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I

(Legislative acts)

DECISIONS

DECISION No 1104/2011/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 25 October 2011

on the rules for access to the public regulated service provided by the global navigation satellite system established under the Galileo programme

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 172 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 ⁽¹⁾,

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure ⁽²⁾,

Whereas:

(1) Regulation (EC) No 683/2008 of the European Parliament and of the Council of 9 July 2008 on the further implementation of the European satellite navigation programmes (EGNOS and Galileo) ⁽³⁾ provides in the Annex thereto that the specific objectives of the Galileo programme are to ensure that the signals emitted by the system established under that programme can be used in particular to offer a public regulated service ('PRS') restricted to government-authorized users, for sensitive applications which require effective access control and a high level of service continuity.

(2) While relevant provisions of Regulation (EC) No 683/2008 also apply to the services, including the PRS, listed in the Annex thereto, considering the inter-linkage

between the system established under the Galileo programme and the PRS from a legal, technical, operational, financial and ownership perspective, it is appropriate to reproduce the relevant rules on the application of security regulations for the purpose of this Decision.

(3) The European Parliament and the Council have recalled on several occasions that the system established under the Galileo programme is a civilian system under civilian control, that is, it was created in accordance with civilian standards based on civilian requirements and under the control of the Union institutions.

(4) The Galileo programme is of strategic importance for the independence of the Union in terms of satellite navigation, positioning and timing services and offers an important contribution to the implementation of the 'Europe 2020' strategy for smart, sustainable and inclusive growth.

(5) Of the various services offered by European satellite navigation systems, the PRS is both the most secure and the most sensitive and is therefore suitable for services where robustness and complete reliability must be ensured. It must ensure service continuity for its participants, even in the most serious crisis situations. The consequences of infringing the security rules when using this service are not restricted to the user concerned, but could potentially extend to other users. Use and management of the PRS is therefore the joint responsibility of Member States in order to protect the security of the Union and their own security. Consequently, access to the PRS must be strictly limited to certain categories of user which are subject to continuous monitoring.

(6) It is therefore necessary to define the rules for access to the PRS and the rules for managing it, in particular by specifying the general principles relating to access, the functions of the various management and supervisory bodies, the conditions relating to receiver manufacturing and security, and the export monitoring system.

⁽¹⁾ OJ C 54, 19.2.2011, p. 36.

⁽²⁾ Position of the European Parliament of 13 September 2011 (not yet published in the Official Journal) and decision of the Council of 10 October 2011.

⁽³⁾ OJ L 196, 24.7.2008, p. 1.

- (7) With regard to the general principles of access to the PRS, given the actual purpose of the service and its characteristics, its use must be strictly limited, with Member States, the Council, the Commission and the European External Action Service ('EEAS') being granted discretionary, unlimited and uninterrupted access worldwide. Furthermore, each Member State must be in a position to take its own sovereign decision on which PRS users to authorise and which uses may be made of the PRS, including uses relating to security, in accordance with the common minimum standards.
- (8) In order to promote the use of European technology worldwide, it should be possible for certain third countries and international organisations to become PRS participants through separate agreements concluded with them. For secure government satellite radio-navigation applications, the terms and conditions under which third countries and international organisations may use the PRS should be laid down in international agreements, it being understood that compliance with security requirements should always be compulsory. In the context of such agreements, it should be possible to allow the manufacturing of PRS receivers under specific conditions and requirements, provided that these are of a level that is at least equivalent to the conditions and requirements applying to Member States. However, such agreements should not include particularly security-sensitive matters such as the manufacturing of security modules.
- (9) Agreements with third countries or international organisations should be negotiated taking full account of the importance of ensuring respect for democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, and freedom of thought, conscience and religion, as well as freedom of expression and information, human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law.
- (10) The security regulations of the European Space Agency should offer a degree of protection at least equivalent to that provided by the rules on security set out in the Annex to Commission Decision 2001/844/EC, ECSC, Euratom⁽¹⁾ and by Council Decision 2011/292/EU of 31 March 2011 on the security rules for protecting EU classified information⁽²⁾.
- (11) The Union and the Member States must do their utmost to ensure that both the system established under the Galileo programme and PRS technology and equipment are safe and secure, to prevent signals emitted for the PRS from being used by non-authorised natural or legal persons, and to prevent any hostile use of the PRS against them.
- (12) It is important in this connection that Member States determine the system of penalties applicable in the event of non-compliance with the obligations stemming from this Decision, and that they ensure that those penalties are applied. The penalties must be effective, proportionate and dissuasive.
- (13) In the case of management and supervisory bodies, the arrangement whereby PRS participants designate a 'competent PRS authority' responsible for managing and supervising users would appear to be the best way of effectively managing PRS use, by facilitating relations between the various stakeholders responsible for security and ensuring permanent supervision of users, in particular national users, in compliance with the common minimum standards. However, there should be flexibility in order to allow Member States to organise the responsibilities efficiently.
- (14) In the implementation of this Decision, any processing of personal data should be carried out in accordance with Union law, as set out, in particular, in Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data⁽³⁾ and Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications)⁽⁴⁾.
- (15) Furthermore, one of the tasks of the Galileo Security Centre (the 'Galileo Security Monitoring Centre' or the 'GSMC') referred to in Article 16(a)(ii) of Regulation (EC) No 683/2008 should be to provide an operational interface between the various stakeholders responsible for the security of the PRS.
- (16) The Council and the High Representative of the Union for Foreign Affairs and Security Policy should play a role in managing the PRS, through the application of Council Joint Action 2004/552/CFSP of 12 July 2004 on aspects of the operation of the European satellite radio-navigation system affecting the security of the European Union⁽⁵⁾. The Council should approve international agreements authorising a third country or an international organisation to use the PRS.

(1) OJ L 317, 3.12.2001, p. 1.

(2) OJ L 141, 27.5.2011, p. 17.

(3) OJ L 281, 23.11.1995, p. 31.

(4) OJ L 201, 31.7.2002, p. 37.

(5) OJ L 246, 20.7.2004, p. 30.

- (17) With regard to receiver manufacturing and security, security requirements make it necessary for this task to be entrusted only to a Member State which has designated a competent PRS authority or to undertakings established on the territory of a Member State which has designated a competent PRS authority. Furthermore, the receiver manufacturer must have been duly authorised by the Security Accreditation Board for European GNSS systems established by Regulation (EU) No 912/2010 of the European Parliament and of the Council⁽¹⁾ (the 'Security Accreditation Board') and must comply with its decisions. It is the responsibility of the competent PRS authorities to continuously monitor compliance both with that authorisation requirement and those decisions and with specific technical requirements stemming from the common minimum standards.
- (18) A Member State which has not designated a competent PRS authority should in any event designate a point of contact for the management of any detected harmful electromagnetic interference affecting the PRS. That point of contact should be a natural or legal person that has the role of reporting point, or an address, which the Commission can contact in the event of potentially harmful electromagnetic interference in order to remedy such interference.
- (19) With regard to export restrictions, exports outside the Union of equipment or technology and software relating to PRS use and relating to the development of and manufacturing for the PRS, regardless of whether that equipment, software or technology is listed in Annex I to Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items⁽²⁾, must be restricted to those third countries which are duly authorised to access the PRS under an international agreement with the Union. A third country on whose territory a reference station housing PRS equipment and forming part of the system established under the Galileo programme is installed is not to be considered to be a PRS participant merely by virtue of that fact.
- (20) The power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the common minimum standards in the areas set out in the Annex and, if necessary, to update and amend it in order to take into account the developments in the Galileo programme. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.
- (21) In the light of their potential impact on the security of the system established under the Galileo programme, the Union and its Member States, both individually and collectively, it is essential that common rules concerning access to the PRS and manufacturing PRS receivers and security modules be applied uniformly in each Member State. It is therefore necessary that the Commission be empowered to adopt detailed requirements, guidelines and other measures in order to give effect to the common minimum standards. In order to ensure uniform conditions for the implementation of this Decision, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers⁽³⁾.
- (22) The audits and inspections to be carried out by the Commission with the assistance of the Member States should, as appropriate, be carried out in a manner similar to that provided for in Part VII of Annex III to Decision 2011/292/EU.
- (23) Rules for access to the PRS offered by the system established under the Galileo programme are a prerequisite for the implementation of the PRS. The Commission should analyse whether a charging policy for the PRS should be put in place, including with regard to third countries and international organisations, and report to the European Parliament and the Council on the outcome of that analysis.
- (24) Since the objective of this Decision — namely, to lay down the rules under which the Member States, the Council, the Commission, the EEAS, Union agencies, third countries and international organisations may access the PRS — cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale of the proposed action, be better achieved at the level of the Union, 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 that objective.
- (25) As soon as the PRS is declared operational, a reporting and review mechanism should be set in place,

HAVE ADOPTED THIS DECISION:

Article 1

Subject matter

This Decision lays down the rules under which the Member States, the Council, the Commission, the EEAS, Union agencies, third countries and international organisations may access the public regulated service (PRS) provided by the global navigation satellite system established under the Galileo programme.

⁽¹⁾ OJ L 276, 20.10.2010, p. 11.

⁽²⁾ OJ L 134, 29.5.2009, p. 1.

⁽³⁾ OJ L 55, 28.2.2011, p. 13.

*Article 2***Definitions**

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

- (a) 'PRS participants' means the Member States, the Council, the Commission and the EEAS, as well as Union agencies, third countries and international organisations, in so far as such agencies, third countries and organisations have been duly authorised;
- (b) 'PRS users' means natural or legal persons duly authorised by a PRS participant to own or use a PRS receiver.

*Article 3***General principles concerning PRS access**

1. The Member States, the Council, the Commission and the EEAS shall have the right to unlimited and uninterrupted access to the PRS worldwide.

2. It shall be for each individual Member State, the Council, the Commission and the EEAS to decide whether to use the PRS within their respective competences.

3. Each Member State which uses the PRS shall decide independently which categories of natural persons residing on its territory or performing official duties abroad on behalf of that Member State and legal persons established on its territory are authorised to be PRS users, as well as the uses to which the PRS may be put, in accordance with Article 8 and point 1(i) and (ii) of the Annex. Such uses may include security-related uses.

The Council, the Commission and the EEAS shall decide which categories of their agents are authorised to be PRS users, in accordance with Article 8 and point 1(i) and (ii) of the Annex.

4. Union agencies may become PRS participants only in so far as necessary to fulfil their tasks and in accordance with the detailed rules laid down in an administrative agreement concluded between the Commission and the agency concerned.

5. Third countries or international organisations may become PRS participants only where, in accordance with the procedure provided for in Article 218 of the Treaty on the Functioning of the European Union, they enter into both of the following agreements between the Union and the third country or international organisation concerned:

- (a) a security of information agreement defining the framework for exchanging and protecting classified information and providing a degree of protection at least equivalent to that of the Member States;
- (b) an agreement laying down the terms and conditions of the detailed rules for access to the PRS by the third country or international organisation; such an agreement could include the manufacturing, under specific conditions, of PRS receivers, to the exclusion of security modules.

*Article 4***Application of security regulations**

1. Each Member State shall ensure that its national security regulations offer a degree of protection of classified information at least equivalent to that provided by the rules on security as set out in the Annex to Decision 2001/844/EC, ECSC, Euratom and by Decision 2011/292/EU and that those national security regulations apply to its PRS users and to all natural persons resident on its territory and all legal persons established on its territory which handle EU classified information relating to the PRS.

2. Member States shall inform the Commission without delay of the adoption of national security regulations as referred to in paragraph 1.

