directive 92/83/EEC are to be described in the Annex to that Regulation.

(8) Subsequent responses to the communication and discussion in the Committee on Excise Duties indicated that the majority of Member States were in agreement with the position of Poland. In response to the concerns raised by Poland, Latvia communicated to the Commission the agreement to amend its method of denaturing as provided for in Regulation (EC) No 3199/93.

(3) On 13 May 2010 the Czech Republic communicated some changes to its denaturing processes authorised by Regulation (EC) No 3199/93.

(9) Regulation (EC) No 3199/93 should therefore be amended accordingly.

(4) The Commission transmitted the communication of the Czech Republic to the other Member States on 18 June 2010.

(10) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Excise Duties,

HAS ADOPTED THIS REGULATION:

Article 1

(5) Objections have been received to the requirements notified by the Czech Republic. Therefore, the procedure referred to in Article 27(4) of Directive 92/83/EEC has been duly followed. Following discussion in the Committee on Excise Duties, the Czech Republic

The Annex to Regulation (EC) No 3199/93 is amended as set out in the Annex to this Regulation.

Article 2

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

⁽¹⁾ OJ L 316, 31.10.1992, p. 21.

⁽²⁾ OJ L 288, 23.11.1993, p. 12.

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

Done at Brussels, 2 August 2011.

For the Commission
The President
José Manuel BARROSO

ANNEX

The Annex to Regulation (EC) No 3199/93 is amended as follows:

(1) the entry concerning the Czech Republic is replaced by the following:

The Czech Republic

Per hectolitre of pure alcohol:

1. — 1 gram denatonium benzoate,
 - 0,2 litres thiophene,
 - 1 litre methylethylketone (butanone), and
 - 0,2 grams methylene blue (CI basic blue 52015);
2. — 0,4 litres solvent naphtha,
 - 0,2 litres kerosine, and
 - 0,1 litres technical petrol;
3. — 3 litres ethyl tert-butyl ether (ETBE), CAS: 637-92-3,
 - 1 litre isopropyl alcohol (IPA), CAS: 67-63-0,
 - 1,0 litres unleaded petrol (BA 95 Natural), CAS: 86290-81-5,
 - 10 miligrams fluorescein, CAS: 2321-07-05.;

(2) The entry concerning Latvia is replaced by the following:

Latvia

Minimum amount per 100 litres of spirit:

1. mix of following substances:
 - isopropyl alcohol 9 litres,
 - acetone 1 litre,
 - methylene blue or thymol blue or crystallic violet 0,4 grams;
2. mix of following substances:
 - methylethylketone 2 litres,
 - methylisobutylketone 3 litres;
3. mix of following substances:
 - acetone 3 litres,
 - denatonium benzoate 2 grams;
4. ethyl acetate 10 litres.

Minimum amount per 100 litres of dehydrated ethyl alcohol (containing maximum 0,5 % of water):

1. benzine or petroleum minimum 5 litres and maximum 7 litres.'
-

COMMISSION IMPLEMENTING REGULATION (EU) No 768/2011

of 2 August 2011

amending Implementing Regulation (EU) No 585/2011 of 17 June 2011 laying down temporary exceptional support measures for the fruit and vegetable sector

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Article 191 in conjunction with Article 4 thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) No 585/2011 of 17 June 2011 laying down temporary exceptional support measures for the fruit and vegetable sector ⁽²⁾ introduced temporary exceptional support measures for the fruit and vegetable sector following an outbreak of *Escherichia coli* (*E. coli*) in Germany, which caused a significant disturbance of the Union fruit and vegetable market.
- (2) Pursuant to Article 7(2) of Implementing Regulation (EU) No 585/2011, Member States had to notify their requests for total Union support to the Commission by 18 July 2011. On the basis of the information notified by Member States in accordance with that Article, it appears that the impact of the crisis has been bigger than expected.
- (3) Given the significant disturbance of the fruit and vegetables market and the harm caused to the fruit and

vegetables sector, it is appropriate to increase the maximum amount of support provided for in Article 2 of Implementing Regulation (EU) No 585/2011. For reasons of urgency, this Regulation should enter into force on the day of its publication.

