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

## I

(Legislative acts)

## DIRECTIVES

## DIRECTIVE 2011/72/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 14 September 2011

amending Directive 2000/25/EC as regards the provisions for tractors placed on the market under the flexibility scheme

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee <sup>(1)</sup>,

Acting in accordance with the ordinary legislative procedure <sup>(2)</sup>,

Whereas:

(1) Directive 2000/25/EC of the European Parliament and of the Council of 22 May 2000 on action to be taken against the emission of gaseous and particulate pollutants by engines intended to power agricultural or forestry tractors <sup>(3)</sup> regulates exhaust emissions from engines installed in agricultural and forestry tractors with a view to further safeguarding human health and the environment. Directive 2000/25/EC provided that the emission limits applicable in 2010 for type approval of the majority of compression ignition engines, referred to as Stage III A, were to be replaced by the more stringent Stage III B limits, entering into force progressively as from 1 January 2011 with regard to the placing on the market, and from 1 January 2010 as regards the type-approval for those engines. Stage IV, providing for emission limits more stringent than Stage III B, will enter into force progressively as of 1 January 2013 as regards the type-approval for those engines and as of 1 January 2014 with regard to the placing on the market.

(2) The transition to Stage III B involves a step change in technology requiring significant implementation costs for re-designing the engines and for developing advanced technical solutions. However, the current global financial and economic crisis or any economic downturn should not lead to a lowering of environmental standards. This revision of Directive 2000/25/EC should therefore be considered to be exceptional. Furthermore, investments in environmentally friendly technologies are important for the promotion of future growth, jobs and health security.

(3) Directive 2000/25/EC provides for a flexibility scheme to allow tractor manufacturers to purchase, during a given stage, a limited number of engines that do not comply with emission limits applicable during that stage, but which are approved in accordance with the requirements of the stage immediately preceding the applicable one.

(4) Since 2005, Directive 2000/25/EC has provided for the evaluation of the possible need for additional flexibilities in relation to Stages III B and IV emission limits. In order to provide temporary relief to the industry when moving to the next stage, it is necessary to adapt the conditions for applying the flexibility scheme.

(5) During Stage III B, the number of tractors that are placed on the market and that enter into service should, in each engine category, not exceed 40 % of the number of tractors placed on the market by the tractor manufacturer in that engine category. The alternative option of allowing a fixed number of tractors to be placed on the market and to enter into service under the flexibility scheme should be adapted accordingly.

(6) Manufacturers of tractors falling within the scope of this Directive should benefit from European financial support programmes or any relevant support programmes provided by Member States. Those support programmes may favour projects employing the best available technologies with the highest emission standards.

<sup>(1)</sup> OJ C 107, 6.4.2011, p. 26.

<sup>(2)</sup> Position of the European Parliament of 23 June 2011 (not yet published in the Official Journal) and decision of the Council of 19 July 2011.

<sup>(3)</sup> OJ L 173, 12.7.2000, p. 1.

- (7) Directive 2000/25/EC should therefore be amended accordingly.
- (8) The measures provided for in this Directive reflect a temporary difficulty faced by the industry. As such, the application of those measures should be restricted to the duration of Stage III B.
- (9) Current emission limits should be made more stringent, including with respect to ultrafine black carbon particles notably by introducing particulate number limits in future legislation if this is justified by relevant impact assessments,

HAVE ADOPTED THIS DIRECTIVE:

*Article 1*

**Amendments to Directive 2000/25/EC**

Directive 2000/25/EC is hereby amended as follows:

- (1) in Article 1, the following indents are added:
- “flexibility scheme” means the exemption procedure by means of which a Member State permits the placing on the market and entry into service of a limited number of tractors in accordance with the requirements laid down by Article 3a,
  - “engine category” means the classification of engines which combines the power range with the stage of exhaust emission limits,
  - “making available on the market” means any supply of a tractor or engine for distribution or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge,
  - “placing on the market” means the first making available on the market of a tractor or engine,
  - “entry into service” means the first use, for its intended purpose, in the Union of a tractor or engine. The date on which it is registered, if applicable, or placed on the market shall be considered the date of entry into service.’;

- (2) Article 3a is replaced by the following:

*‘Article 3a*

**Flexibility scheme**

By way of derogation from Article 3(1) and (2), Member States shall provide that, at the request of the tractor manufacturer, and on condition that the approval authority has granted the relevant permit for placing on the market in

accordance with the procedures laid down in Annex IV, a limited number of tractors fitted with engines approved in accordance with the requirements of the emission limits stage immediately preceding the applicable one may enter into service.

The flexibility scheme shall begin when a given stage becomes applicable and shall have the same duration as the stage itself. The flexibility scheme set out in section 1.2 of Annex IV shall, however, be restricted to the duration of Stage III B or to three years where no subsequent stage exists.’;

- (3) Annex IV is replaced by the text appearing in the Annex to this Directive.

*Article 2*

**Transposition**

1. Member States shall adopt and publish, by 24 September 2011 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

*Article 3*

**Entry into force**

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

*Article 4*

**Addressees**

This Directive is addressed to the Member States.

Done at Strasbourg, 14 September 2011.

*For the European Parliament*

*The President*

J. BUZEK

*For the Council*

*The President*

M. DOWGIELEWICZ

## ANNEX

## 'ANNEX IV

**PROVISIONS FOR TRACTORS AND ENGINES PLACED ON THE MARKET UNDER THE FLEXIBILITY SCHEME LAID DOWN IN ARTICLE 3a**

## 1. ACTIONS BY THE TRACTOR MANUFACTURERS

1.1. Except during Stage III B, a tractor manufacturer who wishes to make use of the flexibility scheme shall request permission from the approval authority to place tractors on the market in accordance with the relevant provisions set out in this Annex. The number of tractors shall not exceed the ceilings set out in sections 1.1.1 and 1.1.2. The engines shall meet the requirements referred to in Article 3a.

1.1.1. The number of tractors placed on the market under the flexibility scheme shall, in each engine category, not exceed 20 % of the annual number of tractors placed on the market by the tractor manufacturer with engines in that engine category (calculated as the average of the last five years' sales on the Union market). Where a tractor manufacturer has marketed tractors in the Union for a period of less than five years the average will be calculated based on the actual period for which the tractor manufacturer has marketed tractors in the Union.

1.1.2. As an alternative option to section 1.1.1, the number of tractors placed on the market under the flexibility scheme shall, in each power range, not exceed the following ceilings:

Engine power range P (kW)	Number of tractors
$19 \leq P < 37$	200
$37 \leq P < 75$	150
$75 \leq P < 130$	100
$130 \leq P \leq 560$	50

1.2. During Stage III B, a tractor manufacturer who wishes to make use of the flexibility scheme shall request permission from the approval authority to place tractors on the market in accordance with the relevant provisions set out in this Annex. The number of tractors shall not exceed the ceilings set out in sections 1.2.1 and 1.2.2. The engines shall meet the requirements referred to in Article 3a.

1.2.1. The number of tractors placed on the market under the flexibility scheme shall, in each engine category, not exceed 40 % of the annual number of tractors placed on the market by the tractor manufacturer with engines in that engine category (calculated as the average of the last five years' sales on the Union market). Where a tractor manufacturer has marketed tractors in the Union for a period of less than five years the average will be calculated based on the actual period for which the tractor manufacturer has marketed tractors in the Union.