3. If it emerges that EU classified information relating to the PRS has been disclosed to any person not authorised to receive it, the Commission shall, in full consultation with the Member State concerned:

- (a) inform the originator of the classified PRS data;
- (b) assess the potential damage caused to the interests of the Union or of the Member States;
- (c) notify the appropriate authorities of the results of that assessment accompanied by a recommendation to remedy the situation, in which case the appropriate authorities shall inform the Commission without delay of the action they intend to take or have already taken, including action aimed at preventing recurrence, as well as of the results of such action; and
- (d) inform the European Parliament and the Council, as appropriate, of those results.

*Article 5***Competent PRS authority**

1. A competent PRS authority shall be designated by:

- (a) each Member State which uses the PRS and each Member State on whose territory any of the bodies referred to in Article 7(1) are established; in such cases, the competent PRS authority shall be established on the territory of the Member State concerned, which shall notify the designation to the Commission without delay;
- (b) the Council, the Commission and the EEAS, if they use the PRS. In such a case, the European GNSS Agency established by Regulation (EU) No 912/2010 (the 'European GNSS Agency') may be designated as a competent PRS authority in accordance with appropriate arrangements;
- (c) Union agencies and international organisations, in accordance with the provisions of the agreements referred to in Article 3(4) and (5); in such cases, the European GNSS Agency may be designated as a competent PRS authority;

(d) third countries, in accordance with the provisions of the agreements referred to in Article 3(5).

2. The costs of the functioning of a competent PRS authority shall be borne by the PRS participants who have designated it.

3. A Member State which has not designated a competent PRS authority in accordance with point (a) of paragraph 1 shall in any event designate a point of contact for assisting as necessary in the reporting of detected potentially harmful electromagnetic interference affecting the PRS. The Member State concerned shall notify such a designation to the Commission without delay.

4. A competent PRS authority shall ensure that the use of the PRS is in compliance with Article 8 and point 1 of the Annex and that:

- (a) PRS users are grouped for the management of the PRS with the GSMC;
- (b) the PRS access rights for each group or user are determined and managed;
- (c) the PRS keys and other related classified information are obtained from the GSMC;
- (d) the PRS keys and other related classified information are distributed to the users;
- (e) the security of the receivers and associated classified technology and information are managed and the risks assessed;
- (f) a point of contact is established for assisting as necessary in the reporting of detected potentially harmful electromagnetic interference affecting the PRS.

5. The competent PRS authority of a Member State shall ensure that a body established on the territory of that Member State may only develop or manufacture PRS receivers or security modules if such a body:

- (a) has been duly authorised by the Security Accreditation Board in accordance with Article 11(2) of Regulation (EU) No 912/2010; and
- (b) complies both with the decisions of the Security Accreditation Board and with Article 8 and point 2 of the Annex regarding the development and manufacture of PRS receivers or security modules, in so far as these relate to its activity.

Any equipment-manufacture authorisation provided for in this paragraph shall be reviewed at least every five years.

6. In the case of development or manufacturing referred to in paragraph 5 of this Article, or in the case of export outside the Union, the competent PRS authority of the Member State concerned shall act as an interface to the entities competent for export restrictions of relevant equipment, technology and software regarding the use and development of, and manufacturing for, the PRS, in order to ensure that the provisions of Article 9 are applied.

7. A competent PRS authority shall be connected to the GSMC in accordance with Article 8 and point 4 of the Annex.

8. Paragraphs 4 and 7 shall be without prejudice to the possibility for Member States to delegate certain specific tasks of their respective competent PRS authority, by mutual consent, to another Member State, excluding any tasks related to the exercise of their sovereignty over their respective territories. The tasks referred to in paragraphs 4 and 7, as well as tasks under paragraph 5, may be carried out jointly by Member States. The Member States concerned shall notify such measures to the Commission without delay.

9. A competent PRS authority may request the technical assistance of the European GNSS Agency in order to perform its tasks, subject to specific arrangements. The Member States concerned shall notify such arrangements to the Commission without delay.

10. Every three years the competent PRS authorities shall report to the Commission and to the European GNSS Agency on compliance with the common minimum standards.

11. Every three years the Commission shall, with the assistance of the European GNSS Agency, report to the European Parliament and the Council on the compliance by the competent PRS authorities with the common minimum standards, as well as in any cases of serious violation of those standards.

12. Where a competent PRS authority does not comply with the common minimum standards set out in Article 8, the Commission may, taking due account of the subsidiarity principle and in consultation with the Member State concerned and, if necessary, after obtaining further specific information, issue a recommendation. Within three months of the recommendation being issued, the competent PRS authority concerned shall either comply with the recommendation of the Commission or request or propose changes with a view to ensuring compliance with the common minimum standards and implement them in agreement with the Commission.

If, once that three-month period has expired, the competent PRS authority concerned still does not ensure compliance with the common minimum standards, the Commission shall inform the European Parliament and the Council and propose appropriate measures to be taken.

Article 6

Role of the GSMC

The GSMC shall provide the operational interface between the competent PRS authorities, the Council and the High Representative of the Union for Foreign Affairs and Security Policy acting under Joint Action 2004/552/CFSP and the control centres. It shall inform the Commission of any event that may affect the smooth running of the PRS.

*Article 7***Manufacture and security of receivers and security modules**

1. A Member State may, subject to the requirements set out in Article 5(5), assign the task of manufacturing PRS receivers or the associated security modules to bodies established on its territory or on the territory of another Member State. The Council, the Commission or the EEAS may assign the task of manufacturing PRS receivers or the associated security modules for their own use to bodies established on the territory of a Member State.

2. The Security Accreditation Board may at any time revoke the authorisation it has granted to a body referred to in paragraph 1 of this Article to manufacture PRS receivers or the associated security modules if the measures provided for in point (b) of Article 5(5) have not been complied with.

*Article 8***Common minimum standards**

1. The common minimum standards to be complied with by the competent PRS authorities referred to in Article 5 shall cover the areas set out in the Annex.

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 11 concerning the adoption of the common minimum standards for the areas set out in the Annex and, if necessary, amendments updating the Annex to take account of developments in the Galileo programme, in particular with regard to technology and changes in security needs.

3. On the basis of the common minimum standards referred to in paragraph 2 of this Article, the Commission may adopt the necessary technical requirements, guidelines and other measures. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 12(2).

4. The Commission shall ensure that the necessary steps are taken to comply with the measures referred to in paragraphs 2 and 3 and that requirements relating to the security of the PRS and its users and related technology are met, taking full account of expert advice.

5. In order to assist compliance with this Article, the Commission shall facilitate a meeting of all competent PRS authorities at least once a year.

6. The Commission shall, with the assistance of the Member States and the European GNSS Agency, ensure that the competent PRS authorities comply with the common minimum standards, in particular by carrying out audits or inspections.

*Article 9***Export restrictions**

The export outside the Union of equipment, technology and software regarding the use and development of, and manufacturing for, the PRS shall not be authorised otherwise than in accordance with Article 8 and point 3 of the Annex and

pursuant to the agreements referred to in Article 3(5) or under agreements regarding the detailed rules for hosting and operating reference stations.

*Article 10***Application of Joint Action 2004/552/CFSP**

This Decision shall be applied without prejudice to measures decided on pursuant to Joint Action 2004/552/CFSP.

*Article 11***Exercise of delegation**

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 8(2) shall be conferred on the Commission for a period of five years from 5 November 2011. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period.

3. The delegation of power referred to in Article 8(2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Article 8(2) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

*Article 12***Committee procedure**

1. The Commission shall be assisted by the Committee established by Regulation (EC) No 683/2008. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply. Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.

*Article 13***Review and report**

At the latest two years after the PRS has been declared operational, the Commission shall report to the European Parliament and the Council on the adequate functioning and appropriateness of the rules established for access to the PRS and, if necessary, propose amendments to this Decision accordingly.

*Article 14***Specific rules for the implementation of the Galileo programme**

Notwithstanding the other provisions of this Decision, in order to ensure that the system established under the Galileo programme functions smoothly, access to PRS technology and the ownership or use of PRS receivers shall be authorised, subject to compliance with the principles laid down in Article 8 and the Annex, as regards the following:

- (a) the Commission, when acting as manager of the Galileo programme;
- (b) operators of the system established under the Galileo programme, strictly for the purposes of complying with their remit, as laid down in a specific arrangement with the Commission;
- (c) the European GNSS Agency, in order to enable it to perform the tasks entrusted to it, as laid down in a specific arrangement with the Commission;
- (d) the European Space Agency, strictly for the purposes of research, development and infrastructure roll-out, as laid down in a specific arrangement with the Commission.

*Article 15***Penalties**

Member States shall determine what penalties are applicable when national provisions enacted pursuant to this Decision are infringed. The penalties shall be effective, proportionate and dissuasive.

*Article 16***Entry into force and application**

1. This Decision shall enter into force on the day following its publication in the *Official Journal of the European Union*.
2. Member States shall apply Article 5 at the latest on 6 November 2013.

*Article 17***Addressees**

This Decision is addressed to the Member States.

Done at Strasbourg, 25 October 2011.

For the European Parliament

The President

J. BUZEK

For the Council

The President

M. DOWGIELEWICZ

ANNEX

Common minimum standards

1. As regards Article 5(4), the common minimum standards for the use of the PRS cover the following areas:
 - (i) PRS user group organisation;
 - (ii) definition and management of access rights for PRS users and user groups of PRS participants;
 - (iii) distribution of PRS keys and related classified information between the GSMC and the competent PRS authorities;
 - (iv) distribution of PRS keys and related classified information to the users;
 - (v) security management, including security incidents, and risk assessment for PRS receivers and associated classified technology and information;
 - (vi) reporting of detected potentially harmful electromagnetic interference affecting the PRS;
 - (vii) operational concepts and procedures for PRS receivers.
 2. As regards Article 5(5), the common minimum standards for the development and manufacture of PRS receivers or security modules cover the following areas:
 - (i) PRS user segment authorisation;
 - (ii) security of PRS receivers and PRS technology during research, development, and manufacturing phases;
 - (iii) PRS receiver and PRS technology integration;
 - (iv) protection profile for PRS receivers, security modules, and material using PRS technology.
 3. As regards Article 5(6) and Article 9, the common minimum standards for export restrictions cover the following areas:
 - (i) authorised PRS participants;
 - (ii) export of PRS-related material and technology.
 4. As regards Article 5(7), the common minimum standards for the links between the GSMC and the competent PRS authorities cover data and voice links.
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DECISION No 1105/2011/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 25 October 2011

on the list of travel documents which entitle the holder to cross the external borders and which may be endorsed with a visa and on setting up a mechanism for establishing this list

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 77(2) thereof,

Having regard to the proposal from the European Commission,

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

Acting in accordance with the ordinary legislative procedure ⁽¹⁾,

Whereas:

- (1) On the basis of Article 17(3)(a) of the Convention implementing the Schengen Agreement of 14 June 1985 ⁽²⁾, Decisions SCH/Com-ex (98)56 ⁽³⁾ and SCH/Com-ex (99)14 ⁽⁴⁾ established the Manual of travel documents entitling the holder to cross the external borders and which may be endorsed with a visa. Those Decisions should be adapted to the institutional and legal framework of the Union.
- (2) The list of travel documents issued by third countries should be monitored systematically to ensure that Member States' authorities dealing with the processing of visa applications and with border controls have accurate information at their disposal about the travel documents presented by third-country nationals. Exchanges of information between Member States on the travel documents issued and on Member States' recognition of those travel documents, and making the entire compilation available to the public, should be modernised and made more efficient.
- (3) The purpose of the list of travel documents is twofold: on the one hand, it allows border control authorities to verify whether a given travel document is recognised for the purpose of crossing the external borders as set out in point (a) of Article 5(1) of Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) ⁽⁵⁾; on the other hand,

it allows consular staff to verify whether Member States recognise a given travel document for the purpose of affixing a visa sticker.