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 2 of Implementing Regulation (EU) No 585/2011 is replaced by the following:

*'Article 2***Maximum amount of support**

Total Union expenditure incurred for the purposes of this Regulation shall not exceed EUR 227 000 000. It shall be financed by the European Agricultural Guarantee Fund (EAGF) and be used solely for the purpose of financing the measures provided for under this Regulation.'

Article 2

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

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

Done at Brussels, 2 August 2011.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 160, 18.6.2011, p. 71.

COMMISSION IMPLEMENTING REGULATION (EU) No 769/2011**of 2 August 2011****providing for an allocation coefficient for the temporary exceptional Union support, for the fruit and vegetable sector**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,Having regard to Commission Implementing Regulation (EU) No 585/2011 of 17 June 2011 laying down temporary exceptional support measures for the fruit and vegetable sector ⁽²⁾, and in particular Article 7(3) thereof,

Whereas:

- (1) Implementing Regulation (EU) No 585/2011 introduced temporary exceptional support measures for the fruit and vegetable sector following an outbreak of *Escherichia coli* (*E. coli*) in Germany, which caused a significant disturbance of the Union fruit and vegetable market.
- (2) On the basis of the information notified by Member States in accordance with Article 7(2) of Implementing Regulation (EU) No 585/2011, it appears that the

requests for Union support have not exceeded the maximum amount of support fixed in Article 2 of that Regulation. Therefore, an allocation coefficient of 100 % has to be fixed for those requests.

- (3) For the sake of transparency, producer organisations and producers non members having applied for Union support should be informed swiftly on the allocation coefficient fixed by the Commission. For this reason and in order to ensure the efficient management of the measure, this Regulation should enter into force on the day of its publication,

HAS ADOPTED THIS REGULATION:

Article 1

The requests for Union support which were received by the Member States for the period from 26 May 2011 to 30 June 2011 and notified to the Commission by the competent authorities of the Member States in accordance with Article 7(2) of Implementing Regulation (EU) No 585/2011 shall be accepted by applying an allocation coefficient of 100 %.

Article 2

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

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

Done at Brussels, 2 August 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 160, 18.6.2011, p. 71.

COMMISSION IMPLEMENTING REGULATION (EU) No 770/2011**of 2 August 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 Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors ⁽²⁾, and in particular Article 136(1) thereof,

Whereas:

Implementing Regulation (EU) No 543/2011 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 XVI, Part A thereto,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 136 of Implementing Regulation (EU) No 543/2011 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 3 August 2011.

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

Done at Brussels, 2 August 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 157, 15.6.2011, 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	AR	23,8
	ZA	27,3
	ZZ	25,6
0707 00 05	TR	106,0
	ZZ	106,0
0709 90 70	TR	80,0
	ZZ	80,0
0805 50 10	AR	62,9
	CL	76,3
	TR	56,0
	UY	71,1
	ZA	73,6
	ZZ	68,0
0806 10 10	CL	54,3
	EG	159,9
	MA	173,4
	TN	223,5
	TR	163,5
	ZA	98,7
	ZZ	145,6
0808 10 80	AR	119,1
	BR	75,7
	CL	99,9
	CN	82,8
	NZ	105,6
	US	101,5
	ZA	86,0
	ZZ	95,8
0808 20 50	AR	80,3
	CL	103,6
	CN	51,0
	NZ	105,7
	ZA	101,2
	ZZ	88,4
0809 20 95	CA	870,0
	CL	267,8
	TR	288,4
	ZZ	475,4
0809 30	TR	156,8
	ZZ	156,8
0809 40 05	BA	46,1
	IL	149,9
	XS	57,7
	ZZ	84,6

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

COMMISSION IMPLEMENTING REGULATION (EU) No 771/2011**of 2 August 2011****amending the representative prices and additional import duties for certain products in the sugar sector fixed by Regulation (EU) No 867/2010 for the 2010/11 marketing year**

THE EUROPEAN COMMISSION,

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

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

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

Whereas:

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

for the 2010/11 marketing year are fixed by Commission Regulation (EU) No 867/2010 ⁽³⁾. These prices and duties have been last amended by Commission Implementing Regulation (EU) No 760/2011 ⁽⁴⁾.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 3 August 2011.

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

Done at Brussels, 2 August 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 178, 1.7.2006, p. 24.

⁽³⁾ OJ L 259, 1.10.2010, p. 3.

⁽⁴⁾ OJ L 199, 2.8.2011, p. 46.