1.2.2. As an alternative option to section 1.2.1, the number of tractors placed on the market under the flexibility scheme shall, in each power range, not exceed the following ceilings:

Engine power range P (kW)	Number of tractors
$37 \leq P < 56$	200
$56 \leq P < 75$	175
$75 \leq P < 130$	250
$130 \leq P \leq 560$	125

1.3. The tractor manufacturer shall include in his application to the approval authority the following information:

(a) a sample of the labels to be affixed to each tractor in which an engine placed on the market under the flexibility scheme will be installed. The labels shall bear the following text: "TRACTOR NO ... (sequence of tractors) OF ... (total number of tractors in respective power range) WITH ENGINE NO ... WITH TYPE-APPROVAL (Directive 2000/25/EC) NO ..."; and

(b) a sample of the supplementary label to be affixed on the engine bearing the text referred to in section 2.2.

1.4. The tractor manufacturer shall provide the approval authority with any necessary information connected with the implementation of the flexibility scheme that the approval authority may request in order to make a decision.

1.5. The tractor manufacturer shall file a report every six months to the approval authorities of each Member State where the tractor is placed on the market on the implementation of the flexibility schemes he is using. The report shall include cumulative data on the number of tractors placed on the market under the flexibility scheme, engine and tractor serial numbers, and the Member States where the tractor has been entered into service. This procedure shall be continued as long as a flexibility scheme is still in progress, without any exceptions.

## 2. ACTIONS BY THE ENGINE MANUFACTURER

2.1. An engine manufacturer may place on the market engines under the flexibility scheme approved in accordance with sections 1 and 3 of this Annex.

2.2. The engine manufacturer shall label those engines with the following text: "Engine placed on the market under the flexibility scheme" in accordance with the requirements referred to in section 5 of Annex I.

## 3. ACTIONS BY THE APPROVAL AUTHORITY

The approval authority shall evaluate the content of the flexibility scheme request and the enclosed documents. As a consequence it will inform the tractor manufacturer of its decision as to whether or not to allow use of the flexibility scheme as requested.

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## DECISIONS

### DECISION No 940/2011/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 14 September 2011

on the European Year for Active Ageing and Solidarity between Generations (2012)

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 153(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee <sup>(1)</sup>,

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure <sup>(2)</sup>,

Whereas:

- (1) Pursuant to Article 147(1) of the Treaty on the Functioning of the European Union (TFEU), the Union is to contribute to a high level of employment by encouraging cooperation between Member States and by supporting and, if necessary, complementing their action.
- (2) Pursuant to Article 153(1) TFEU, the Union is to support and complement the activities of the Member States on working conditions, the integration of persons excluded from the labour market and the combating of social exclusion.
- (3) Pursuant to Article 3(3) of the Treaty on European Union, the Union is, inter alia, to combat social exclusion and discrimination and is to promote social justice and protection, equality between women and men and solidarity between generations.
- (4) Article 174 TFEU recognises that some regions of the Union suffer from severe and permanent demographic handicaps that may adversely affect their level of development and require particular attention if the Union is to achieve the objective of economic, social and territorial cohesion.
- (5) Pursuant to Article 25 of the Charter of Fundamental Rights of the European Union, the Union recognises and respects the rights of the elderly to lead a life of dignity and independence and to participate in social and cultural life.
- (6) Ageing is undoubtedly a challenge for the whole of society and for all generations in Europe, and it is also a matter for intergenerational solidarity and for the family.
- (7) The part of the population of the Union comprised of people in their late 50s and over will increase at a much faster rate than ever before. This is very positive as it is a logical consequence of the improvement in health and the quality of life. Nevertheless, due to this demographic change, the Union faces a number of challenges.
- (8) Successive European Councils have recognised the need to tackle the effect of ageing populations on European social models. A key response to this rapid change in the age structure consists in promoting the creation of a culture of active ageing as a lifelong process and thus ensuring that the rapidly-growing population comprised of people who are currently in their late 50s and over, who are, on the whole, healthier and better educated than any such age group before them, have good opportunities for employment and active participation in social and family life, including through volunteering, lifelong learning, cultural expression and sports.
- (9) Active ageing is, according to the World Health Organisation, the process of optimising opportunities for health, participation and security in order to enhance quality of life as people age. Active ageing allows people to realise

<sup>(1)</sup> OJ C 51, 17.2.2011, p. 55.

<sup>(2)</sup> Position of the European Parliament of 7 July 2011 (not yet published in the Official Journal) and Decision of the Council of 19 July 2011.

- their potential for physical, social, and mental well-being throughout the life course and to participate in society, while providing them with adequate protection, security and care when they need it. Accordingly, the promotion of active ageing requires a multi-dimensional approach and ownership by and lasting support among all generations.
- (10) The European Year for Active Ageing and Solidarity between Generations (2012) should build on the legacy of the European Year for Combating Poverty and Social Exclusion (2010) and the European Year of Voluntary Activities Promoting Active Citizenship (2011) and, therefore, the synergies between those European Years and the European Year for Active Ageing and Solidarity between Generations (2012) ('the European Year') should be promoted.
- (11) The growing proportion of older people in Europe and the increase in chronic health conditions makes it more important than ever to promote the healthy ageing of all, and in particular older people, supporting their vitality and dignity by, inter alia, ensuring access to appropriate and high-quality health care, long-term care and social services and developing initiatives promoting the prevention of health risks associated with ageing. Healthy ageing can help to raise the labour market participation of older people, enable them to be active in society for longer, improve their individual quality of life and limit pressure on health, social care and pension systems.
- (12) The Commission presented its views on the demographic challenges that the Union faces and on opportunities for tackling them in its communications 'The demographic future of Europe - from challenge to opportunity' of 12 October 2006, 'Promoting Solidarity between the Generations' of 10 May 2007 and 'Dealing with the impact of an ageing population in the EU (2009 Ageing Report)' of 29 April 2009.
- (13) The diversity of older generations in Europe will further increase. It is therefore necessary to actively promote equal opportunities and to encourage participation. Active citizens from different backgrounds have important bridge functions in society, foster integration and contribute to the economy.
- (14) The Council and the representatives of the Governments of the Member States, meeting within the Council, adopted, on 22 February 2007, a Resolution on 'The opportunities and challenges of demographic change in Europe: the contribution of older people to economic and social development' which emphasised both the need to increase the possibilities for active participation by older people, including in the form of voluntary work, and the new economic opportunities ('the silver economy') created by the growing demand on the part of older people for certain goods and services, as well as the importance of a positive public image of older people.
- (15) The Council adopted, on 8 June 2009, Conclusions on 'Equal opportunities for women and men: active and dignified ageing', which recognised that, throughout the Union, older women and men face serious challenges as they seek to live active lives and to age with dignity, and proposed a number of measures to Member States and the Commission, including the promotion of active ageing policies, taking into account the different situations in the various Member States and the different challenges faced by women and men.
- (16) The Council adopted, on 30 November 2009, Conclusions on 'Healthy and dignified ageing', inviting the Commission, inter alia, 'to develop awareness-raising activities to promote active ageing, including a possible European Year on Active Ageing and Intergenerational Solidarity in 2012'.
- (17) The Commission emphasised, in its Communication entitled 'Europe 2020 - A strategy for smart, sustainable and inclusive growth' of 3 March 2010, the importance, to the Union, of promoting a healthy and actively-ageing population in the interests of social cohesion and higher productivity. On 23 November 2010, as part of the Europe 2020 strategy, the Commission adopted a flagship initiative entitled 'An agenda for new skills and jobs: A European contribution towards full employment', under which Member States should notably promote active ageing policies. On 16 December 2010, the Commission also adopted a flagship initiative on a 'European Platform against Poverty and social exclusion: A European framework for social and territorial cohesion'. Achieving those policy goals requires action from all levels of government and various non-governmental stakeholders; those goals can in turn be supported, at the level of the Union, by European Year activities that aim to raise awareness and to foster the exchange of good practice. National coordinators should see to it that national activities are coordinated and are consistent with the objectives of the European Year. The participation of other institutions and stakeholders should also be planned.
- (18) The Council adopted, on 7 June 2010, Conclusions on 'Active Ageing' inviting the Commission 'to pursue the preparation of a European Year for Active Ageing in 2012, during which the benefits of active ageing and its contribution to solidarity between generations can be highlighted and promising initiatives in support of active ageing at all levels can be publicised'.
- (19) The European Parliament adopted, on 11 November 2010, a Resolution entitled 'Demographic challenge and solidarity between generations', calling on Member States