- (4) Under point (c) of Article 48(1) of Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) ⁽⁶⁾ an exhaustive list of travel documents issued by the host country should be drawn up within local Schengen cooperation.
- (5) A mechanism should be established to ensure that the list of travel documents is constantly updated.
- (6) Considering the relevance of the security of the travel documents with regard to their possible recognition, the Commission, assisted by experts of the Member States, should provide a technical assessment, where appropriate.
- (7) Member States are and should remain competent for the recognition of travel documents for the purpose of allowing the holder to cross the external borders and affixing a visa sticker.
- (8) Member States should notify their position in relation to all travel documents and endeavour to harmonise their positions on the different types of travel documents. Since a Member State's failure to notify its position with regard to a travel document may cause problems to holders of that travel document, a mechanism should be established to place an obligation on Member States to state their position on the recognition and non-recognition of such documents. That mechanism should not preclude Member States from notifying a change in their position at any given moment.
- (9) An online database containing specimens of all travel documents should be established in the long term to facilitate the examination of a given travel document by border control authorities and consular staff. That database should be kept up to date in line with any changes to previously indicated recognition or non-recognition of a given travel document by Member States.
- (10) For information purposes, the Commission should draw up a non-exhaustive list of known fantasy and camouflage passports brought to its attention by the Member States. The fantasy and camouflage passports which are on the list should not be subject to recognition or non-recognition. They should not entitle their holders to cross the external borders and should not be endorsed with a visa.

⁽¹⁾ Position of the European Parliament of 6 July 2011 (not yet published in the Official Journal) and Decision of the Council of 23 September 2011.

⁽²⁾ OJ L 239, 22.9.2000, p. 19.

⁽³⁾ OJ L 239, 22.9.2000, p. 207.

⁽⁴⁾ OJ L 239, 22.9.2000, p. 298.

⁽⁵⁾ OJ L 105, 13.4.2006, p. 1.

⁽⁶⁾ OJ L 243, 15.9.2009, p. 1.

- (11) In order to ensure uniform conditions for compiling and updating the list of travel documents, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers ⁽¹⁾.
- (12) The advisory procedure should be used for drawing up and updating the list of travel documents, given that those acts merely constitute the compilation of issued travel documents.
- (13) As regards Iceland and Norway, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen *acquis* ⁽²⁾, which fall within the area referred to in Article 1, points A, B and C, of Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of that Agreement ⁽³⁾.
- (14) As regards Switzerland, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* ⁽⁴⁾, which fall within the area referred to in Article 1, points A, B and C, of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC ⁽⁵⁾.
- (15) As regards Liechtenstein, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Protocol signed between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*, which fall within the area referred to in Article 1, points A, B and C, of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU ⁽⁶⁾.
- (16) In accordance with Articles 1 and 2 of the Protocol (No 22) on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application. Given that this Decision builds upon the Schengen *acquis*, Denmark shall, in accordance with Article 4 of that Protocol, decide within a period of 6 months after the Council has decided on this Decision whether it will implement it in its national law.
- (17) This Decision constitutes a development of the provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* ⁽⁷⁾; the United Kingdom is therefore not taking part in its adoption and is not bound by it or subject to its application.
- (18) This Decision constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* ⁽⁸⁾; Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application.
- (19) As regards Cyprus, this Decision constitutes an act building upon, or otherwise related to, the Schengen *acquis* within the meaning of Article 3(2) of the 2003 Act of Accession.
- (20) This Decision constitutes an act building upon, or otherwise related to, the Schengen *acquis* within the meaning of Article 4(2) of the 2005 Act of Accession,

HAVE ADOPTED THIS DECISION:

Article 1

Subject matter and scope

1. This Decision establishes the list of travel documents which entitle the holder to cross the external borders and which may be endorsed with a visa (the list of travel documents) and a mechanism for compiling it.
2. This Decision applies to travel documents such as a national passport (ordinary, diplomatic, service/official or special passport), an emergency travel document, a refugee or stateless person's travel document, a travel document issued by international organisations, or a *laissez-passer*.
3. This Decision does not affect Member States' competence for the recognition of travel documents.

⁽¹⁾ OJ L 55, 28.2.2011, p. 13.

⁽²⁾ OJ L 176, 10.7.1999, p. 36.

⁽³⁾ OJ L 176, 10.7.1999, p. 31.

⁽⁴⁾ OJ L 53, 27.2.2008, p. 52.

⁽⁵⁾ OJ L 53, 27.2.2008, p. 1.

⁽⁶⁾ OJ L 160, 18.6.2011, p. 19.

⁽⁷⁾ OJ L 131, 1.6.2000, p. 43.

⁽⁸⁾ OJ L 64, 7.3.2002, p. 20.

*Article 2***Compilation of the list of travel documents**

1. The Commission shall draw up the list of travel documents with the assistance of Member States on the basis of information gathered within local Schengen cooperation, as referred to in point (c) of Article 48(1) of Regulation (EC) No 810/2009.
2. The list of travel documents shall be drawn up in accordance with the advisory procedure referred to in Article 8(2).

*Article 3***Structure of the list of travel documents**

1. The list of travel documents shall be divided into three parts.
2. Part I shall consist of travel documents issued by the third countries and territorial entities listed in Annexes I and II to Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement ⁽¹⁾.
3. Part II shall consist of the following travel documents issued by Member States, including those issued by the Member States of the European Union which are not taking part in the adoption of this Decision and by the Member States of the European Union which do not yet apply the provisions of the Schengen *acquis* in full:
 - (a) travel documents issued to third-country nationals;
 - (b) travel documents issued to refugees under the United Nations Convention Relating to the Status of Refugees of 28 July 1951;
 - (c) travel documents issued to stateless persons under the United Nations Convention relating to the Status of Stateless Persons of 28 September 1954;
 - (d) travel documents issued to persons who do not hold the nationality of any country and who reside in a Member State;
 - (e) travel documents issued by the United Kingdom to British citizens who are not nationals of the United Kingdom of Great Britain and Northern Ireland for the purposes of Union law.
4. Part III shall consist of travel documents issued by international organisations.
5. As a general rule, the listing of a given travel document applies to all series of that travel document that are still valid.
6. If a third country does not issue a particular type of travel document, this shall be indicated by entering 'not issued' in the list of travel documents.

*Article 4***Notification of recognition or non-recognition of listed travel documents**

1. Within 3 months after the communication of the list of travel documents, Member States shall notify to the Commission their position on recognition or non-recognition of the listed travel documents.
2. If a Member State fails to notify its position within the period referred to in paragraph 1, the travel document concerned shall be deemed to be recognised until that Member State's notification of its non-recognition.
3. Within the framework of the committee referred to in Article 8(1), Member States shall exchange information on the grounds for the recognition or non-recognition of specific travel documents with a view to reaching a harmonised position.
4. Member States shall notify the Commission of all changes to previously indicated recognition or non-recognition of a given travel document.

*Article 5***New travel documents issued**

1. Member States shall notify the Commission of new travel documents referred to in points (a) to (d) of Article 3(3).
2. Member States shall inform the Commission of new travel documents issued by third countries, Member States and international organisations referred to in Article 3(2), in point (e) of Article 3(3) and in Article 3(4). The Commission shall, in cooperation with the Member States, endeavour to collect specimens of new travel documents in order to share them.
3. The Commission shall update the list of travel documents in accordance with the notifications and information received and shall request Member States to notify their position on recognition or non-recognition in accordance with Article 4.
4. The updated list of travel documents shall be drawn up in accordance with the advisory procedure referred to in Article 8(2).

*Article 6***Information concerning known fantasy and camouflage passports**

The Commission shall also draw up and update a non-exhaustive list of known fantasy and camouflage passports on the basis of information received from the Member States.

*Article 7***Assessment of travel documents**

1. In order to assist the Member States in their technical assessment of travel documents, the Commission, assisted by experts of the Member States, may provide for a technical analysis of the travel documents, taking into account in particular the relevant International Civil Aviation Organization standards and recommendations.

⁽¹⁾ OJ L 81, 21.3.2001, p. 1.

2. Where relevant, the conditions and procedures for issuing travel documents may also be analysed within this framework.

3. The results of the assessments referred to in paragraphs 1 and 2 shall be communicated to the Member States.

Article 8

Committee procedure

1. The Commission shall be assisted by a committee (the Travel Document Committee). That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.

Article 9

Publication of the lists

The Commission shall make the list of travel documents, including the notifications pursuant to Article 4, and the list referred to in Article 6, available to the Member States and the public via a constantly updated electronic publication.

Article 10

Repeals

Decisions SCH/Com-ex (98)56 and SCH/Com-ex (99)14 shall be repealed.

Article 11

Entry into force

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

2. This Decision shall apply with effect from the date of its entry into force, except for Article 10, which shall apply with effect from the date of the first publication by the Commission of the list of travel documents.

Article 12

Addressees

This Decision is addressed to the Member States in accordance with the Treaties.

Done at Strasbourg, 25 October 2011.

For the European Parliament

The President

J. BUZEK

For the Council

The President

M. DOWGIELEWICZ

II

(Non-legislative acts)

REGULATIONS

COUNCIL REGULATION (EU) No 1106/2011

of 20 October 2011

amending Regulations (EU) No 57/2011 and (EC) No 754/2009 as regards the protection of the species 'porbeagle', certain TACs and certain fishing effort limits set for Germany and Ireland

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Council Regulation (EU) No 57/2011⁽¹⁾ fixes for 2011 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in EU waters and, for EU vessels, in certain non-EU waters.
- (2) An inconsistency between the wording of Regulation (EU) No 57/2011 and the wording of the entry in Annex IA thereto concerning the Norway pout should be corrected.
- (3) Regulation (EU) No 57/2011 prohibits fishing for porbeagle in international waters, with a prompt release obligation for accidental catches. Annex IA to that Regulation fixes the total allowable catches for porbeagle at 0 tonnes in certain ICES zones, with no provision regarding accidental catches. As a consequence in some areas within EU waters catches of porbeagle are unrestricted, whereas in others (the Atlantic ocean) some zones (ICES zones) are managed by total allowable catch (TAC) and some others are not (CECAF zones). Given the status of this species and the discussions underway regarding the possibility of its listing under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES convention) (Appendix III), it is appropriate to provide for enhanced protection for porbeagle in all areas and to cover both EU vessels and third-country vessels fishing in EU waters.
- (4) The scientific assessment of cod in the Celtic Sea has improved, and has confirmed that the advice on which the current TAC is based underestimated the strong year class of 2009 and thus the dynamic increase in biomass for this stock. Further to the new selectivity measures planned by the North Western Regional Advisory Council (NWWRAC), which would reduce the risk of haddock and whiting discards in this cod fishery, it is appropriate to adapt the TAC for cod in the Celtic Sea to the new scientific advice for the remainder of 2011.
- (5) On 29 July 2011, Northwest Atlantic Fisheries Organisation (NAFO) communicated to all contracting parties the adoption of a revision of the 2011 NAFO TAC for redfish in Subarea 2, Division 1F and 3K, with immediate effect. The Commission, on 1 August 2011, submitted the same information to all Member States with an interest in this fishery. The revision should be implemented in the law of the Union and apply to EU vessels from 2 August 2011.
- (6) Within the context of establishing fishing opportunities and in accordance with Regulation (EC) No 1342/2008 of 18 December 2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks⁽²⁾, the Council may, acting on a Commission proposal and on the basis of the information provided by Member States and the advice of the Scientific, Technical and Economic Committee for Fisheries (STECF), exclude certain groups of vessels from the application of the fishing effort regime provided that appropriate data is available on the cod catches and discards of the vessels concerned, that the percentage of cod catches does not exceed 1,5 % of the total catches of the group of vessels and that the inclusion of the group in the effort regime would constitute an administrative burden disproportionate to its overall impact on cod stocks.