ANNEX

Amended representative prices and additional import duties applicable to white sugar, raw sugar and products covered by CN code 1702 90 95 from 3 August 2011

(EUR)

CN code	Representative price per 100 kg net of the product concerned	Additional duty per 100 kg net of the product concerned
1701 11 10 ⁽¹⁾	47,99	0,00
1701 11 90 ⁽¹⁾	47,99	0,51
1701 12 10 ⁽¹⁾	47,99	0,00
1701 12 90 ⁽¹⁾	47,99	0,21
1701 91 00 ⁽²⁾	54,48	1,13
1701 99 10 ⁽²⁾	54,48	0,00
1701 99 90 ⁽²⁾	54,48	0,00
1702 90 95 ⁽³⁾	0,54	0,20

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

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

⁽³⁾ Per 1 % sucrose content.

DECISIONS

COMMISSION IMPLEMENTING DECISION

of 29 July 2011

on granting a derogation requested by the Kingdom of Belgium with regard to the region of Flanders pursuant to Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources

(notified under document C(2011) 4503)

(Only the Dutch version is authentic)

(2011/489/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources⁽¹⁾, and in particular the third subparagraph of paragraph 2 of Annex III thereto,

Whereas:

- (1) If the amount of manure that a Member State intends to apply per hectare each year is different from those specified in the first sentence of the second subparagraph of paragraph 2 of Annex III to Directive 91/676/EEC and in point (a) of that subparagraph, that amount is to be fixed so as not to prejudice the achievement of the objectives specified in Article 1 of that Directive and it has to be justified on the basis of objective criteria, such as, in the present case, long growing seasons and crops with high nitrogen uptake.
- (2) On 21 December 2007, the Commission adopted Decision 2008/64/EC granting a derogation requested by the Kingdom of Belgium with regard to the region of Flanders pursuant to Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources⁽²⁾, allowing the Kingdom of Belgium to authorise in the region of Flanders, under certain conditions, the application of up to 250 kg nitrogen per hectare per year from livestock manure on parcels cultivated with grassland and maize undersown with grassland and up to 200 kg nitrogen per hectare per year from livestock manure on parcels cultivated with winter wheat followed by a catch crop and with beet.

- (3) The derogation granted by Decision 2008/64/EC concerned approximately 3 300 farmers and 83 500 ha of land and expired on 31 December 2010.
- (4) On 15 March 2011, the Kingdom of Belgium submitted to the Commission a request for renewal of the derogation under the third subparagraph of paragraph 2 of Annex III to Directive 91/676/EEC referred to the region of Flanders.
- (5) The requested derogation concerns the intention of the Kingdom of Belgium to allow the application in Flanders, in specific holdings, of up to 250 kg nitrogen per hectare per year from grazing livestock manure and treated pig manure on parcels cultivated with grassland, maize undersown with grassland and cut grassland or cut rye followed by maize and up to 200 kg nitrogen per hectare per year from livestock manure and treated pig manure on parcels cultivated with winter wheat or triticale followed by a catch crop and with beet.
- (6) Flanders established clear water quality goals to be reached over the two next action programme periods. For surface water the quality standard of 50 mg nitrates per litre will be reached in 84 % of the monitoring points of the agricultural monitoring network by 2014 and in 95 % of these points by 2018. For shallow groundwater, which has a slower recovery rate, the average nitrate concentration will be decreased by 10 % in 2014 and 20 % by 2018 compared to the average level of 2010 amounting to 40 mg nitrates per litre. Specific focus is given to the hydrogeological homogeneous zones for which the nitrate concentrations in shallow groundwaters are on average higher than 50 mg nitrates per litre for which the average concentration will need to decrease by 5 mg nitrates per litre per action programme period.
- (7) In order to reach these goals, Flanders has established a reinforced action programme for the period 2011-14. A review of the policy will be carried out by 2014 based on which possible further reinforced action will be taken in the action programme for the period 2015-18 in order to guarantee that the set water quality goals are reached.

⁽¹⁾ OJ L 375, 31.12.1991, p. 1.

⁽²⁾ OJ L 16, 19.1.2008, p. 28.