- to make active ageing one of the priorities for the coming years. The resolution also stressed that the European Year should, in particular, highlight the contribution that older people make to society and afford opportunities to foster solidarity, cooperation and understanding between generations and to get younger and older people to work together.
- (20) Opinions drawn up by the European Economic and Social Committee and the Committee of the Regions have also stressed the importance of active ageing for Europe by highlighting, inter alia, the value of cross-generational health care.
- (21) Council Decision 2010/707/EU of 21 October 2010 on guidelines for the employment policies of the Member States<sup>(1)</sup> calls, under Guidelines 7 and 8, on Member States to increase labour force participation through policies to promote active ageing, to raise employment rates of older workers through promoting innovation in the organisation of work and to increase the employability of older workers through their up-skilling and participation in lifelong learning schemes. Guideline 10 emphasises the need to enhance social protection systems, lifelong learning and active inclusion policies with the aim of creating opportunities at different stages of people's lives, of shielding them from the risk of poverty and social exclusion and of enhancing their active participation in society.
- (22) In its Communication 'A Digital Agenda for Europe', the first Europe 2020 flagship initiative, adopted on 19 May 2010, the Commission stressed the importance of information and communication technology (ICT) applications and services for ageing well, proposing, in particular, the reinforcement of the Ambient Assisted Living (AAL) Joint Programme. The Digital Agenda for Europe also recommended taking concerted action to increase the digital competences of all Europeans, including older people, a group that is overrepresented within the 150 million citizens, or approximately 30 % of the total number of citizens, who have never used the internet. Facilitating access to, and providing training in the use of, new technologies would further improve the opportunities of older people.
- (23) In the context of the Europe 2020 strategy, the Commission has proposed launching an Active and Healthy Ageing Innovation Partnership (AHAIP) within the framework of the 'Innovation Union' flagship initiative. The AHAIP would seek to enable citizens to live independently and in good health for longer and to increase by two the average number of healthy years of life by 2020.
- (24) The Commission is implementing the European Disability Strategy 2010-2020, which, given the frequent correlation between disability and ageing, contains relevant actions for older people. In particular, actions on accessibility following 'Design for All' approaches are relevant. Actions to support independent living and inclusion in the community are also relevant, including those directed at older persons with disabilities who are in need of a high level of support, who have complex needs and who are particularly vulnerable and prone to social exclusion. Furthermore the Union and all Member States have signed the United Nations Convention on the Rights of Persons with Disabilities, which contains, inter alia, provisions that are relevant for older people.
- (25) The European Day of Intergenerational Solidarity is celebrated annually on 29 April. It provides a good opportunity for the Union to renew its commitment to strengthen solidarity and cooperation between generations in order to promote a fair and sustainable society.
- (26) This Decision establishes a financial envelope which is to constitute the prime reference for the budgetary authority within the meaning of point 37 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management<sup>(2)</sup>.
- (27) Active ageing is also targeted by several Union funds, programmes and action plans, such as the European Social Fund<sup>(3)</sup>, the European Regional Development Fund<sup>(4)</sup>, the Progress programme<sup>(5)</sup>, the Lifelong Learning Programme<sup>(6)</sup> and in particular its Grundtvig programme, the Health Programme<sup>(7)</sup>, the specific programmes on ICTs and on socio-economic sciences and humanities in the Seventh Framework Programme for Research and Development<sup>(8)</sup>, the Action Plan on 'Ageing well in the information society', the AAL Joint

<sup>(2)</sup> OJ C 139, 14.6.2006, p. 1.

<sup>(3)</sup> Regulation (EC) No 1081/2006 of the European Parliament and of the Council of 5 July 2006 on the European Social Fund (OJ L 210, 31.7.2006, p. 12).

<sup>(4)</sup> Regulation (EC) No 1080/2006 of the European Parliament and of the Council of 5 July 2006 on the European Regional Development Fund (OJ L 210, 31.7.2006, p. 1).

<sup>(5)</sup> Decision No 1672/2006/EC of the European Parliament and of the Council of 24 October 2006 establishing a Community Programme for Employment and Social Solidarity — Progress (OJ L 315, 15.11.2006, p. 1).

<sup>(6)</sup> Decision No 1720/2006/EC of the European Parliament and of the Council of 15 November 2006 establishing an action programme in the field of lifelong learning (OJ L 327, 24.11.2006, p. 45).

<sup>(7)</sup> Decision No 1350/2007/EC of the European Parliament and of the Council of 23 October 2007 establishing a second programme of Community action in the field of health (2008-13) (OJ L 301, 20.11.2007, p. 3).

<sup>(8)</sup> Decision No 1982/2006/EC of the European Parliament and of the Council of 18 December 2006 concerning the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007-2013) (OJ L 412, 30.12.2006, p. 1).

<sup>(1)</sup> OJ L 308, 24.11.2010, p. 46.

Programme<sup>(1)</sup>, the Competitiveness and Innovation Framework Programme<sup>(2)</sup> with pilot deployment projects on ICT for Ageing Well, the Calypso Preparatory Action on Social Tourism and the Action Plan on urban mobility.

- (28) In order to ensure the participation of a diverse range of organisations, smaller scale events and operations should, as far as possible, be facilitated during the European Year.
- (29) Participation of relevant Union-level networks in the European Year should be encouraged and supported with adequate resources.
- (30) Since the objectives of the European Year cannot be sufficiently achieved by Member States due to the need for transnational exchange of information and the Union-wide dissemination of good practice, and can therefore, by reason of the scale of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Decision does not go beyond what is necessary in order to achieve those objectives,

HAVE ADOPTED THIS DECISION:

#### Article 1

##### Subject

The year 2012 shall be designated as the 'European Year for Active Ageing and Solidarity between Generations' ('the European Year'). It shall promote the vitality and the dignity of all.

#### Article 2

##### Objectives

The overall objective of the European Year shall be to facilitate the creation of an active ageing culture in Europe based on a society for all ages. Within this framework, the European Year shall encourage and support the efforts of Member States, their regional and local authorities, social partners, civil society and the business community, including small and medium-sized enterprises, to promote active ageing and to do more to mobilise the potential of the rapidly growing population in their late 50s and over. In doing so, it shall foster solidarity and cooperation between generations, taking into account diversity and gender equality. Promoting active ageing means

creating better opportunities so that older women and men can play their part in the labour market, combating poverty, particularly that of women, and social exclusion, fostering volunteering and active participation in family life and society and encouraging healthy ageing in dignity. This involves, inter alia, adapting working conditions, combating negative age stereotypes and age discrimination, improving health and safety at work, adapting lifelong learning systems to the needs of an ageing workforce and ensuring that social protection systems are adequate and provide the right incentives.