⁽¹⁾ OJ L 24, 27.1.2011, p. 1.

⁽²⁾ OJ L 348, 24.12.2008, p. 20.

- (7) Based on Regulation (EC) No 1342/2008, Regulation (EC) No 754/2009⁽¹⁾ excluded certain groups of vessels from the fishing effort regime laid down in Regulation (EC) No 1342/2008.
- (8) Ireland provided information on cod catches by a group of vessels operating in the west of Scotland using bottom trawls of mesh size equal to or larger than 120 mm with square mesh panels in the area stated in point 6.1 of Annex III to Council Regulation (EC) No 43/2009 of 16 January 2009 fixing for 2009 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required⁽²⁾, and using 100 mm mesh size elsewhere in the west of Scotland. On the basis of that information, as assessed by the STECF, it can be established that cod catches, including discards, by that group of vessels do not exceed 1,5 % of their total catches. Moreover, the control and monitoring measures in place ensure the monitoring and control of the fishing activities of that group of vessels. Finally, the inclusion in the fishing effort regime of that group constitutes an administrative burden disproportionate to the overall impact of that inclusion on cod stocks. It is therefore appropriate to amend Regulation (EC) No 754/2009 in order to exclude that group of vessels from the fishing effort regime laid down in Regulation (EC) No 1342/2008. The effort limits set for Ireland in Regulation (EU) No 57/2011 should be amended accordingly.
- (9) A group of vessels from Germany is currently excluded from the application of the fishing effort regime laid down in Regulation (EC) No 1342/2008. On the basis of information provided by Germany in 2011, STECF was not in a position to assess whether the conditions set out in Regulation (EC) No 1342/2008 remained fulfilled in the 2010 management period. It is therefore appropriate to reinstate this group of German vessels in that fishing effort regime. Regulation (EC) No 754/2009 should be amended accordingly.
- (10) Regulation (EU) No 57/2011 applies, in general, from 1 January 2011. However, the fishing effort limits laid down in Regulation (EU) No 57/2011 apply for a 1-year period starting from 1 February 2011. As a consequence, the provisions of this Regulation concerning catch limits and allocations should apply from 1 January 2011, except for the new provisions for redfish in Subarea 2, Division 1F and 3K, which should apply from 2 August 2011. The provisions of this Regulation concerning fishing effort limits should apply from 1 February 2011. Such retroactive application will be without prejudice to the principle of legal certainty as the fishing opportunities concerned have not yet been exhausted. Since modifications of effort regimes have a

direct influence on the economic activities of the fleets concerned, this Regulation should enter into force immediately upon its publication,

HAS ADOPTED THIS REGULATION:

Article 1

Amendment to Regulation (EU) No 57/2011

Regulation (EU) No 57/2011 is hereby amended as follows:

- (1) in Article 5(4), point (b) is replaced by the following:
- ‘(b) the stock of Norway pout and associated by-catches in ICES Subarea IIIa and EU waters of ICES division IIa and ICES Subarea IV and the stock of sprat in EU waters of ICES division IIa and ICES Subarea IV.’;
- (2) in Article 8 (1), point (e) is replaced by the following:
- ‘(e) porbeagle (*Lamna nasus*) in all waters, except where it is provided otherwise in Annex IA; and’;
- (3) in Article 37, paragraph 1 is replaced by the following:
- ‘1. It shall be prohibited for third-country vessels to fish for, to retain on board, to tranship or to land the following species:
- (a) basking shark (*Cetorhinus maximus*) and white shark (*Carcharodon carcharias*) in all EU waters;
- (b) angel shark (*Squatina squatina*) in all EU waters;
- (c) common skate (*Dipturus batis*) in EU waters of ICES division IIa and ICES Subareas III, IV, VI, VII, VIII, IX and X;
- (d) undulate ray (*Raja undulata*) and white skate (*Rostroraja alba*) in EU waters of ICES Subareas VI, VII, VIII, IX and X;
- (e) porbeagle (*Lamna nasus*) in all EU waters; and
- (f) guitarfishes (*Rhinobatidae*) in EU waters of ICES Subareas I, II, III, IV, V, VI, VII, VIII, IX, X and XII.’;
- (4) in Annex IA, the entry for cod in VIIb, VIIc, VIIe-k, VIII, IX and X; EU waters of CECAF 34.1.1 is replaced by the following:

⁽¹⁾ OJ L 214, 19.8.2009, p. 16.

⁽²⁾ OJ L 22, 26.1.2009, p. 1.

Species: Cod <i>Gadus morhua</i>	Zone: VIIb, VIIc, VIIe-k, VIII, IX and X; EU waters of CECAF 34.1.1 (COD/7XAD34)
Belgium	233
France	3 811
Ireland	923
The Netherlands	1
United Kingdom	411
EU	5 379
TAC	5 379'
Analytical TAC Article 12 of this Regulation applies.	

- (5) in Annex IA, the entry for porbeagle in EU and international waters of III, IV, V, VI, VII, VIII, IX, X and XII is replaced by the following:

Species: Porbeagle <i>Lamna nasus</i>	Zone: French Guyana waters, Kattegat; EU waters of Skagerrak, I, II, III, IV, V, VI, VII, VIII, IX, X, XII and XIV; EU waters of CECAF 34.1.1, 34.1.2 and 34.2 (POR/3-1234)
Denmark	0 ⁽¹⁾
France	0 ⁽¹⁾
Germany	0 ⁽¹⁾
Ireland	0 ⁽¹⁾
Spain	0 ⁽¹⁾
United Kingdom	0 ⁽¹⁾
EU	0 ⁽¹⁾
	0 ⁽¹⁾
TAC	0 ⁽¹⁾
Analytical TAC	

⁽¹⁾ Catches of this species shall be promptly released unharmed to the extent practicable.'

- (6) in Annex IA, the entry for Norway lobster in VII is replaced by the following:

Species: Norway lobster <i>Nephrops norvegicus</i>	Zone: VII (NEP/07.)
Spain	1 306 ⁽¹⁾
France	5 291 ⁽¹⁾
Ireland	8 025 ⁽¹⁾
United Kingdom	7 137 ⁽¹⁾
EU	21 759 ⁽¹⁾
TAC	21 759 ⁽¹⁾
Analytical TAC Article 13 of this Regulation applies	

⁽¹⁾ Of which no more than the following quotas may be taken in VII (Porcupine Bank – Unit 16) (NEP/*07U16):

Spain	377
France	241
Ireland	454
United Kingdom	188
EU	1 260'

(7) in Annex IC, the entry for redfish in NAFO Subarea 2, Divisions IF and 3K, is replaced by the following:

'Species: Redfish <i>Sebastes spp.</i>	Zone: NAFO Subarea 2, Divisions IF and 3K (RED/N1F3K.)
Latvia	0
Lithuania	0
TAC	0'

(8) Appendix 1 of Annex IIA is amended as follows:

Article 2

(a) in Table (b), the column concerning Germany (DE) is replaced by the following:

Regulated gear	'DE
TR1	1 166 735
TR2	436 666
TR3	257
BT1	29 271
BT2	1 525 679
GN	224 484
GT	467
LL	0'

(b) in Table (d) the columns for Germany (DE) and Ireland (IE) are replaced by the following:

Regulated gear	'DE	IE
TR1	12 427	107 088
TR2	0	479 043
TR3	0	273
BT1	0	0
BT2	0	3 801
GN	35 442	5 697
GT	0	1 953
LL	0	4 250'

Amendment to Regulation (EC) No 754/2009

In Regulation (EC) No 754/2009, Article 1 is hereby amended as follows:

(a) point (f) is deleted;

(b) the following point is added:

'(h) the group of vessels flying the flag of Ireland, participating in the fishery indicated in the request from Ireland dated 11 March 2011, operating in the west of Scotland using bottom trawls of mesh size equal to or larger than 120 mm with square mesh panels in the area stated in point 6.1 of Annex III to Regulation (EC) No 43/2009 and using 100 mm mesh size elsewhere in the west of Scotland.'

Article 3

Entry into force

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

Article 1 points (1) to (6) shall apply from 1 January 2011.

Article 1 point (7) shall apply from 2 August 2011.

Article 1 point (8) and Article 2 shall apply from 1 February 2011.

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

Done at Luxembourg, 20 October 2011.

For the Council
The President
M. SAWICKI

COMMISSION REGULATION (EU) No 1107/2011**of 28 October 2011****establishing a prohibition of fishing for northern prawn in NAFO 3L by vessels flying the flag of Latvia**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy ⁽¹⁾, and in particular Article 36(2) thereof,

Whereas:

- (1) Council Regulation (EU) No 57/2011 of 18 January 2011 fixing for 2011 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in EU waters and, for EU vessels, in certain non-EU waters ⁽²⁾, lays down quotas for 2011.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2011.
- (3) It is therefore necessary to prohibit fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2011 shall be deemed to be exhausted from the date set out in that Annex.

*Article 2***Prohibitions**

Fishing activities for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. In particular it shall be prohibited to retain on board, relocate, tranship or land fish from that stock caught by those vessels after that date.

*Article 3***Entry into force**

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

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

Done at Brussels, 28 October 2011.

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

Lowri EVANS

Director-General for Maritime Affairs and Fisheries

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ OJ L 24, 27.1.2011, p. 1.

ANNEX

No	60/T&Q
Member State	Latvia
Stock	PRA/N3L
Species	Northern prawn (<i>Pandalus borealis</i>)
Zone	NAFO 3L
Date	28.9.2011

COMMISSION IMPLEMENTING REGULATION (EU) No 1108/2011

of 28 October 2011

derogating from Regulations (EC) No 2058/96, (EC) No 2305/2003, (EC) No 969/2006, (EC) No 1918/2006, (EC) No 1964/2006, (EC) No 1067/2008 and (EC) No 828/2009 as regards the dates for lodging import licence applications and issuing import licences in 2012 under tariff quotas for cereals, rice, sugar and olive oil and derogating from Regulations (EC) No 382/2008, (EC) No 1518/2003, (EU) No 1178/2010, (EU) No 90/2011 and (EC) No 951/2006 as regards the dates for issuing export licences in 2012 in the beef and veal, pigmeat, eggs, poultrymeat and out-of-quota sugar and isoglucose sectors

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1095/96 of 18 June 1996 on the implementation of the concessions set out in Schedule CXL drawn up in the wake of the conclusion of the GATT XXIV.6 negotiations ⁽¹⁾, and in particular Article 1 thereof,

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) ⁽²⁾, and in particular Articles 61, 144(1), 148, 156 and 161(3), in conjunction with Article 4 thereof,

Having regard to Council Regulation (EC) No 1528/2007 of 20 December 2007 applying the arrangements for products originating in certain states which are part of the African, Caribbean and Pacific (ACP) Group of States provided for in agreements establishing, or leading to the establishment of, Economic Partnership Agreements ⁽³⁾, and in particular Article 9(5) thereof,

Having regard to Council Regulation (EC) No 732/2008 of 22 July 2008 applying a scheme of generalised tariff preferences from 1 January 2009 and amending Regulations (EC) No 552/97, (EC) No 1933/2006 and Commission Regulations (EC) No 1100/2006 and (EC) No 964/2007 ⁽⁴⁾, and in particular Article 11(7) thereof,

Whereas:

(1) Commission Regulation (EC) No 1067/2008 of 30 October 2008 opening and providing for the administration of Community tariff quotas for common wheat of a quality other than high quality from third countries

⁽¹⁾ OJ L 146, 20.6.1996, p. 1.