- (8) The legislation implementing Directive 91/676/EEC for the region of Flanders, the 'Decree for the protection of water against pollution by nitrates from agricultural sources' of 22 December 2006 (hereinafter 'the Manure Decree') has been amended ⁽¹⁾ in accordance with the action programme for the period 2011-14 on 6 May 2011 and applies in conjunction with this Decision.
- (9) The Manure Decree applies through the whole territory of the region of Flanders.
- (10) The Manure Decree includes limits for the application of both nitrogen and phosphorus.
- (11) The supporting documents presented in the notification show that the proposed amount of respectively 250 and 200 kg per hectare per year nitrogen from livestock manure is justified on the basis of objective criteria such as long growing seasons and crops with high nitrogen uptake.
- (12) The Commission after examination of the request considers that the proposed amounts of respectively 250 and 200 kg per hectare per year of nitrogen from grazing livestock manure and treated pig manure, will not prejudice the achievement of the objectives of Directive 91/676/EEC, subject to certain strict conditions being met which apply in addition to the reinforced measures taken in the action programme for the period 2011-14.
- (13) In order to avoid that the application of the requested derogation leads to intensification of livestock rearing, the competent authorities should ensure the limitation of the number of livestock which can be kept in each farm (nutrient emission rights) in the region of Flanders according to the provisions set out in the Manure Decree.
- (14) The measures provided for in this Decision are in accordance with the opinion of the Nitrates Committee set up pursuant to Article 9 of Directive 91/676/EEC,
- (a) 'farms' means agricultural holding with or without livestock rearing;
- (b) 'parcel' means an individual field or a group of fields, homogeneous regarding cropping, soil type and fertilisation practices;
- (c) 'grassland' means permanent or temporary grassland (generally temporary lies less than 4 years);
- (d) 'crops with high nitrogen demand and long growing season' means grassland; maize undersown, before or after harvest, with grass mowed and removed from the field acting as a catch crop; cut grassland or cut rye followed by maize; winter wheat or triticale followed by a catch crop; sugar or fodder beets;
- (e) 'grazing livestock' means cattle (with the exclusion of veal calves), sheep, goats and horses;
- (f) 'manure treatment' means the processing of pig manure in two fractions, a solid and a liquid fraction, performed in order to improve land application and enhance nitrogen and phosphorus recovery;
- (g) 'treated manure' means the liquid fraction resulting from manure treatment;
- (h) 'effluent with low nitrogen and phosphate content' means treated manure with a maximum nitrogen content of 1 kg per ton effluent and a maximum phosphate content of 1 kg per ton effluent;
- (i) 'soil profile' means the soil layer below ground level to a depth of 0,90 m, unless the average highest groundwater level is shallower; in this latter case it shall be to a depth of the average highest groundwater level.

HAS ADOPTED THIS DECISION:

Article 1

The derogation requested by the Kingdom of Belgium by letter of 15 March 2011, on behalf of the Flanders region, for the purpose of allowing a higher amount of livestock manure than that provided for in the first sentence of the second subparagraph of paragraph 2 of Annex III to Directive 91/676/EEC and in point (a) thereof, is granted, subject to the conditions laid down in this Decision.

Article 2

Definitions

For the purpose of this Decision, the following definitions shall apply:

⁽¹⁾ Belgisch Staatsblad of 13 May 2011, p. 27876.

Article 3

Scope

This Decision applies on an individual basis to specified parcels of a farm, cultivated with crops with high nitrogen demand and long growing season and subject to the conditions set out in Articles 4 to 7.

Article 4

Annual application and commitment

1. Farmers who want to benefit from derogation under this Decision shall submit an application to the competent authorities annually by 15 February. For the year 2011, the annual application shall be submitted by farmers by 15 July.

2. Together with the annual application referred to in paragraph 1, they shall undertake in writing to fulfil the conditions provided for in Articles 5, 6 and 7.

*Article 5***Manure treatment**

1. The solid fraction resulting from manure treatment shall be delivered to authorised installations for recycling with the aim of reducing odours and other emissions, improving agronomic and hygienic properties, facilitating handling and enhancing recovery of nitrogen and phosphate. The recycled product shall not be applied to agricultural land located in the region of Flanders except for parks, greeneries and private gardens.

2. Farmers benefiting from derogation who carry out manure treatment shall submit each year to the competent authorities the data related to the amount of manure sent to treatment, the amount and the destination of the solid fraction and of the treated manure and their contents of nitrogen and phosphorus.