On the basis of the first paragraph, the objectives of the European Year shall be:

- (a) to raise general awareness of the value of active ageing and its various dimensions and to ensure that it is accorded a prominent position on the political agendas of stakeholders at all levels in order to highlight the useful contribution that older people make to society and the economy, raising the appreciation thereof, to promote active ageing, solidarity between generations and the vitality and the dignity of all people, and to do more to mobilise the potential of older people, regardless of their origin, and to enable them to lead an independent life;
- (b) to stimulate debate, to exchange information and to develop mutual learning between Member States and stakeholders at all levels in order to promote active ageing policies, to identify and disseminate good practice and to encourage cooperation and synergies;
- (c) to offer a framework for commitment and concrete action to enable the Union, Member States and stakeholders at all levels, with the involvement of civil society, the social partners and businesses and with particular emphasis on promoting information strategies, to develop innovative solutions, policies and long-term strategies, including comprehensive age-management strategies related to employment and work, through specific activities, and to pursue specific objectives related to active ageing and inter-generational solidarity;
- (d) to promote activities which will help to combat age discrimination, to overcome age-related stereotypes and to remove barriers, particularly with regard to employability.

#### Article 3

##### Content of measures

1. The measures to be taken to achieve the objectives set out in Article 2 shall include the following activities at Union, national, regional or local level:

- (a) conferences, events and initiatives, with the active participation of all relevant stakeholders, to promote debate, to raise awareness and to encourage the commitment to specific objectives contributing to sustained and lasting impacts;

<sup>(1)</sup> Decision No 742/2008/EC of the European Parliament and of the Council of 9 July 2008 on the Community's participation in a research and development programme undertaken by several Member States aimed at enhancing the quality of life of older people through the use of new information and communication technologies (OJ L 201, 30.7.2008, p. 49).

<sup>(2)</sup> Decision No 1639/2006/EC of the European Parliament and of the Council of 24 October 2006 establishing a Competitiveness and Innovation Framework Programme (2007 to 2013) (OJ L 310, 9.11.2006, p. 15).

(b) information, promotion and educational campaigns, making use of multimedia;

(c) exchange of information, experience and good practice, by using, inter alia, the Open Method of Coordination and networks of stakeholders working to achieve the objectives of the European Year;

(d) research and surveys on a Union, national or regional scale, and dissemination of the results, focusing on the economic and social impact of promoting active ageing and of active-ageing-friendly policies.

2. When implementing the activities referred to in paragraph 1, attention shall be paid to involving all generations in the pursuit of the objectives of the European Year, in particular by seeking to develop an inclusive approach and by encouraging the participation of older and younger people in common initiatives.

3. The Commission or Member States may identify other activities as contributing to the objectives of the European Year and may allow the name of the European Year to be used in promoting those activities provided that they contribute to achieving the objectives set out in Article 2.

4. The Commission and Member States shall take into account gender mainstreaming in all their activities in connection with the running of the European Year.

5. The Commission shall take into account the potential of cross-border activities taking place at regional or local level for achieving the objectives set out in Article 2.

6. Efforts shall be made to ensure that all activities of the European Year addressed to the wider public are easily accessible to all, including persons with disabilities.

#### Article 4

##### Coordination with Member States

1. Each Member State shall appoint a national coordinator to be responsible for organising its involvement in the European Year and shall inform the Commission of that appointment.

2. The national coordinators shall also see to it that national activities of the European Year are properly coordinated and may also promote and facilitate local and regional activities in this context. The national coordinators shall also foster the involvement of all relevant stakeholders, including civil society, in the activities of the European Year.

3. By 25 November 2011, Member States are invited to inform the Commission of their work programme, which shall outline details of the national activities planned under the European Year.

#### Article 5

##### Participating countries

Participation in the European Year shall be open to:

(a) Member States;

(b) candidate countries;

(c) the countries of the Western Balkans; and

(d) European Free Trade Association States that are parties to the European Economic Area Agreement.

#### Article 6

##### Coordination at the level of the Union

1. The Commission shall implement the European Year at the level of the Union.

2. The Commission shall convene meetings of the national coordinators for the purpose of coordinating activities of the European Year at the level of the Union and of exchanging information and knowledge, including on possible commitments and their implementation in Member States.

3. The Commission shall facilitate and support the activities of the European Year at national, regional and local level, including by proposing, where appropriate, new pathways and tools for the achievement of the objectives of the European Year and their evaluation.

4. Coordination of the activities of the European Year at the level of the Union shall also be a matter for the existing policy committees and advisory groups.

5. The Commission shall also convene meetings of representatives of European organisations or bodies working in the field of active ageing in order to help it run the European Year.

6. The theme of the European Year shall be made a priority by the Commission in the communication activities of its representations in the Member States and by relevant key Union-level networks receiving support for their running costs from the general budget of the Union in their work programmes.

7. The European Parliament, Member States, the European Economic and Social Committee and the Committee of the Regions shall be associated in the activities of the European Year.

*Article 7***Financial and non-financial support**

1. Activities referred to in Article 3(1) that occur at the level of the Union may give rise to a procurement contract or the award of grants financed from the general budget of the Union.
2. Where appropriate, programmes and policies in fields which contribute to the promotion of active ageing, such as employment, social affairs and equal opportunities, education and culture, health, research, the information society, regional policy and transport policy may support the European Year, in accordance with the applicable rules and within their existing possibilities for priority setting.
3. Non-financial support may be granted by the Union for activities undertaken by public and private organisations in accordance with Article 3(3).

*Article 8***Budget**

1. The financial envelope for the implementation, at the level of the Union, of this Decision, in particular in respect of the activities set out in Article 3(1), for the period from 1 January 2011 to 31 December 2012, shall be EUR 5 000 000.
2. Annual appropriations shall be authorised by the budgetary authority within the limits of the financial framework.

*Article 9***Consistency**

The Commission - together with Member States - shall ensure that the measures provided for in this Decision are consistent with any other Union, national and regional schemes and initiatives that help attain the objectives of the European Year.

*Article 10***International cooperation**

For the purpose of the European Year, the Commission may cooperate with relevant international organisations, in particular

with the United Nations and the Council of Europe, while ensuring the visibility of the Union's efforts to promote active ageing.

*Article 11***Evaluation**

1. By 30 June 2014, the Commission shall submit a report to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions containing an overall assessment of the initiatives provided for in this Decision with details of implementation and results to serve as a basis for future Union policies, measures and actions in this field.
2. The report referred to in paragraph 1 shall also provide information on how gender equality has been mainstreamed in the activities of the European Year and how the accessibility of those activities for persons with disabilities has been ensured.
3. The report referred to in paragraph 1 shall also highlight how the European Year has produced lasting effects for the promotion of active ageing across the Union.

*Article 12***Entry into force**

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

*Article 13***Addressees**

This Decision is addressed to the Member States.

Done at Strasbourg, 14 September 2011.

*For the European Parliament*

*The President*

J. BUZEK

*For the Council*

*The President*

M. DOWGIELEWICZ

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## II

(Non-legislative acts)

## REGULATIONS

## COUNCIL IMPLEMENTING REGULATION (EU) No 941/2011

of 22 September 2011

implementing Article 16(2) and (5) of Regulation (EU) No 204/2011 concerning restrictive measures in view of the situation in Libya

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EU) No 204/2011 of 2 March 2011 concerning restrictive measures in view of the situation in Libya <sup>(1)</sup>, and in particular Article 16(2) and (5) thereof,

Whereas:

- (1) On 2 March 2011, the Council adopted Regulation (EU) No 204/2011.
- (2) Following the adoption of United Nations Security Council Resolution (UNSCR) 2009 (2011) on 16 September 2011 and in accordance with Council

Decision 2011/625/CFSP of 22 September 2011 amending Decision 2011/137/CFSP concerning restrictive measures in view of the situation in Libya <sup>(2)</sup>, the lists of persons and entities subject to restrictive measures set out in Annexes II and III to Regulation (EU) No 204/2011 should be amended,

HAS ADOPTED THIS REGULATION:

*Article 1*

The entries for the entities set out in the Annex to this Regulation shall be deleted from the lists set out in Annexes II and III to Regulation (EU) No 204/2011.