⁽²⁾ OJ L 299, 16.11.2007, p. 1.

⁽³⁾ OJ L 348, 31.12.2007, p. 1.

⁽⁴⁾ OJ L 211, 6.8.2008, p. 1.

and derogating from Council Regulation (EC) No 1234/2007 ⁽⁵⁾, Commission Regulation (EC) No 2305/2003 of 29 December 2003 opening and providing for the administration of a Community tariff quota for imports of barley from third countries ⁽⁶⁾ and Commission Regulation (EC) No 969/2006 of 29 June 2006 opening and providing for the administration of a Community tariff quota for imports of maize from third countries ⁽⁷⁾ lay down specific provisions for lodging import licence applications and issuing import licences for common wheat of a quality other than high quality under quotas 09.4123, 09.4124 and 09.4125, for barley under quota 09.4126 and for maize under quota 09.4131.

(2) Commission Regulation (EC) No 2058/96 of 28 October 1996 opening and providing for the management of a tariff quota for broken rice of CN code 1006 40 00 for production of food preparations of CN code 1901 10 ⁽⁸⁾ and Commission Regulation (EC) No 1964/2006 of 22 December 2006 laying down detailed rules for the opening and administration of an import quota for rice originating in Bangladesh, pursuant to Council Regulation (EEC) No 3491/90 ⁽⁹⁾ lay down specific provisions for lodging import licence applications and issuing import licences for broken rice under quota 09.4079 and for rice originating in Bangladesh under quota 09.4517.

(3) Commission Regulation (EC) No 828/2009 of 10 September 2009 laying down detailed rules of application for the marketing years 2009/2010 to 2014/2015 for the import and refining of sugar products of tariff heading 1701 under preferential agreements ⁽¹⁰⁾ lays down specific provisions for lodging import licence applications and issuing import licences under quotas 09.4221, 09.4231 and 09.4241 to 09.4247.

(4) Commission Regulation (EC) No 1918/2006 of 20 December 2006 opening and providing for the administration of tariff quota for olive oil originating in Tunisia ⁽¹¹⁾ lays down specific provisions for lodging import licence applications and issuing import licences for olive oil under quota 09.4032.

⁽⁵⁾ OJ L 290, 31.10.2008, p. 3.

⁽⁶⁾ OJ L 342, 30.12.2003, p. 7.

⁽⁷⁾ OJ L 176, 30.6.2006, p. 44.

⁽⁸⁾ OJ L 276, 29.10.1996, p. 7.

⁽⁹⁾ OJ L 408, 30.12.2006, p. 19.

⁽¹⁰⁾ OJ L 240, 11.9.2009, p. 14.

⁽¹¹⁾ OJ L 365, 21.12.2006, p. 84.

- (5) In view of the public holidays in 2012, derogations should be made, at certain times, from Regulations (EC) Nos 2058/96, 2305/2003, 969/2006, 1918/2006, 1964/2006, 1067/2008 and 828/2009 as regards the dates for lodging import licence applications and issuing import licences in order to ensure compliance with the quota volumes in question.
- (6) The second subparagraph of Article 12(1) of Commission Regulation (EC) No 382/2008 of 21 April 2008 on rules of application for import and export licences in the beef and veal sector⁽¹⁾, Article 3(3) of Commission Regulation (EC) No 1518/2003 of 28 August 2003 laying down detailed rules for implementing the system of export licences in the pigmeat sector⁽²⁾, Article 3(3) of Commission Regulation (EU) No 1178/2010 of 13 December 2010 laying down detailed rules for implementing the system of export licences in the egg sector⁽³⁾ and Article 3(3) of Commission Regulation (EU) No 90/2011 of 3 February 2011 laying down detailed rules for implementing the system of export licences in the poultrymeat sector⁽⁴⁾ provide that export licences are to be issued on the Wednesday following the week in which the licence applications were lodged, unless the Commission has taken any particular measures in the meantime.
- (7) Article 7d(1) of 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⁽⁵⁾ lays down that export licences for out-of-quota sugar and isoglucose are to be issued from the Friday following the week during which the licence applications were lodged, unless the Commission has taken any particular measures in the meantime.
- (8) In view of the public holidays in 2012 and the resulting impact on the publication of the *Official Journal of the European Union*, the period between the lodging of applications and the day on which the licences are to be issued will be too short to ensure proper management of the market. That period should therefore be extended.
- (9) Commission Regulation (EC) No 1000/2010⁽⁶⁾ derogating from certain Regulations as regards the dates for lodging applications and issuing import and export licences in 2011 should therefore be repealed.

- (10) The measures set out 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

Cereals

1. By way of derogation from the second subparagraph of Article 4(1) of Regulation (EC) No 1067/2008, for 2012, import licence applications for common wheat of a quality other than high quality under quotas 09.4123, 09.4124 and 09.4125 may no longer be lodged after 13:00 (Brussels time) on Friday 14 December 2012.
2. By way of derogation from the second subparagraph of Article 3(1) of Regulation (EC) No 2305/2003, for 2012, import licence applications for barley under quota 09.4126 may no longer be lodged after 13:00 (Brussels time) on Friday 14 December 2012.
3. By way of derogation from the second subparagraph of Article 4(1) of Regulation (EC) No 969/2006, for 2012, import licence applications for maize under quota 09.4131 may no longer be lodged after 13:00 (Brussels time) on Friday 14 December 2012.

Article 2

Rice

1. By way of derogation from the third subparagraph of Article 2(1) of Regulation (EC) No 2058/96, for 2012, import licence applications for broken rice under quota 09.4079 may no longer be lodged after 13:00 (Brussels time) on Friday 7 December 2012.
2. By way of derogation from the first subparagraph of Article 4(3) of Regulation (EC) No 1964/2006, for 2012, import licence applications for rice originating in Bangladesh under quota 09.4517 may no longer be lodged after 13:00 (Brussels time) on Friday 7 December 2012.

Article 3

Sugar

By way of derogation from Article 4(1) of Regulation (EC) No 828/2009, applications for import licences for sugar products under quotas 09.4221, 09.4231 and 09.4241 to 09.4247 may not be lodged from 13:00 (Brussels time) on Friday 14 December 2012 until 13:00 (Brussels time) on Friday 28 December 2012.

⁽¹⁾ OJ L 115, 29.4.2008, p. 10.

⁽²⁾ OJ L 217, 29.8.2003, p. 35.

⁽³⁾ OJ L 328, 14.12.2010, p. 1.

⁽⁴⁾ OJ L 30, 4.2.2011, p. 1.

⁽⁵⁾ OJ L 178, 1.7.2006, p. 24.

⁽⁶⁾ OJ L 290, 6.11.2010, p. 26.

*Article 4***Olive oil**

By way of derogation from Article 3(3) of Regulation (EC) No 1918/2006, import licences for olive oil applied for during the periods referred to in Annex I to this Regulation shall be issued on the corresponding dates specified therein, subject to measures adopted pursuant to Article 7(2) of Regulation (EC) No 1301/2006.

*Article 5***Licences for exports of beef and veal, pigmeat, eggs and poultrymeat attracting refunds**

By way of derogation from the second subparagraph of Article 12(1) of Regulation (EC) No 382/2008, Article 3(3) of Regulation (EC) No 1518/2003, Article 3(3) of Regulation (EU) No 1178/2010 and Article 3(3) of Regulation (EU) No 90/2011, export licences applied for during the periods referred to in Annex II to this Regulation are issued on the corresponding dates specified therein, taking account where applicable of the specific measures referred to in Article 12(2) and (3) of Regulation (EC) No 382/2008, Article 3(4) and (4a) of Regulation (EC) No 1518/2003, Article 3(4) and (5) of Regu-

lation (EU) No 1178/2010 and Article 3(4) and (5) of Regulation (EU) No 90/2011, taken before those issue dates.

*Article 6***Out-of-quota sugar and isoglucose**

By way of derogation from Article 7d(1) of Regulation (EC) No 951/2006, export licences for out-of-quota sugar and isoglucose for which applications are lodged during the periods referred to in Annex III to this Regulation shall be issued on the corresponding dates specified therein taking account where applicable of the specific measures referred to in Article 9(1) and (2) of Regulation (EC) No 951/2006, taken before those issue dates.

*Article 7***Entry into force**

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

It shall expire on 31 December 2012.

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

Done at Brussels, 28 October 2011.

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

ANNEX I

Periods for lodging olive oil import licence applications	Dates of issue
Monday 2 or Tuesday 3 April 2012	Friday 13 April 2012
Monday 14 or Tuesday 15 May 2012	Wednesday 23 May 2012
Monday 21 or Tuesday 22 May 2012	Wednesday 30 May 2012
Monday 29 or Tuesday 30 October 2012	Thursday 8 November 2012

ANNEX II

Periods for lodging export licence applications for beef and veal, pigmeat, eggs and poultrymeat	Dates of issue
From 2 to 6 April 2012	Friday 12 April 2012
From 23 to 27 April 2012	Friday 3 May 2012
From 21 to 25 May 2012	Friday 31 May 2012
From 17 to 28 December 2012	Friday 7 January 2013

ANNEX III

Periods for lodging export licence applications for out-of-quota sugar and isoglucose	Dates of issue
From 23 to 27 April 2012	Friday 7 May 2012
From 6 to 10 August 2012	Friday 20 August 2012
From 17 to 28 December 2012	Friday 7 January 2013

COMMISSION IMPLEMENTING REGULATION (EU) No 1109/2011**of 3 November 2011****amending Annex I to Regulation (EC) No 2075/2005 as regards the equivalent methods for *Trichinella* testing****(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 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 ⁽¹⁾, and in particular the former part of the introductory phrase of Article 18 and points 8, 9 and 10 of that Article,

Whereas:

- (1) Commission Regulation (EC) No 2075/2005 of 5 December 2005 laying down specific rules on official controls for *Trichinella* in meat ⁽²⁾ provides for methods of detection of *Trichinella* in samples of carcasses. The reference method is laid down in Chapter I of Annex I to that Regulation. Three methods of detection equivalent to the reference method are laid down in Chapter II of Annex I to that Regulation.
- (2) Regulation (EC) No 2075/2005, as amended by Regulation (EC) No 1245/2007 ⁽³⁾, permits the use of liquid pepsin for the detection of *Trichinella* in meat and establishes its requirements when used as a reagent in methods of detection. It is therefore appropriate to also provide for identical requirements for the equivalent detection methods, where relevant. Part C of Chapter II of Annex I to Regulation (EC) No 2075/2005 should therefore be amended accordingly.
- (3) In addition, new apparatuses for *Trichinella* testing using the digestion method equivalent to the reference method started being produced by private companies. Following these developments, guidelines for the validation of new

apparatuses for testing of *Trichinella* by the digestion method were endorsed unanimously during the meeting of the Standing Committee on the Food Chain and Animal Health on 16 December 2008.