3. The competent authorities shall establish and regularly update the acknowledged methodologies to assess the composition of treated manure, the variations in composition and treatment efficiency for each farm benefiting from individual derogation.

4. Ammonia and other emissions from manure treatment shall be collected and treated so as to reduce environmental impact and nuisance for those installations that cause higher emissions than the reference situation, which is storage and land application of raw livestock manure. For these purposes an inventory of installations requiring emission treatment shall be established and regularly updated.

*Article 6***Application of manure and other fertilisers**

1. Subject to the conditions laid down in paragraphs 2 to 11, the amount of grazing livestock manure, treated manure and effluent with low nitrogen and phosphate content applied to derogated parcels each year, including the manure applied by the animals themselves shall not exceed 250 kg of nitrogen per hectare per year on parcels cultivated with the following:

- (a) grassland and maize undersown with grassland;
- (b) cut grassland followed by maize;
- (c) cut rye followed by maize,

and 200 kg of nitrogen per hectare per year on parcels cultivated with:

- (d) winter wheat followed by a catch crop;
- (e) triticale followed by a catch crop;
- (f) sugar or fodder beets.

2. Treated manure, not qualifying as effluent with low nitrogen and phosphate content, can only be applied

to derogated parcels if it has a nitrogen to phosphate ratio (N/P_2O_5) of minimum 3,3.

3. The application of effluent with low nitrogen and phosphate content shall be limited to maximal 15 ton per hectare.

4. The total nitrogen and phosphate input shall comply with the nutrient demand of the considered crop and take into account the supply from the soil and the increased manure nitrogen availability due to treatment. It shall not exceed for all crops, in any case, the maximum application standards for phosphate and nitrogen, either expressed in total nitrogen or efficient nitrogen, as established in the action programme.

5. The use of phosphate from chemical fertiliser is banned on derogated parcels.

6. A fertilisation plan shall be kept for each farm, for its whole acreage, describing the crop rotation and planned application of manure and nitrogen and phosphate fertilisers. It shall be available in the farm each calendar year by 15 February at the latest.

The fertilisation plan shall include the following:

- (a) the number of livestock, a description of the housing and storage system, including the volume of manure storage available;
- (b) a calculation of manure nitrogen and phosphorus produced in the farm;
- (c) the description of manure treatment and expected characteristics of treated manure;
- (d) the amount, type and characteristics of manure delivered outside the farm or in the farm;
- (e) the crop rotation and acreage of parcels with crops with high nitrogen demand and long growing season and parcels with other crops;
- (f) the foreseeable nitrogen and phosphorus crop requirements for each parcel;
- (g) a calculation of nitrogen and phosphorus application from manure over each parcel;
- (h) a calculation of nitrogen and phosphorus application from chemical and other fertilisers over each parcel.

Plans shall be revised no later than 7 days following any change in agricultural practices to ensure consistency between plans and actual agricultural practices.

7. Fertilisation accounts shall be prepared by each farm; they shall include applied amounts and time of application of manure and nitrogen fertilisers.

8. Results of nitrogen and phosphorus analysis in soil shall be available for each farm benefiting from derogation. Sampling and analysis must be carried out no later than 1 June and at least once every 4 years for phosphorus and for nitrogen for each homogeneous area of the farm, with regard to crop rotation and soil characteristics. At least one analysis per 5 hectares of farmland shall be required.

9. Nitrate concentration in the soil profile shall be measured every year in autumn and at the latest by 15 November on at least 6 % of all derogated parcels and 1 % of the other parcels in use by farms benefiting from derogation in such a way that at least 85 % of these farms are involved. At least three samples representing three different soil layers within the soil profile shall be required every 2 hectares of farmland.

10. Manure, treated manure or effluent with low nitrogen and phosphate content with a total nitrogen content higher than 0,60 kg nitrogen per ton, as well as chemical and other fertilisers shall not be spread on derogated parcels between 1 September and 15 February the following year.

11. At least two thirds of the amount of nitrogen from manure, excluding nitrogen from manure from grazing livestock, shall be applied before 31 May each year.