*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, 22 September 2011.

*For the Council*  
*The President*  
M. DOWGIELEWICZ

<sup>(1)</sup> OJ L 58, 3.3.2011, p. 1.

<sup>(2)</sup> See page 30 of this Official Journal.

## ANNEX

**Entities referred to in Article 1**

Entry deleted from the list set out in Annex II to Regulation (EU) No 204/2011:

5. Libyan National Oil Corporation.

Entry deleted from the list set out in Annex III to Regulation (EU) No 204/2011:

29. Zuietina Oil Company (a.k.a. ZOC; a.k.a. Zueitina).

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## COMMISSION IMPLEMENTING REGULATION (EU) No 942/2011

of 22 September 2011

concerning the non-approval of the active substance flufenoxuron, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending Commission Decision 2008/934/EC

(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 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC<sup>(1)</sup>, and in particular Article 13(2) and Article 78(2) thereof,

Whereas:

- (1) In accordance with Article 80(1)(c) of Regulation (EC) No 1107/2009, Council Directive 91/414/EEC<sup>(2)</sup> is to apply, with respect to the procedure and the conditions for approval, to active substances for which completeness has been established in accordance with Article 16 of Commission Regulation (EC) No 33/2008 of 17 January 2008 laying down detailed rules for the application of Council Directive 91/414/EEC as regards a regular and an accelerated procedure for the assessment of active substances which were part of the programme of work referred to in Article 8(2) of that Directive but have not been included into its Annex I<sup>(3)</sup>. Flufenoxuron is an active substance for which completeness has been established in accordance with that Regulation.
- (2) Commission Regulations (EC) No 451/2000<sup>(4)</sup> and (EC) No 1490/2002<sup>(5)</sup> lay down the detailed rules for the implementation of the second and third stages of the programme of work referred to in Article 8(2) of Directive 91/414/EEC and establish lists of active substances to be assessed, with a view to their possible inclusion in Annex I to Directive 91/414/EEC. These lists included flufenoxuron.
- (3) In accordance with Article 3(2) of Commission Regulation (EC) No 1095/2007 of 20 September 2007 amending Regulation (EC) No 1490/2002 laying down further detailed rules for the implementation of the third stage of the programme of work referred to in Article 8(2) of Council Directive 91/414/EEC and Regulation (EC) No 2229/2004 laying down further detailed rules for the implementation of the fourth stage of the programme of work referred to in Article 8(2) of Council Directive 91/414/EEC<sup>(6)</sup> the notifier withdrew its support for the inclusion of that active substance in Annex I to Directive 91/414/EEC within 2 months from entry into force of Regulation (EC) No 1095/2007. Consequently, Commission Decision 2008/934/EC of 5 December 2008 concerning the non-inclusion of certain active substances in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing these substances<sup>(7)</sup> was adopted on the non-inclusion of flufenoxuron.
- (4) Pursuant to Article 6(2) of Directive 91/414/EEC the original notifier (hereinafter 'the applicant') submitted a new application requesting the accelerated procedure to be applied, as provided for in Articles 14 to 19 of Regulation (EC) No 33/2008.
- (5) The application was submitted to France which had been designated rapporteur Member State by Regulation (EC) No 1490/2002. The time period for the accelerated procedure was respected. The specification of the active substance and the supported uses are the same as were the subject of Decision 2008/934/EC. That application also complies with the remaining substantive and procedural requirements of Article 15 of Regulation (EC) No 33/2008.
- (6) France evaluated the additional data submitted by the applicant and prepared an additional report. It communicated that report to the European Food Safety Authority (hereinafter 'the Authority') and to the Commission on 8 March 2010. The Authority communicated the additional report to the other

<sup>(1)</sup> OJ L 309, 24.11.2009, p. 1.

<sup>(2)</sup> OJ L 230, 19.8.1991, p. 1.

<sup>(3)</sup> OJ L 15, 18.1.2008, p. 5.

<sup>(4)</sup> OJ L 55, 29.2.2000, p. 25.

<sup>(5)</sup> OJ L 224, 21.8.2002, p. 23.

<sup>(6)</sup> OJ L 246, 21.9.2007, p. 19.

<sup>(7)</sup> OJ L 333, 11.12.2008, p. 11.

Member States and the applicant for comments and forwarded the comments it had received to the Commission. In accordance with Article 20(1) of Regulation (EC) No 33/2008 and at the request of the Commission, the Authority presented its conclusion on the risk assessment of flufenoxuron to the Commission on 23 February 2011 <sup>(1)</sup>. The draft assessment report, the additional report and the conclusion of the Authority were reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health and finalised on 15 July 2011 in the format of the Commission review report for flufenoxuron.

- (7) During the evaluation of this active substance, concerns were identified. Those concerns were, in particular, the following. It was not possible to finalise the consumer risk assessment because consumer exposure could not be assessed reliably, in particular, with respect to magnitude and toxicological relevance of different metabolites. Furthermore, flufenoxuron has a high potential for bioaccumulation in the food chain. In addition, a high risk to aquatic organisms was identified.
- (8) The Commission invited the applicant to submit its comments on the conclusion of the Authority. Furthermore, in accordance with Article 21(1) to Regulation (EC) No 33/2008, the Commission invited the applicant to submit comments on the draft review report. The applicant submitted its comments, which have been carefully examined.
- (9) However, despite the arguments put forward by the applicant, the concerns referred to in recital 7 could not be eliminated. Consequently, it has not been demonstrated that it may be expected that, under the proposed conditions of use, plant protection products containing flufenoxuron satisfy in general the requirements laid down in Article 5(1)(a) and (b) of Directive 91/414/EEC.
- (10) Flufenoxuron should therefore not be approved pursuant to Article 13(2) of Regulation (EC) No 1107/2009.
- (11) For plant protection products containing flufenoxuron, where Member States grant any period of grace in accordance with Article 46 of Regulation (EC) No

1107/2009, this period should expire on 31 December 2012 at the latest as laid down in the second paragraph of Article 3 of Decision 2008/934/EC.

- (12) This Regulation does not prejudice the submission of a further application for flufenoxuron pursuant to Article 7 of Regulation (EC) No 1107/2009.
- (13) In the interest of clarity, the entry for flufenoxuron in the Annex to Decision 2008/934/EC should be deleted.
- (14) It is therefore appropriate to amend Decision 2008/934/EC accordingly.
- (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,

HAS ADOPTED THIS REGULATION:

*Article 1*

**Non-approval of active substance**

The active substance flufenoxuron is not approved.

*Article 2*

**Transitional measures**

Member States shall ensure that authorisations for plant protection products containing flufenoxuron are withdrawn by 31 December 2011.

*Article 3*

**Period of grace**

Any period of grace granted by Member States in accordance with Article 46 of Regulation (EC) No 1107/2009 shall be as short as possible and shall expire on 31 December 2012 at the latest.

*Article 4*

**Amendments to Decision 2008/934/EC**

In the Annex to Decision 2008/934/EC, the entry for 'flufenoxuron' is deleted.

<sup>(1)</sup> European Food Safety Authority; Conclusion on the peer review of the pesticide risk assessment of the active substance flufenoxuron. EFSA Journal 2011; 9(3):2088. [72 pp.]. doi:10.2903/j.efsa.2011.2088. Available online: [www.efsa.europa.eu/efsajournal.htm](http://www.efsa.europa.eu/efsajournal.htm)



*Article 5***Entry into force and date of application**

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, 22 September 2011.