- (4) In 2010 a new apparatus method for testing of *Trichinella* in domestic swine was validated by the EU Reference Laboratory for parasites in accordance with those guidelines.
- (5) Results of the validation show that the new apparatus and related method of detection of *Trichinella*, validated under the code of the EU Reference Laboratory, No EURLP_D_001/2011 ⁽⁴⁾, is equivalent to the reference method as laid down in Chapter I of Annex I to Regulation (EC) No 2075/2005. Therefore, it should be included in the list of equivalent methods of detection listed in Chapter II of Annex I to Regulation (EC) No 2075/2005.
- (6) Chapter II of Annex I to Regulation (EC) No 2075/2005 should therefore be amended accordingly.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 2075/2005 is amended in accordance with the Annex to this Regulation.

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

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

Done at Brussels, 3 November 2011.

For the Commission
The President
José Manuel BARROSO

⁽¹⁾ OJ L 139, 30.4.2004, p. 206.⁽²⁾ OJ L 338, 22.12.2005, p. 60.⁽³⁾ OJ L 281, 25.10.2007, p. 19.⁽⁴⁾ <http://www.iss.it/crlp/index.php>

ANNEX

Chapter II of Annex I to Regulation (EC) No 2075/2005 is amended as follows:

1. in Part C, point 1(f) is replaced by the following:

(f) Pepsin, strength 1: 10 000 NF (US National Formulary) corresponding to 1:12 500 BP (British Pharmacopoeia) and to 2 000 FIP (International Pharmaceutical Federation), or stabilised liquid pepsin with minimum 660 European Pharmacopoeia units/ml;

2. the following Part D is added:

D. Magnetic stirrer method for pooled sample digestion/‘on filter isolation’ and larva detection by a latex agglutination test

This method is only considered equivalent for the testing of meat of domestic swine.

1. Apparatus and reagents

- (a) Knife or scissors and tweezers for cutting specimens.
- (b) Trays marked off into 50 squares, each of which can hold samples of approximately 2 g of meat, or other tools giving equivalent guarantees as regards the traceability of the samples.
- (c) A blender with a sharp chopping blade. Where the samples are larger than 3 g, a meat mincer with openings of 2-4 mm or scissors must be used. In the case of frozen meat or tongue (after removal of the superficial layer, which cannot be digested), a meat mincer is necessary and the sample size will need to be increased considerably.
- (d) Magnetic stirrers with thermostatically controlled heating plate and Teflon-coated stirring rods approximately 5 cm long.
- (e) Glass beakers, capacity 3 litres.
- (f) Sieves, mesh size 180 microns, external diameter 11 cm, with stainless steel mesh.
- (g) Steel filtration apparatus for 20 µm mesh filters with a steel funnel.
- (h) Vacuum pump.
- (i) Metal or plastic tanks, capacity 10-15 litres, to collect the digestive juice.
- (j) A 3D gyratory rocker.
- (k) Aluminium foil.
- (l) 25 % hydrochloric acid.
- (m) Pepsin, strength: 1:10 000 NF (US National Formulary) corresponding to 1:12 500 BP (British Pharmacopoeia) and to 2 000 FIP (International Pharmaceutical Federation), or stabilised liquid pepsin with minimum 660 European Pharmacopoeia units/ml.
- (n) Tap water heated to 46-48 °C.
- (o) A balance accurate to 0,1 g.
- (p) Pipettes of different sizes (1, 10 and 25 ml), micropipettes according to the latex agglutination manufacturer's instructions and pipette holders.
- (q) 20 microns nylon mesh filters of a diameter that fits with the filtration system.
- (r) Plastic or steel forceps of 10-15 cm.
- (s) Conical vials of 15 ml.

- (t) A pestle with a Teflon or steel conical tip to fit in the conical vials.
- (u) A thermometer accurate to 0,5 °C within the range 1-100 °C.
- (v) Latex agglutination cards of the Trichin-L antigen test kit validated under the code No EURLP_D_001/2011.
- (w) Buffer solution with preservative (sample diluent) of the Trichin-L antigen test kit validated under the code No EURLP_D_001/2011.
- (x) Buffer supplemented with preservative (negative control) of the Trichin-L antigen test kit validated under the code No EURLP_D_001/2011.
- (y) Buffer supplemented with *Trichinella spiralis* antigens and preservative (positive control) of the Trichin-L antigen test kit validated under the code No EURLP_D_001/2011.
- (z) Buffer with polystyrene particles coated with antibodies supplemented with preservative (latex beads) of the Trichin-L antigen test kit validated under the code No EURLP_D_001/2011.
- (aa) Disposable sticks.

2. Collecting of specimens

As stipulated in Chapter I(2).

3. Procedure

- I. For complete pools (100 g of samples at a time), the procedure set out in points (a) to (i) of Chapter I(3)(l) must be followed. In addition, the following procedure must be applied:
 - (a) The 20 microns nylon mesh filter is placed on the filtration support. The conical filtration steel funnel is fixed to the support with the block system and the steel sieve of 180 microns mesh size is placed on the funnel. The vacuum pump is connected with the filtration support and with the metal or plastic tank, to collect the digestive fluid.
 - (b) Stop stirring and pour the digestion fluid into the filtration funnel through the sieve. Rinse the beaker with 250 ml of warm water. The rinsing liquid must be poured into the filtration ramp after the digested fluid has been successfully filtrated.
 - (c) With the forceps, take the filtration membrane holding it by an edge. Fold the filtration membrane in four minimum and put it in the 15 ml conical tube.
 - (d) The filtration membrane is pushed at the bottom of the 15 ml conical tube with the help of the pestle and strongly pressed by doing successive back and forth movements with the pestle which should be positioned inside the filtration membrane folding according to the manufacturer's instructions.
 - (e) The sample diluent is added into the 15 ml conical tube by pipette and the filtration membrane is homogenised with the pestle by doing successive low amplitude back and forth movements, avoiding abrupt movements to limit liquid splashes according to the manufacturer's instructions.
 - (f) Each sample, the negative control, and the positive control, are dispensed into different fields of the agglutination card by pipettes, according to the manufacturer's instructions.
 - (g) The latex beads are added into each field of the agglutination card by a pipette, according to the manufacturer's instructions, without making them come into contact with the sample/s and controls. In each field, the latex beads are then gently mixed with a disposable stick until the homogeneous liquid covers the entire field.
 - (h) The agglutination card is put on the 3D rocker and is rocked according to the manufacturer's instructions.
 - (i) After the time established by the manufacturer's instructions, the rocking is stopped and the agglutination card is put on a plane surface and the reaction results are read. In the case of a positive sample, the beads aggregates must appear. In the case of a negative sample, the suspension remains homogeneous without beads aggregates.

- (j) All equipment in contact with meat must be carefully decontaminated between runs by soaking for a few seconds in warm water (60-90 °C). Surfaces upon which meat residues or inactivated larva/e remain may be cleaned with a clean sponge and tap water. Once the procedure is finalised, a few drops of detergent may be added to degrease the equipment. Then each piece must be thoroughly rinsed several times in order to remove all traces of detergent.
- (k) The pestle must be carefully decontaminated between runs by soaking for a few seconds in at least 250 ml of warm water (60-90 °C). Meat residues or inactivated larvae that could remain on its surface must be eliminated with a clean sponge and tap water. Once the procedure is finalised, a few drops of detergent may be added to degrease the pestle. Then the pestle must be thoroughly rinsed several times in order to remove all traces of detergent.

II. Pools of less than 100 g as stipulated in Chapter I(3)(II)

For pools of less than 100 g, the procedure set out in Chapter I(3)(II) must be followed.

III. Positive or doubtful results

Where examination of a collective sample produces a positive or uncertain latex agglutination result, a further 20 g sample is taken from each swine in accordance with Chapter I(2)(a). The 20 g samples from five swine are pooled and examined using the method described in point I. In this way samples from 20 groups of five swine must be examined.

When a positive latex agglutination is obtained from a group of five swine, further 20 g samples are collected from the individuals in the group and each is examined separately using one of the methods described in Chapter I.

Parasite samples must be kept in 90 % ethyl alcohol for conservation and identification at species level at the EU or national reference laboratory.

After parasite collection, positive fluids must be decontaminated by heating to at least 60 °C.:

COMMISSION IMPLEMENTING REGULATION (EU) No 1110/2011

of 3 November 2011

concerning the authorisation of an enzyme preparation of endo-1,4-beta-xylanase produced by *Trichoderma reesei* (CBS 114044) as a feed additive for laying hens, minor poultry species and pigs for fattening (holder of authorisation Roal Oy)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition⁽¹⁾, and in particular Article 9(2) thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation.
- (2) In accordance with Article 7 of Regulation (EC) No 1831/2003, an application was submitted for the authorisation of the enzyme preparation of endo-1,4-beta-xylanase produced by *Trichoderma reesei* (CBS 114044). The application was accompanied by the particulars and documents required under Article 7(3) of Regulation (EC) No 1831/2003.
- (3) The application concerns the authorisation of the enzyme preparation of endo-1,4-beta-xylanase produced by *Trichoderma reesei* (CBS 114044) as a feed additive for laying hens, minor poultry species and pigs for fattening, to be classified in the additive category 'zootechnical additives'.
- (4) The use of that preparation has been authorised for 10 years for chickens for fattening and chickens reared for laying, turkeys for fattening, turkeys reared for breeding and for weaned piglets by Commission Regulation (EC) No 902/2009⁽²⁾.
- (5) New data were submitted in support of the application for the authorisation of the enzyme preparation of

endo-1,4-beta-xylanase produced by *Trichoderma reesei* (CBS 114044) for laying hens, minor poultry species and pigs for fattening. The European Food Safety Authority ('the Authority') concluded in its opinion of 14 June 2011⁽³⁾ that, under the proposed conditions of use, endo-1,4-beta-xylanase produced by *Trichoderma reesei* (CBS 114044) does not have an adverse effect on animal health, human health or the environment, and that the use of that preparation can improve the laying performance of the hens and the growth performance of other minor poultry species and pigs for fattening. The Authority does not consider that there is a need for specific requirements of post-market monitoring. It also verified the report on the method of analysis of the feed additive in feed submitted by the Reference Laboratory set up by Regulation (EC) No 1831/2003.

- (6) The assessment of endo-1,4-beta-xylanase produced by *Trichoderma reesei* (CBS 114044) shows that the conditions for authorisation, as provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of this preparation should be authorised as specified in the Annex to this Regulation.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

The preparation specified in the Annex, belonging to the additive category 'zootechnical additives' and to the functional group 'digestibility enhancers', is authorised as an additive in animal nutrition, subject to the conditions laid down in that Annex.

Article 2

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

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.

⁽²⁾ OJ L 256, 29.9.2009, p. 23.

⁽³⁾ EFSA Journal 2011;9(6):2277.

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

Done at Brussels, 3 November 2011.

For the Commission

The President

José Manuel BARROSO

ANNEX

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						Units of activity/kg of complete feedingstuff with a moisture content of 12 %			

Category of zootechnical additives. Functional group: digestibility enhancers

4a8	Roal Oy	Endo-1,4-beta-xylanase EC 3.2.1.8	<p><i>Additive composition</i> Preparation of endo-1,4-beta-xylanase produced by <i>Trichoderma reesei</i> (CBS 114044) having a minimum activity of: solid form: 4×10^6 BXU ⁽¹⁾ /g liquid form: 4×10^5 BXU/g</p> <p><i>Characterisation of the active substance</i> endo-1,4-beta-xylanase produced by <i>Trichoderma reesei</i> (CBS 114044)</p> <p><i>Analytical method</i> ⁽²⁾ In the additive and the premixture: reducing sugar assay for endo-1,4-beta-xylanase by colorimetric reaction of dinitrosalicylic acid reagent on reducing sugar yield at pH 5,3 and 50 °C In the feedingstuffs: colorimetric method measuring water soluble dye released by the enzyme from azurine crosslinked wheat arabinoxylan substrate</p>	Minor poultry species other than laying birds thereof	—	8 000 BXU	—	<p>1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting.</p> <p>2. For safety: breathing protection, glasses and gloves shall be used during handling.</p>	24 November 2021
				Laying hens and laying birds of minor poultry species	—	24 000 BXU	—		
				Pigs for fattening	—	24 000 BXU	—		

⁽¹⁾ 1 BXU is the amount of enzyme which liberates 1 nmol reducing sugars as xylose from birch xylan per second at pH 5,3 and 50 °C.