Article 7

Land management

Farmers benefiting from individual derogation shall carry out the following measures:

- (a) grassland shall be ploughed in spring for all soil types except clay soils;
- (b) grassland on clay soils shall be ploughed before 15 September;
- (c) grassland on derogated parcels shall not include sown leguminous or other plants fixing atmospheric nitrogen;
- (d) a crop with high nitrogen demand shall be seeded within 2 weeks after ploughed grass and fertilisers shall not be applied in the year of ploughing of permanent grassland;
- (e) catch crops shall be seeded within 2 weeks after harvest of winter wheat or triticale and no later than 10 September;
- (f) catch crops shall not be ploughed before 15 February in order to ensure permanent vegetal cover of the arable area for recovering subsoil autumn losses of nitrates and limit winter losses.

Article 8

Other measures

The competent authorities shall ensure that derogations granted for the application of treated manure are compatible

with the capacity of authorised installations for manure treatment and processing of the solid fraction.

Article 9

Measures on manure production and transport

1. The competent authorities shall ensure respect of the limitation of the number of livestock which can be kept in each farm (nutrient emission rights) in the region of Flanders according to the provisions set out in the Manure Decree.

2. The competent authorities shall ensure that manure transport from accredited transporters is recorded through geographic positioning systems for all transports as from 1 January 2012. Until that date, the competent authorities shall ensure that manure transport from accredited transporters classified in categories A 5°, A 7°, B and C according to Articles 4 and 5 of the Flemish Ministerial Decree of 19 July 2007 ⁽¹⁾ is recorded through geographic positioning systems.

3. The competent authorities shall ensure that manure composition with regard to nitrogen and phosphorus concentration is assessed before each transport. Manure samples shall be analysed by recognised laboratories and results of the analysis shall be communicated to the competent authorities and to the receiving farmer.

4. The competent authorities shall ensure that a document specifying the amount of transported manure and its nitrogen and phosphorus content is available during transport.

Article 10

Monitoring

1. The competent authority shall ensure that maps showing the percentage of farms, number of parcels, percentage of livestock, percentage of agricultural land and local land use covered by individual derogation for each municipality are drawn up and updated every year. Data on crop rotations and agricultural practices covered by individual derogation shall be collected and updated every year.

2. The monitoring network for sampling of surface and shallow groundwater established under Decision 2008/64/EC shall be maintained to assess the impact of the derogation on water quality. The amount of initial monitoring sites cannot be reduced and the location of the sites cannot be changed during the period of applicability of this Decision.

3. A reinforced monitoring shall be conducted in agricultural catchments on sandy soils.

⁽¹⁾ *Belgisch Staatsblad* of 31 August 2007, p. 45564, in execution of some articles of the Manure Decree.

4. The monitoring sites, corresponding to at least 150 farms, established under Decision 2008/64/EC shall be maintained in order to provide data on nitrogen and phosphorus concentration in soil water, on mineral nitrogen in soil profile and corresponding nitrogen and phosphorus losses through the root zone into groundwater, as well as on nitrogen and phosphorus losses by surface and subsurface runoff, both under derogation and non-derogation conditions. The monitoring sites shall include main soil types (clay, loamy, sandy and loessial soils), fertilisation practices and crops. The composition of the monitoring network shall not be modified during the period of applicability of this Decision.

Article 11

Verification

1. The competent authorities shall ensure that all the applications for derogation are submitted to administrative control. Where the control demonstrates that the conditions provided for in Articles 5, 6 and 7 are not fulfilled, the applicant shall be informed thereof. In this instance, the application shall be considered to be refused.

2. A programme of field inspections shall be established based on risk analysis, results of controls of the previous years and results of general random controls of application of legislation implementing Directive 91/676/EEC. The field inspections shall cover at least 5 % of the farms benefiting from individual derogation in respect to the conditions set out in Articles 5, 6 and 7 of this Decision. Where verification indicates non-compliance, the farmer shall be informed thereof. In this instance, the request for derogation the next year shall be considered to be refused.

3. The results of the measurements as referred to in Article 6(8) shall be verified. Where verification indicates non-compliance, including that the basic threshold, as defined in the Manure Decree, was exceeded, the farmer shall be informed thereof and an application for derogation for the following year for the parcel or parcels will be refused.