*For the Commission*

*The President*

José Manuel BARROSO

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## COMMISSION IMPLEMENTING REGULATION (EU) No 943/2011

of 22 September 2011

concerning the non-approval of the active substance propargite, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending Commission Decision 2008/934/EC

(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 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC<sup>(1)</sup>, and in particular Article 13(2) and Article 78(2) thereof,

Whereas:

- (1) In accordance with Article 80(1)(c) of Regulation (EC) No 1107/2009, Council Directive 91/414/EEC<sup>(2)</sup> is to apply, with respect to the procedure and the conditions for approval, to active substances for which completeness has been established in accordance with Article 16 of Commission Regulation (EC) No 33/2008 of 17 January 2008 laying down detailed rules for the application of Council Directive 91/414/EEC as regards a regular and an accelerated procedure for the assessment of active substances which were part of the programme of work referred to in Article 8(2) of that Directive but have not been included into its Annex I<sup>(3)</sup>. Propargite is an active substance for which completeness has been established in accordance with that Regulation.
- (2) Commission Regulations (EC) No 451/2000<sup>(4)</sup> and (EC) No 1490/2002<sup>(5)</sup> lay down the detailed rules for the implementation of the second and third stages of the programme of work referred to in Article 8(2) of Directive 91/414/EEC and establish lists of active substances to be assessed, with a view to their possible inclusion in Annex I to Directive 91/414/EEC. These lists included propargite.
- (3) In accordance with Article 3(2) of Commission Regulation (EC) No 1095/2007 of 20 September 2007 amending Regulation (EC) No 1490/2002 laying down further detailed rules for the implementation of the third stage of the programme of work referred to in Article 8(2) of Council Directive 91/414/EEC and Regu-

lation (EC) No 2229/2004 laying down further detailed rules for the implementation of the fourth stage of the programme of work referred to in Article 8(2) of Council Directive 91/414/EEC<sup>(6)</sup> the notifier withdrew its support for the inclusion of that active substance in Annex I to Directive 91/414/EEC within 2 months from entry into force of Regulation (EC) No 1095/2007. Consequently, Commission Decision 2008/934/EC of 5 December 2008 concerning the non-inclusion of certain active substances in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing these substances<sup>(7)</sup> was adopted on the non-inclusion of propargite.

- (4) Pursuant to Article 6(2) of Directive 91/414/EEC the original notifier (hereinafter 'the applicant') submitted a new application requesting the accelerated procedure to be applied, as provided for in Articles 14 to 19 of Regulation (EC) No 33/2008.
- (5) The application was submitted to Italy which carried out the evaluation in agreement with France which had been designated rapporteur Member State by Regulation (EC) No 1490/2002. The time period for the accelerated procedure was respected. The specification of the active substance and the supported uses are the same as were the subject of Decision 2008/934/EC. That application also complies with the remaining substantive and procedural requirements of Article 15 of Regulation (EC) No 33/2008.
- (6) Italy evaluated the additional data submitted by the applicant and prepared an additional report. It communicated that report to the European Food Safety Authority (hereinafter 'the Authority') and to the Commission on 4 March 2010. The Authority communicated the additional report to the other Member States and the applicant for comments and forwarded the comments it had received to the Commission. In accordance with Article 20(1) of Regulation (EC) No 33/2008 and at the request of the Commission, the Authority presented its conclusion on the risk assessment of propargite to the Commission on 23 February 2011<sup>(8)</sup>. The draft assessment report, the additional report and the conclusion of the Authority were reviewed by the Member States and the

<sup>(1)</sup> OJ L 309, 24.11.2009, p. 1.

<sup>(2)</sup> OJ L 230, 19.8.1991, p. 1.

<sup>(3)</sup> OJ L 15, 18.1.2008, p. 5.

<sup>(4)</sup> OJ L 55, 29.2.2000, p. 25.

<sup>(5)</sup> OJ L 224, 21.8.2002, p. 23.

<sup>(6)</sup> OJ L 246, 21.9.2007, p. 19.

<sup>(7)</sup> OJ L 333, 11.12.2008, p. 11.

<sup>(8)</sup> European Food Safety Authority; Conclusion on the peer review of the pesticide risk assessment of the active substance propargite. EFSA Journal 2011; 9(3):2087. [71 pp.]. doi:10.2903/j.efsa.2011.2087. Available online: [www.efsa.europa.eu/efsajournal.htm](http://www.efsa.europa.eu/efsajournal.htm)

- Commission within the Standing Committee on the Food Chain and Animal Health and finalised on 15 July 2011 in the format of the Commission review report for propargite.
- (7) During the evaluation of this active substance, concerns were identified. Those concerns were, in particular, the following. It was not possible to perform reliable risk assessments for consumers, operators, workers and bystanders. In addition, it was not possible to finalise the ecotoxicological risk assessment. In particular, a high long term risk to mammals, a risk of secondary poisoning to birds and a high risk to aquatic organisms were identified.
- (8) The Commission invited the applicant to submit its comments on the conclusion of the Authority. Furthermore, in accordance with Article 21(1) to Regulation (EC) No 33/2008, the Commission invited the applicant to submit comments on the draft review report. The applicant submitted its comments, which have been carefully examined.
- (9) However, despite the arguments put forward by the applicant, the concerns referred to in recital 7 could not be eliminated. Consequently, it has not been demonstrated that it may be expected that, under the proposed conditions of use, plant protection products containing propargite satisfy in general the requirements laid down in Article 5(1)(a) and (b) of Directive 91/414/EEC.
- (10) Propargite should therefore not be approved pursuant to Article 13(2) of Regulation (EC) No 1107/2009.
- (11) For plant protection products containing propargite, where Member States grant any period of grace in accordance with Article 46 of Regulation (EC) No 1107/2009, this period should expire on 31 December 2012 at the latest as laid down in the second paragraph of Article 3 of Decision 2008/934/EC.
- (12) This Regulation does not prejudice the submission of a further application for propargite pursuant to Article 7 of Regulation (EC) No 1107/2009.
- (13) In the interest of clarity, the entry for propargite in the Annex to Decision 2008/934/EC should be deleted.
- (14) It is therefore appropriate to amend Decision 2008/934/EC accordingly.
- (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,

HAS ADOPTED THIS REGULATION:

*Article 1*

**Non-approval of active substance**

The active substance propargite is not approved.

*Article 2*

**Transitional measures**

Member States shall ensure that authorisations for plant protection products containing propargite are withdrawn by 31 December 2011.

*Article 3*

**Period of grace**

Any period of grace granted by Member States in accordance with Article 46 of Regulation (EC) No 1107/2009 shall be as short as possible and shall expire on 31 December 2012 at the latest.

*Article 4*

**Amendments to Decision 2008/934/EC**

In the Annex to Decision 2008/934/EC, the entry for 'propargite' is deleted.

*Article 5*

**Entry into force and date of application**

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, 22 September 2011.

For the Commission  
The President  
José Manuel BARROSO

**COMMISSION IMPLEMENTING REGULATION (EU) No 944/2011****of 22 September 2011****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) <sup>(1)</sup>,Having regard to Commission 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 <sup>(2)</sup>, 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 23 September 2011.

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

Done at Brussels, 22 September 2011.