⁽²⁾ Details of the analytical methods are available at the following address of the Reference Laboratory: http://irmm.jrc.ec.europa.eu/EURLs/EURL_feed_additives/Pages/index.aspx

COMMISSION IMPLEMENTING REGULATION (EU) No 1111/2011

of 3 November 2011

concerning the authorisation of *Lactobacillus plantarum* (NCIMB 30236) as a feed additive for all animal species

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition⁽¹⁾, and in particular Article 9(2) thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation.
- (2) In accordance with Article 7 of Regulation (EC) No 1831/2003, an application was submitted for the authorisation of *Lactobacillus plantarum* (NCIMB 30236). That application was accompanied by the particulars and documents required pursuant to Article 7(3) of Regulation (EC) No 1831/2003.
- (3) The application concerns the authorisation of *Lactobacillus plantarum* (NCIMB 30236) as a feed additive for all animal species, to be classified in the additive category 'technological additives'.
- (4) The European Food Safety Authority ('the Authority') concluded in its opinion of 14 June 2011⁽²⁾ that *Lactobacillus plantarum* (NCIMB 30236), under the proposed conditions of use, does not have an adverse effect on

animal health, human health or the environment, and that this preparation has the potential to improve the production of silage from all forages by reducing the pH and increasing the preservation of dry matter and protein. The Authority does not consider that there is a need for specific requirements of post-market monitoring. It also verified the report on the method of analysis of the feed additives in feed submitted by the Reference Laboratory set up by Regulation (EC) No 1831/2003.

- (5) The assessment of *Lactobacillus plantarum* (NCIMB 30236) shows that the conditions for authorisation, as provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of that preparation should be authorised as specified in the Annex to this Regulation.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

The preparation specified in the Annex belonging to the additive category 'technological additives' and to the functional group 'silage additives', is authorised as an additive in animal nutrition subject to the conditions laid down in that Annex.

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, 3 November 2011.

For the Commission
The President
José Manuel BARROSO

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.

⁽²⁾ EFSA Journal 2011; 9(6):2275.

ANNEX

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						CFU/kg of fresh material			
Category of technological additives. Functional group: silage additives.									
1k2073	—	<i>Lactobacillus plantarum</i> (NCIMB 30236)	<p><i>Additive composition</i></p> <p>Preparation of <i>Lactobacillus plantarum</i> (NCIMB 30236) containing a minimum of $1,2 \times 10^{11}$ CFU/g additive.</p> <p><i>Characterisation of the active substance</i></p> <p><i>Lactobacillus plantarum</i> (NCIMB 30236).</p> <p><i>Analytical method</i> ⁽¹⁾</p> <p>Enumeration in the feed additive: spread plate method: EN 15787. Identification: Pulsed Field Gel Electrophoresis (PFGE).</p>	All animal species	—	—	—	<ol style="list-style-type: none"> In the directions for use of the additive and premixture, indicate the storage temperature and storage life. Minimum dose of the additive when used without combination with other micro-organisms as silage additives: $2,4 \times 10^8$ CFU/kg fresh material. For Safety: it is recommended to use breathing protection and gloves during handling. 	24.11.2021

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

COMMISSION IMPLEMENTING REGULATION (EU) No 1112/2011

of 3 November 2011

amending Annex II to Regulation (EU) No 206/2010 as regards the entry for Paraguay in the list of third countries, territories or parts thereof authorised for the introduction into the Union of certain fresh meat

(Text with EEA relevance)

THE EUROPEAN COMMISSION

Animal Health (OIE). That outbreak is located in the San Pedro district and was confirmed on 18 September 2011 by laboratory analysis (ELISA and EITB).

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

Having regard to Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption⁽¹⁾, and in particular the introductory phrase of Article 8 and the first subparagraph of point 1 of Article 8 thereof,

Whereas:

(1) Commission Regulation (EU) No 206/2010 of 12 March 2010 laying down lists of third countries, territories or parts thereof authorised for the introduction into the European Union of certain animals and fresh meat and the veterinary certification requirements⁽²⁾ lays down the veterinary certification requirements for the introduction into the Union of certain consignments of fresh meat of ungulates and equidae intended for human consumption. It provides that such consignments are only to be introduced if they come from third countries, territories or parts thereof listed in Part 1 of Annex II to that Regulation.

(2) On 19 September 2011, Paraguay notified an outbreak of foot-and-mouth disease to the World Organisation for

(3) Part 1 of Annex II to Regulation (EU) No 206/2010 specifies that imports from Paraguay of fresh meat of domestic bovine animals are authorised.

(4) Due to the risk of the introduction of foot-and-mouth disease into the Union linked with the import of fresh bovine meat from Paraguay, and in the absence of guarantees allowing for regionalisation of Paraguay, such imports should no longer be authorised. The entry for Paraguay in Part 1 of Annex II to Regulation (EU) No 206/2010 should be amended accordingly.

(5) Regulation (EU) No 206/2010 should therefore be amended accordingly.

(6) 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

In Part 1 of Annex II to Regulation (EU) No 206/2010, the entry for Paraguay is replaced by the following:

PY – Paraguay	PY-0	Whole country	EQU				
	PY-1	Whole country except the designated high surveillance zone of 15 km from the external borders	BOV	A	1	18 September 2011	1 August 2008'

Article 2

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

⁽¹⁾ OJ L 18, 23.1.2003, p. 11.

⁽²⁾ OJ L 73, 20.3.2010, p. 1.

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

Done at Brussels, 3 November 2011.

For the Commission
The President
José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 1113/2011**of 3 November 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 4 November 2011.

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

Done at Brussels, 3 November 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	AL	69,9
	MA	44,1
	MK	61,4
	TR	88,3
	ZZ	65,9
0707 00 05	AL	73,2
	TR	140,5
	ZZ	106,9
0709 90 70	MA	107,9
	TR	105,2
	ZZ	106,6
0805 20 10	MA	155,4
	ZZ	155,4
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	AR	54,5
	HR	61,5
	MA	62,4
	TR	66,7
	UY	66,3
	ZZ	62,3
0805 50 10	AR	79,2
	CL	76,1
	TR	61,5
	ZA	72,1
	ZZ	72,2
0806 10 10	BR	246,3
	LB	291,0
	TR	135,7
	US	252,5
	ZA	80,8
	ZZ	201,3
0808 10 80	CA	92,8
	NZ	127,6
	US	86,2
	ZA	127,4
	ZZ	108,5
0808 20 50	CN	51,8
	TR	130,3
	ZZ	91,1

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

DECISIONS

COMMISSION IMPLEMENTING DECISION

of 3 November 2011

on granting a derogation requested by Italy with regard to the Regions of Emilia Romagna, Lombardia, Piemonte and Veneto 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) 7770)

(Only the Italian text is authentic)

(2011/721/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 long growing seasons and crops with high nitrogen uptake.
- (2) Italy submitted to the Commission a request for a derogation under the third subparagraph of paragraph 2 of Annex III to Directive 91/676/EEC with regard to the Regions of Emilia Romagna, Lombardia, Piemonte and Veneto.
- (3) The requested derogation concerns the intention of Italy to allow the application in the Regions of Emilia Romagna, Lombardia, Piemonte and Veneto of up to 250 kg nitrogen per hectare per year from cattle manure and treated pig manure on farms with at least 70 % of crops with high nitrogen demand and long growing season. Approximately 10 313 cattle farms

and 1 241 pig farms in the Regions of Emilia Romagna, Lombardia, Piemonte and Veneto corresponding to respectively 15,9 % and 9,7 % of total cattle and total pig farms in the same Regions, 10,7 % of the utilised agricultural land and 29,1 % of the total dairy livestock and 49,3 % of total pig numbers in the same Regions are estimated to be potentially encompassed by the derogation. Besides, also arable farms can apply for the derogation.

- (4) The legislation implementing Directive 91/676/EEC and establishing the action programmes in Emilia Romagna (Decision n. 1273/2011 5.9.2011), Lombardia (Decision n. IX/2208 14.9.2011), Piemonte (Decision 18-2612 19.9.2011) and Veneto (Decision n. 1150 26.7.2011), has been adopted and applies in conjunction with this Decision for the period 2012 to 2015.
- (5) The designated vulnerable zones to which the action programmes apply cover about 63 % of the utilised agricultural area (UAA) of Emilia Romagna, 82 % of the UAA of Lombardia, 38 % of the UAA of Piemonte and 87 % of the UAA of Veneto.
- (6) Water quality data submitted show that for groundwater in the Regions of Emilia Romagna, Lombardia, Piemonte and Veneto 89 % of groundwater bodies have mean nitrate concentrations below 50 mg/l nitrate and 63 % have mean nitrate concentrations below 25 mg/l nitrate. For surface waters, more than 98 % of monitoring sites have mean nitrate concentrations below 25 mg/l and no points have nitrate concentrations over 50 mg/l nitrate.
- (7) The Regions Emilia Romagna, Lombardia, Piemonte and Veneto account for more than 70 % of livestock in Italy: in particular, 67,1 % of dairy cattle, 60,6 % of other cattle, 81 % of pigs and 79,4 % of poultry. Livestock numbers show a decreasing trend in the period 1982-2007 (20 % on average for the four Regions).

⁽¹⁾ OJ L 375, 31.12.1991, p. 1.

- (8) In the period 1979-2008, chemical nitrogen consumption declined, as well as utilisation of mineral phosphorus fertilisers; the latter has been reduced by 70 %.
- (9) Grassland, maize grain, maize silage and winter cereals occupy about 53 % of the total agricultural area in Emilia Romagna, Lombardia, Piemonte and Veneto.
- (10) The supporting documents presented in the request for the derogation show that the proposed amount of 250 kg nitrogen per hectare per year from cattle manure and treated pig manure is justified on the basis of objective criteria such as high net precipitation, long growing seasons and high yields of crops with high nitrogen uptake.
- (11) After examining the request, the Commission considers that the proposed amount of 250 kg per hectare from cattle 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.
- (12) 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,
- (d) 'late maturing maize' means maize class FAO 600-700, planted from mid March to the beginning of April, with a growing cycle of at least 145-150 days;
- (e) 'maize or sorghum followed by winter herbage' means medium-late or early maturing maize or sorghum followed by winter herbage, such as Italian ryegrass, barley, triticale or winter rye;
- (f) 'winter cereal followed by summer herbage' means winter wheat, winter barley or triticale, followed by summer herbage, such as maize, sorghum, *Setaria* or *Panicum* sp.;
- (g) 'crops with high nitrogen demand and long growing season' means grassland, late maturing maize, maize or sorghum followed by winter herbage and winter cereal followed by summer herbage;
- (h) 'cattle manure' means livestock manure excreted by cattle, including during grazing or in processed form;
- (i) 'manure treatment' means the processing of pig manure into two fractions, a solid fraction and a liquid fraction, performed in order to improve land application and enhance nitrogen and phosphorus recovery;
- (j) 'treated manure' means the liquid fraction resulting from pig manure treatment, with a minimum nitrogen to phosphate ratio (N/P₂O₅) of 2,5;
- (k) 'treated manure with nitrogen removal' means treated manure with a nitrogen content of less than 30 % compared to nitrogen content of the raw pig manure;
- (l) 'soils with low Organic Matter content' means soils with organic carbon content lower than 2 % in the top 30 centimetres of soil;
- (m) 'non-saline and low salinity soils' means those soils with electrical conductivity on saturated soil paste extract EC_e < 4 mS/cm or electrical conductivity on aqueous extract with 1:2 soil/water ratio EC 1:2 < 1 ms/cm, or areas defined as certainly not affected by risk of salinisation, as indicated on the soil map defined at regional level;
- (n) 'nitrogen use efficiency' means the percentage of total nitrogen applied in livestock manure form which is available to crops in the year of application.