4. The competent authorities shall ensure on-spot controls of at least 1 % of manure transport operations, based on risk assessment and results of administrative controls referred to in paragraph 1. Controls shall include verification of the fulfilment of the obligations on accreditation, assessment of accompanying documents, verification of manure origin and destination and sampling of transported manure. Manure sampling can be carried out, where appropriate, using automatic manure samplers installed on the vehicles, during loading operations. Manure samples shall be analysed by laboratories recognised by the competent authorities and results of the analysis shall be communicated to the delivering and to the receiving farmer.

5. The competent authorities shall be granted the necessary powers and means to verify compliance with derogation granted under this Decision.

Article 12

Reporting

The competent authorities shall submit every year by December and for 2014 by September a report containing the following information:

- (a) maps showing the percentage of farms, percentage of livestock, percentage of agricultural land and local land use, as well as data on crop rotations and agricultural practices in derogation farms, as referred to in Article 10(1);
- (b) the results of water monitoring, including information on water quality trends for ground and surface waters, as well as the impact on derogation on water quality as referred to in Article 10(2);
- (c) evaluation of the nitrate residue in soil profile in autumn for the derogated parcels and a comparison with nitrate residue data and trends on non-derogated parcels for similar crop rotations. Non-derogated parcels should include non-derogated parcels on farms benefiting from derogation and parcels on other farms;
- (d) evaluation of the implementation of the derogation conditions, on the basis of controls at farm and parcel level, as well as controls on manure transport, and information on non-compliant farms, on the basis of the results of the administrative and field inspections;
- (e) information on manure treatment, including further processing and utilisation of the solid fractions, and provide detailed data on the characteristics of treatments systems, their efficiency and composition of treated manure;
- (f) information on the amount of farms benefiting from derogation and derogated parcels on which treated manure and effluents with low nitrogen and phosphate content has been applied as well as their volumes;
- (g) the methodologies to assess the composition of treated manure, the variations in composition and treatment efficiency for each farm benefiting from individual derogation, referred to in Article 5(3);
- (h) the inventory of manure treatment installation as referred to in Article 5(4);
- (i) summary and evaluation of data obtained from the monitoring sites referred to in Article 10(4).

Article 13

Application

This Decision shall apply in the context in conjunction with the action programme 2011-14 for the Region of Flanders (Manure Decree) and shall expire on 31 December 2014.

Article 14

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 29 July 2011.

For the Commission
Janez POTOČNIK
Member of the Commission

2011 SUBSCRIPTION PRICES (excluding VAT, including normal transport charges)

EU Official Journal, L + C series, paper edition only	22 official EU languages	EUR 1 100 per year
EU Official Journal, L + C series, paper + annual DVD	22 official EU languages	EUR 1 200 per year
EU Official Journal, L series, paper edition only	22 official EU languages	EUR 770 per year
EU Official Journal, L + C series, monthly DVD (cumulative)	22 official EU languages	EUR 400 per year
Supplement to the Official Journal (S series), tendering procedures for public contracts, DVD, one edition per week	multilingual: 23 official EU languages	EUR 300 per year
EU Official Journal, C series — recruitment competitions	Language(s) according to competition(s)	EUR 50 per year

Subscriptions to the *Official Journal of the European Union*, which is published in the official languages of the European Union, are available for 22 language versions. The Official Journal comprises two series, L (Legislation) and C (Information and Notices).

A separate subscription must be taken out for each language version.

In accordance with Council Regulation (EC) No 920/2005, published in Official Journal L 156 of 18 June 2005, the institutions of the European Union are temporarily not bound by the obligation to draft all acts in Irish and publish them in that language. Irish editions of the Official Journal are therefore sold separately.

Subscriptions to the Supplement to the Official Journal (S Series — tendering procedures for public contracts) cover all 23 official language versions on a single multilingual DVD.

On request, subscribers to the *Official Journal of the European Union* can receive the various Annexes to the Official Journal. Subscribers are informed of the publication of Annexes by notices inserted in the *Official Journal of the European Union*.

Sales and subscriptions

Subscriptions to various priced periodicals, such as the subscription to the *Official Journal of the European Union*, are available from our sales agents. The list of sales agents is available at:

http://publications.europa.eu/others/agents/index_en.htm

EUR-Lex (<http://eur-lex.europa.eu>) offers direct access to European Union legislation free of charge. The *Official Journal of the European Union* can be consulted on this website, as can the Treaties, legislation, case-law and preparatory acts.

For further information on the European Union, see: <http://europa.eu>