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

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

<sup>(2)</sup> OJ L 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 <sup>(1)</sup>	Standard import value
0702 00 00	EC	25,3
	MK	53,6
	XS	31,8
	ZZ	36,9
0707 00 05	MK	20,0
	TR	106,2
	ZZ	63,1
0709 90 70	TR	130,5
	ZZ	130,5
0805 50 10	AR	65,9
	CL	79,9
	TR	74,0
	UY	62,5
	ZA	76,8
	ZZ	71,8
0806 10 10	CL	75,1
	EG	116,3
	IL	136,9
	MK	85,4
	TR	110,9
	US	271,3
	ZA	62,4
	ZZ	122,6
0808 10 80	BZ	86,4
	CL	148,5
	CN	82,6
	NZ	116,8
	US	123,7
	ZA	124,0
	ZZ	113,7
0808 20 50	AR	47,4
	CN	78,7
	TR	114,2
	ZA	61,3
	ZZ	75,4
0809 30	TR	145,2
	ZZ	145,2

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

**COMMISSION IMPLEMENTING REGULATION (EU) No 945/2011**  
**of 22 September 2011**  
**fixing the export refunds on beef and veal**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products<sup>(1)</sup>, and in particular Article 164(2), and Article 170, in conjunction with Article 4 thereof,

Whereas:

- (1) Article 162(1) of Regulation (EC) No 1234/2007 provides that the difference between prices on the world market for the products listed in Part XV of Annex I to that Regulation and prices for those products on the Union market may be covered by an export refund.
- (2) Given the present situation on the market in beef and veal, export refunds should therefore be set in accordance with the rules and criteria provided for in Articles 162, 163, 164, 167, 168 and 169 of Regulation (EC) No 1234/2007.
- (3) Article 164(1) of Regulation (EC) No 1234/2007 provides that the refund may vary according to destination, especially where the world market situation, the specific requirements of certain markets, or obligations resulting from agreements concluded in accordance with Article 300 of the Treaty make this necessary.
- (4) Refunds should be granted only on products that are allowed to move freely in the Union and that bear the health mark as provided for in Article 5(1)(a) of Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin<sup>(2)</sup>. Those products must also satisfy the requirements laid down in Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs<sup>(3)</sup> and Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption<sup>(4)</sup>.

- (5) The third subparagraph of Article 7(2) of Commission Regulation (EC) No 1359/2007 of 21 November 2007 laying down the conditions for granting special export refunds on certain cuts of boned meat of bovine animals<sup>(5)</sup> provides for a reduction of the special refund if the quantity of cuts of boned meat to be exported amounts to less than 95 %, but not less than 85 %, of the total weight of cuts produced by boning.
- (6) The currently applicable refunds have been fixed by Commission Implementing Regulation (EU) No 614/2011<sup>(6)</sup>. Since new refunds should be fixed, that Regulation should therefore be repealed.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Export refunds as provided for in Article 164 of Regulation (EC) No 1234/2007 shall be granted on the products and for the amounts set out in the Annex to this Regulation subject to the conditions provided for in paragraph 2 of this Article.
2. The products eligible for a refund under paragraph 1 shall meet the relevant requirements of Regulations (EC) No 852/2004 and (EC) No 853/2004, and, in particular, shall be prepared in an approved establishment and comply with the health marking requirements laid down in Annex I, Section I, Chapter III to Regulation (EC) No 854/2004.

*Article 2*

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

*Article 3*

Implementing Regulation (EU) No 614/2011 is hereby repealed.

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

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

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

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

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

<sup>(6)</sup> OJ L 164, 24.6.2011, p. 8.

*Article 4*

This Regulation shall enter into force on 23 September 2011.

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

Done at Brussels, 22 September 2011.

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

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## ANNEX

## Export refunds on beef and veal applicable from 23 September 2011

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



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

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

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

The other destinations are defined as follows:

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

B02: B04 and destination EG.

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

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

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

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

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

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

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

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

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

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

**COMMISSION IMPLEMENTING REGULATION (EU) No 946/2011**  
**of 22 September 2011**  
**fixing the export refunds on poultrymeat**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products <sup>(1)</sup>, and in particular Article 164(2) and Article 170, in conjunction with Article 4, thereof

Whereas:

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

(5) The currently applicable refunds have been fixed by Commission Implementing Regulation (EU) No 615/2011 <sup>(4)</sup>. Since new refunds should be fixed, that Regulation should therefore be repealed.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

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

*Article 2*

Implementing Regulation (EU) No 615/2011 is hereby repealed.

*Article 3*

This Regulation shall enter into force on 23 September 2011.

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

Done at Brussels, 22 September 2011.

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

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

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

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

<sup>(4)</sup> OJ L 164, 24.6.2011, p. 12.

## ANNEX

**Export refunds on poultrymeat applicable from 23 September 2011**

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

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

The other destinations are defined as follows:

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

**COMMISSION IMPLEMENTING REGULATION (EU) No 947/2011****of 22 September 2011****fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and amending Regulation (EC) No 1484/95**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) <sup>(1)</sup>, and in particular Article 143 thereof,Having regard to Council Regulation (EC) No 614/2009 of 7 July 2009 on the common system of trade for ovalbumin and lactalbumin <sup>(2)</sup>, and in particular Article 3(4) thereof,

Whereas:

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

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

- (3) In view of the situation on the market, this amendment should be applied as soon as possible.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

*Article 1*

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

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

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

Done at Brussels, 22 September 2011.

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

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

<sup>(2)</sup> OJ L 181, 14.7.2009, p. 8.

<sup>(3)</sup> OJ L 145, 29.6.1995, p. 47.

## ANNEX

**to the Commission Regulation of 22 September 2011 fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and amending Regulation (EC) No 1484/95**

## ‘ANNEX I

CN code	Description of goods	Representative price (EUR/100 kg)	Security under Article 3(3) (EUR/100 kg)	Origin <sup>(1)</sup>
0207 12 10	Fowls of the species <i>Gallus domesticus</i> , not cut in pieces, presented as “70 % chickens”, frozen	120,6	0	AR
0207 12 90	Fowls of the species <i>Gallus domesticus</i> , not cut in pieces, presented as “65 % chickens”, frozen	136,6	0	BR
		132,4	0	AR
0207 14 10	Fowls of the species <i>Gallus domesticus</i> , boneless cuts, frozen	226,2	22	BR
		258,8	12	AR
		341,2	0	CL
0207 27 10	Turkeys, boneless cuts, frozen	342,3	0	BR
		419,2	0	CL
0408 11 80	Egg yolks	303,9	2	AR
0408 91 80	Eggs, not in shell, dried	319,9	0	AR
1602 32 11	Preparations of fowls of the species <i>Gallus domesticus</i> , uncooked	278,7	5	BR
		377,0	0	CL
3502 11 90	Egg albumin, dried	495,0	0	AR

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

**COMMISSION IMPLEMENTING REGULATION (EU) No 948/2011****of 22 September 2011****amending the representative prices and additional import duties for certain products in the sugar sector fixed by Regulation (EU) No 867/2010 for the 2010/11 marketing year**

THE EUROPEAN COMMISSION,

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

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

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

Whereas:

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

for the 2010/11 marketing year are fixed by Commission Regulation (EU) No 867/2010 <sup>(3)</sup>. These prices and duties have been last amended by Commission Implementing Regulation (EU) No 933/2011 <sup>(4)</sup>.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 23 September 2011.

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

Done at Brussels, 22 September 2011.

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

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

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

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

<sup>(4)</sup> OJ L 242, 20.9.2011, p. 6.

## ANNEX

**Amended representative prices and additional import duties applicable to white sugar, raw sugar and products covered by CN code 1702 90 95 from 23 September 2011**

(EUR)

CN code	Representative price per 100 kg net of the product concerned	Additional duty per 100 kg net of the product concerned
1701 11 10 <sup>(1)</sup>	47,27	0,00
1701 11 90 <sup>(1)</sup>	47,27	0,72
1701 12 10 <sup>(1)</sup>	47,27	0,00
1701 12 90 <sup>(1)</sup>	47,27	0,43
1701 91 00 <sup>(2)</sup>	48,57	2,90
1701 99 10 <sup>(2)</sup>	48,57	0,00
1701 99 90 <sup>(2)</sup>	48,57	0,00
1702 90 95 <sup>(3)</sup>	0,49	0,22

<sup>(1)</sup> For the standard quality defined in point III of Annex IV to Regulation (EC) No 1234/2007.<sup>(2)</sup> For the standard quality defined in point II of Annex IV to Regulation (EC) No 1234/2007.<sup>(3)</sup> Per 1 % sucrose content.