HAS ADOPTED THIS DECISION:

Article 1

The derogation requested by Italy, by letters of 10 March 2011 and of 28 July 2011, with regard to Regions Emilia Romagna, Lombardia, Piemonte and Veneto 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:

- (a) 'farms' means agricultural holdings 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);

Article 3

Scope

This Decision applies on an individual basis to farms, where 70 % or more of the acreage of the farm is 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 a derogation under this Decision shall submit an application to the competent authorities annually by 15 February.
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. Farmers benefiting from a derogation for the application of pig treated manure shall notify each year to the competent authorities the following information:

- (a) the type of manure treatment;
- (b) the capacity and main characteristics of the treatment plant, including its efficiency;
- (c) the amount of manure sent to treatment;
- (d) the amount, the composition, including a specification of the nitrogen and phosphorus content, and the destination of the solid fraction;
- (e) the amount, the composition, including a specification of the nitrogen and phosphorus content, and the destination of the treated manure;
- (f) the estimation of gaseous losses during treatment.

2. The solid fraction resulting from manure treatment shall be stabilised in order to reduce odours and other emissions, improving agronomic and hygienic properties, facilitating handling and enhancing nitrogen and phosphate availability to crops. The resulting product shall not be applied to derogated farms. The competent authorities shall adopt measures to encourage the use of stabilised solid fraction on soils with low organic matter content. Those soils are indicated in maps established at regional level and made available to farmers.

3. The competent authorities shall establish the 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 deriving from manure treatment shall be monitored by the competent authorities in representative locations for each treatment technique. On the basis of the monitoring results, an inventory of emissions shall be established by the competent authorities.

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

1. The amount of cattle manure, including by the animals themselves, and treated manure applied to the land each year on farms benefiting from a derogation shall not exceed the amount of manure containing 250 kg nitrogen per hectare, subject to the conditions laid down in paragraphs 2 to 12.
2. The total nitrogen inputs shall not exceed the foreseeable nutrient demand of the considered crop. It shall take into account the supply from the soil and the increased manure nitrogen availability due to manure treatment. It shall not exceed maximum application standards, as established in the action programmes applicable to the farm.
3. The total phosphorus inputs shall not exceed the foreseeable nutrient demand of the considered crop and take into account the phosphorus supply from the soil. Phosphorus in chemical fertilisers shall not be applied in derogated farms.
4. A fertilisation plan describing the crop rotation of the farmland and the planned application of manure and mineral fertilisers shall be prepared for each farm 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 and type of manure storage available;
- (b) a calculation of manure nitrogen and phosphorus produced in the farm;
- (c) the description of manure treatment and characteristics of treated manure (if relevant);
- (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 expected yields for each cultivated crop, depending on nutrient and water availability, as well as local conditions, such as climate, soil type, etc.;
- (g) the estimated nitrogen and phosphorus crop requirements for each parcel;
- (h) a calculation of manure nitrogen and phosphorus to be applied over each parcel;

- (i) a calculation of nitrogen from chemical fertilisers to be applied over each parcel;
- (j) the estimation of the amount of water needed for irrigation and the precise indication of water source; the authorisation for water abstraction or the contract for water use with the relevant 'water consortium' or the map indicating that the farm is located in areas where the shallow groundwater is in contact with the root zone shall be included in the plan.

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

5. Fertilisation accounts shall be prepared by each farm on a parcel basis. They shall include applied amounts and time of application of manure and chemical fertilisers.

6. The authorisation for water abstraction or the contract for water use with the relevant 'water consortium' or the map indicating that the farm is located in areas where the shallow groundwater is in contact with the root zone shall be available at the farm. The amount of authorised or contracted amount of water, where applicable, shall be sufficient to reach crops yields obtained in conditions without water constraints.

7. Results of nitrogen and phosphorus analysis in soil shall be available for each farm benefiting from a derogation. Sampling and analysis shall be carried out before the 1st June 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.

8. Livestock manure applied on derogation farms shall have a nitrogen use efficiency at least of 65 % for slurry and 50 % for solid manure.

9. Livestock manure and chemical fertilisers applied on derogation farms cannot be spread after 1 November.

10. At least two thirds of the amount of nitrogen from manure, excluding nitrogen from manure from grazing livestock, shall be applied before 30 June each year. For this purpose, farms benefiting from a derogation shall dispose of adequate storage capacity for livestock manure, which can cover at least periods during which manure application is not allowed.

11. Liquid manure, including treated manure and slurries, shall be applied through low emissions application techniques. Solid manure shall be incorporated within 24 hours.

12. In order to protect soils from risk of salinisation, treated manure with nitrogen removal shall be allowed only on non-saline and low-salinity soils. For that purpose, farmers intending to apply treated manure with nitrogen removal shall measure electrical conductivity on parcels to be used for application at least every 4 years and shall include results in the application referred to in Article 4(1). The competent authorities shall establish a protocol to be used by farmers to measure electrical conductivity. The competent authorities shall establish maps showing areas at risk of salinisation.

Article 7

Land management

Farmers benefiting from a derogation shall ensure that the following conditions are met:

- (a) 70 % or more of the acreage of the farm shall be cultivated with crops with high nitrogen demand and long growing season;
- (b) temporary grassland shall be ploughed in spring;
- (c) temporary and permanent grassland shall not include more than 50 % of leguminous or other plants fixing atmospheric nitrogen;
- (d) late maturing maize shall be harvested (the whole plant);
- (e) winter herbage, such as Italian ryegrass, barley, triticale or winter rye, shall be seeded within 2 weeks after harvest of maize/sorghum and shall be harvested no earlier than 2 weeks before maize/sorghum sowing;
- (f) summer herbage, such as maize, sorghum, *Setaria* or *Panicum* sp. shall be seeded within 2 weeks after harvest of winter cereals and shall be harvested no earlier than 2 weeks before winter cereals sowing;
- (g) a crop with high nitrogen demand shall be seeded within 2 weeks after ploughing grass and fertilisers shall not be applied in the year of ploughing of permanent grassland.

Article 8

Other measures

1. The competent authorities shall ensure that derogations granted for the application of treated manure are compatible with the capacity of manure treatment plants.
2. The competent authorities shall ensure that each granted derogation is compatible with the authorised water use in the farm benefiting from the derogation.

*Article 9***Measures on manure transport**

1. The competent authorities shall ensure that transport of livestock manure to and from farms benefiting from a derogation is recorded through geographic positioning systems or is registered in accompanying documents, specifying the place of origin and destination. The recording through geographic positioning systems is obligatory for transports covering distances longer than 30 km.
2. The competent authorities shall ensure that a document specifying the amount of transported manure and its nitrogen and phosphorus content is available during transport.
3. The competent authorities shall ensure that treated manure and solid fractions resulting from manure treatment are analysed with regard to their nitrogen and phosphorus content. The analysis shall be performed by recognised laboratories. The results of the analysis shall be communicated to the competent authorities and to the receiving farmer. A certificate of the analysis shall be available in each transport.

*Article 10***Monitoring**

1. The competent authorities shall ensure that maps showing the percentage of farms, percentage of livestock, percentage of agricultural land covered by individual derogations and maps showing local land use for each municipality are drawn up and updated every year. Data on crop rotations and agricultural practices in farms benefiting from derogations shall be collected and updated every year.
2. A monitoring network for sampling of surface and shallow groundwater shall be established and maintained to assess the impact of the derogation on water quality. The draft monitoring network shall be submitted to the Commission. 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 water monitoring shall be conducted for agricultural catchments located in proximity to most vulnerable water bodies, to be identified by the competent authorities.
4. Monitoring sites shall be established, 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 run-off, both under derogation and non-derogation conditions. The monitoring sites shall include main soil types, fertilisation practices and crops. The draft monitoring network

shall be submitted to the Commission. 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.

*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 a risk analysis, results of controls of the previous years and results of general random controls of legislation implementing Directive 91/676/EEC. The field inspections shall cover at least 5 % of farms benefiting from a derogation in respect to the conditions set out in Articles 5, 6 and 7 of this Decision.
3. The competent authorities shall ensure on-the-spot controls of at least 1 % of manure transport operations, based on risk assessments and results of administrative controls referred to in paragraph 1. Controls shall include, at least, assessment of accompanying documents, verification of manure origin and destination and sampling of transported manure.
4. The competent authorities shall be granted the necessary powers and means to verify compliance with this Decision. Where verification indicates non-compliance with this Decision, the competent authorities shall take the necessary action for redress. In particular, farmers which do not comply with Articles 5, 6 and 7 shall be excluded from derogation the following year.

*Article 12***Reporting**

The competent authorities shall submit to the Commission every year by December, and for the year 2015 by September, a report containing the following information:

- (a) evaluation of the implementation of the derogation, on the basis of controls at farm 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;
- (b) information on manure treatment, including further processing and utilisation of the solid fractions, and provide detailed data on characteristics of treatment systems, their efficiency and composition of treated manure, as well as final destination of solid fractions;

- (c) maps showing areas with low organic matter content, as well as the measures taken in order to encourage the use of the stabilised solid fraction on soils with low organic matter content, as referred to in Article 5(2);
- (d) 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);
- (e) the inventory of ammonia and other emissions from manure treatment, referred to in Article 5(4);
- (f) the established protocol to measure electrical conductivity and maps showing areas affected by salinisation, referred to in Article 6(12);
- (g) the methodologies to verify the compatibility of granted derogations with the capacity of manure treatment plants, referred to in Article 8(1);
- (h) the methodologies to verify the compatibility of each granted derogation with the authorised water use in the farm benefiting from the derogation, referred to in Article 8(2);
- (i) maps showing the percentage of farms, percentage of livestock and percentage of agricultural land covered by individual derogations and maps showing local land use, as well as data on crop rotations and agricultural practices in derogation farms, referred to in Article 10(1);
- (j) 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);
- (k) the list of most vulnerable water bodies, referred to in Article 10(3);
- (l) summary and evaluation of data obtained from the monitoring sites referred to in Article 10(4).

Article 13

Application

This Decision shall apply in conjunction with the regulations implementing the action programme in Emilia Romagna (Decision n. 1273/2011 5.9.2011), Lombardia (Decision n. IX/2208 14.9.2011), Piemonte (Decision 18-2612 19.9.2011) and Veneto (Decision n. 1150 26.7.2011).

This Decision shall apply from 1 January 2012.

It shall expire on 31 December 2015.

Article 14

This Decision is addressed to the Italian Republic.

Done at Brussels, 3 November 2011.

For the Commission

Janez POTOČNIK

Member of the Commission

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