# DECISIONS

## COUNCIL DECISION 2011/625/CFSP

of 22 September 2011

### amending Decision 2011/137/CFSP concerning restrictive measures in view of the situation in Libya

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

Whereas:

- (1) On 28 February 2011, the Council adopted Decision 2011/137/CFSP <sup>(1)</sup>, implementing United Nations Security Council Resolution (UNSCR) 1970 (2011).
- (2) On 23 March 2011, the Council adopted Decision 2011/178/CFSP amending Decision 2011/137/CFSP <sup>(2)</sup> and implementing UNSCR 1973 (2011).
- (3) On 16 September 2011, the United Nations Security Council adopted UNSCR 2009 (2011) which amended, among others, the restrictive measures imposed by UNSCR 1970 (2011) and UNSCR 1973 (2011).
- (4) Decision 2011/137/CFSP should be amended accordingly,

HAS ADOPTED THIS DECISION:

#### Article 1

Decision 2011/137/CFSP is hereby amended as follows:

(1) in Article 2, the following paragraph is added:

‘3. Article 1 shall not apply to the supply, sale or transfer of:

- (a) arms and related materiel of all types, including technical assistance, training, financial and other assistance, intended solely for security or disarmament assistance to the Libyan authorities;
- (b) small arms, light weapons and related materiel, temporarily exported to Libya for the sole use of United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel,

notified to the Committee in advance and in the absence of a negative decision by the Committee within 5 working days of such a notification.’;

(2) Article 4a(1) is deleted;

(3) in Article 6:

(a) the following paragraph is inserted:

‘1a All funds, other financial assets and economic resources, owned or controlled, directly or indirectly by the:

- (a) Central Bank of Libya;
- (b) Libyan Arab Foreign Bank;
- (c) Libyan Investment Authority; and
- (d) Libyan Africa Investment Portfolio,

that are frozen as of 16 September 2011 shall remain frozen.’;

(b) the following paragraph is inserted:

‘4b With regard to entities referred to in paragraph 1a, exemptions may also be made for funds, financial assets and economic resources provided that:

- (a) the Member State concerned has provided notice to the Committee of its intent to authorise access to funds, other financial assets, or economic resources, for one or more of the following purposes and in the absence of a negative decision by the Committee within 5 working days of such a notification:
  - (i) humanitarian needs;
  - (ii) fuel, electricity and water for strictly civilian uses;
  - (iii) resuming Libyan production and sale of hydrocarbons;
  - (iv) establishing, operating, or strengthening institutions of civilian government and civilian public infrastructure; or
  - (v) facilitating the resumption of banking sector operations, including to support or facilitate international trade with Libya;

<sup>(1)</sup> OJ L 58, 3.3.2011, p. 53.

<sup>(2)</sup> OJ L 78, 24.3.2011, p. 24.



- (b) the Member State concerned has notified the Committee that those funds, other financial assets or economic resources shall not be made available to or for the benefit of the persons referred to in paragraph 1;
- (c) the Member State concerned has consulted in advance with the Libyan authorities about the use of such funds, other financial assets, or economic resources; and
- (d) the Member State concerned has shared with the Libyan authorities the notification submitted pursuant to this paragraph and the Libyan authorities have not objected within 5 working days to the release of such funds, other financial assets, or economic resources.;
- (c) the following paragraph is inserted:

‘5a Paragraph 1a shall not prevent an entity referred to therein from making payment due under a contract entered into before the listing of such an entity under this Decision, provided that the relevant Member State has determined that the payment is not directly or

indirectly received by a person or entity referred to in paragraphs 1 and 1a and after notification by the relevant Member State to the Committee of the intention to make or receive such payments or to authorise the unfreezing of funds or other financial assets or economic resources for this purpose, 10 working days prior to such authorisation.’.

*Article 2*

The entries for the entities set out in the Annex to this Decision shall be deleted from the lists set out in Annexes III and IV to Decision 2011/137/CFSP.

*Article 3*

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

Done at Brussels, 22 September 2011.

*For the Council*  
*The President*  
M. DOWGIELEWICZ

## ANNEX

**ENTITIES REFERRED TO IN ARTICLE 2**

Entries deleted from the list set out in Annex III to Decision 2011/137/CFSP:

1. Central Bank of Libya
2. Libyan Investment Authority
3. Libyan Foreign Bank
4. Libya Africa Investment Portfolio
5. Libyan National Oil Corporation.

Entry deleted from the list set out in Annex IV to Decision 2011/137/CFSP:

Zuaitina Oil Company.

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## COMMISSION IMPLEMENTING DECISION

of 22 September 2011

**granting a derogation for implementing Regulation (EC) No 762/2008 of the European Parliament and of the Council on the submission by Member States of statistics on aquaculture with regard to the Czech Republic, the Grand Duchy of Luxembourg and the Republic of Austria**

(notified under document C(2011) 6533)

(Only the Czech, French and German texts are authentic)

(2011/626/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 762/2008 of the European Parliament and of the Council of 9 July 2008 on the submission by Member States of statistics on aquaculture and repealing Council Regulation (EC) No 788/96<sup>(1)</sup>, and in particular Article 8(1) thereof,

Whereas:

- (1) In accordance with Article 8 of Regulation (EC) No 762/2008, where inclusion in the statistics of a particular sector of aquaculture activities would cause difficulties not commensurate with the importance of that sector, the Commission may permit a Member State to exclude data covering that sector from the national data submitted or to employ estimation methods used to provide data for more than 10 % of the total production.
- (2) Requests have been made from the Czech Republic, the Grand Duchy of Luxembourg and the Republic of Austria for obtaining derogations.
- (3) The information provided by the Czech Republic, the Grand Duchy of Luxembourg and the Republic of Austria justifies that those derogation should be granted.
- (4) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Agricultural Statistics, instituted by Council Decision 72/279/EEC<sup>(2)</sup>.
- (5) The measures provided for in this Decision complement Commission Decision 2010/76/EU of 9 February 2010 according a transitional period for implementing Regulation (EC) No 762/2008, of the European Parliament and of the Council on the submission by Member States of statistics on aquaculture with regard to the Czech Republic, Germany, Greece, Austria, Poland, Portugal and Slovenia<sup>(3)</sup>,

HAS ADOPTED THIS DECISION:

*Article 1*

1. The Czech Republic may submit for the value of the production of each species other than *Cyprinus carpio* (Common carp) estimated data only, for a period ending on 31 December 2012.
2. This derogation is granted for reference years 2009-2011.

*Article 2*

1. The Grand Duchy of Luxembourg is granted derogation from its obligation to submit statistics on the entire aquaculture sector for a period ending on 31 December 2012.
2. This derogation is granted for reference years 2008-2011.

*Article 3*

1. The Republic of Austria may submit for the value of the production of each species and for the production of each species in the hatcheries and nurseries sector estimated data only, for a period ending on 31 December 2012.
2. This derogation is granted for reference year 2011.

*Article 4*

1. This Decision is addressed to the Czech Republic, the Grand Duchy of Luxembourg and the Republic of Austria and shall be notified to them.
2. This Decision shall take effect upon such notification.

Done at Brussels, 22 September 2011.

*For the Commission*

Olli REHN

*Member of the Commission*

<sup>(1)</sup> OJ L 218, 13.8.2008, p. 1.

<sup>(2)</sup> OJ L 179, 7.8.1972, p. 1.

<sup>(3)</sup> OJ L 37, 10.2.2010, p. 70.









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