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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

Information relating to the entry into force of an Agreement in the form of an Exchange of Letters between the European Union and the Argentine Republic pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union

The Agreement in the form of an Exchange of Letters between the European Union and the Argentine Republic pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union ⁽¹⁾ will enter into force on 6 December 2011.

⁽¹⁾ OJ L 317, 30.11.2011, p. 11.

COUNCIL DECISION

of 14 November 2011

on the signing of a Voluntary Partnership Agreement between the European Union and the Central African Republic on forest law enforcement, governance and trade in timber and derived products to the European Union (FLEGT)

(2011/790/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first subparagraph of Article 207(3), in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) In May 2003 the European Commission adopted a Communication to the European Parliament and to the Council entitled 'Forest law enforcement, governance and trade (FLEGT): proposal for an EU action plan' which called for measures to address illegal logging through the development of voluntary partnership agreements with timber-producing countries. Council conclusions on that Action Plan were adopted in October 2003 ⁽¹⁾ and the European Parliament adopted a resolution on the subject on 11 July 2005 ⁽²⁾.
- (2) On 5 December 2005 the Council authorised the Commission to open negotiations on partnership agreements to implement the FLEGT.
- (3) On 20 December 2005 the Council adopted Regulation (EC) No 2173/2005 ⁽³⁾ which established a FLEGT licensing scheme for imports of timber into the Union from countries with which the Union has concluded voluntary partnership agreements.
- (4) The negotiations with the Central African Republic have been concluded, and the Voluntary Partnership Agreement between the European Union and the Central African Republic on forest law enforcement,

governance and trade in timber and derived products to the European Union (hereinafter referred to as 'the Agreement') was initialled on 21 December 2010.

- (5) The Agreement should be signed subject to its conclusion,

HAS ADOPTED THIS DECISION:

Article 1

The signing of the Voluntary Partnership Agreement between the European Union and the Central African Republic on forest law enforcement, governance and trade in timber and derived products to the European Union (hereinafter 'FLEGT') is hereby authorised on behalf of the Union, subject to the conclusion of the said Agreement ⁽⁴⁾.

Article 2

The President of the Council is hereby authorised to designate the person empowered to sign the Agreement on behalf of the Union subject to its conclusion.

Article 3

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

Done at Brussels, 14 November 2011.

For the Council
The President
M. SAWICKI

⁽¹⁾ OJ C 268, 7.11.2003, p. 1.

⁽²⁾ OJ C 157 E, 6.7.2006, p. 482.

⁽³⁾ OJ L 347, 30.12.2005, p. 1.

⁽⁴⁾ The text of the Agreement will be published together with the Decision on its conclusion.

REGULATIONS

COUNCIL REGULATION (EU) No 1256/2011

of 30 November 2011

fixing for 2012 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea and amending Regulation (EU) No 1124/2010

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) Article 43(3) of the Treaty provides that the Council, on a proposal from the Commission, is to adopt measures on the fixing and allocation of fishing opportunities.
- (2) Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy ⁽¹⁾ requires that measures governing access to waters and resources and the sustainable pursuit of fishing activities be established taking into account available scientific, technical and economic advice and, in particular, the report drawn up by the Scientific, Technical and Economic Committee for Fisheries (STECF), as well as in the light of any advice received from Regional Advisory Councils.
- (3) It is incumbent upon the Council to adopt measures on the fixing and allocation of fishing opportunities by fishery or group of fisheries, including certain conditions functionally linked thereto, as appropriate. Fishing opportunities should be distributed among Member States in such a way as to assure each Member State relative stability of fishing activities for each stock or fishery and having due regard to the objectives of the Common Fisheries Policy established in Regulation (EC) No 2371/2002.
- (4) The total allowable catches (TACs) should be established on the basis of available scientific advice, taking into account biological and socioeconomic aspects whilst

ensuring fair treatment between fishing sectors, as well as in light of the opinions expressed during the consultation of stakeholders, in particular at the meetings with the Advisory Committee on Fisheries and Aquaculture and the Regional Advisory Councils concerned.

- (5) For stocks subject to specific multiannual plans, the fishing opportunities should be established in accordance with the rules laid down in those plans. Consequently, catch limits and fishing effort limits for the cod stocks in the Baltic Sea should be established in accordance with the rules laid down in Council Regulation (EC) No 1098/2007 of 18 September 2007 establishing a multiannual plan for the cod stocks in the Baltic Sea and the fisheries exploiting those stocks ⁽²⁾ ('the Baltic Sea Cod Plan').
- (6) In the light of the most recent scientific advice, flexibility in the management of the fishing effort for cod stocks in the Baltic Sea can be introduced without jeopardising the objectives of the Baltic Sea Cod Plan and without resulting in an increase in fishing mortality. Such flexibility would allow for a more efficient management of the fishing effort where quotas are not allocated equally among the fleet of a Member State and would facilitate swift reactions to quota exchanges. A Member State should, therefore, be allowed to allocate to vessels flying its flag additional days absent from port where an equal amount of days absent from port is withdrawn from other vessels flying the flag of that Member State.
- (7) In the light of the most recent scientific advice, it is appropriate to introduce such flexibility in the management of the fishing effort for cod stocks in the Baltic Sea already in 2011. Consequently, Annex II to Council Regulation (EU) No 1124/2010 of 29 November 2010 fixing for 2011 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea ⁽³⁾ should be amended accordingly.

⁽¹⁾ OJ L 358, 31.12.2002, p. 59.

⁽²⁾ OJ L 248, 22.9.2007, p. 1.

⁽³⁾ OJ L 318, 4.12.2010, p. 1.

- (8) The use of fishing opportunities set out in this Regulation should be subject 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 to Articles 33 and 34 thereof concerning respectively the recording of catches and fishing effort and the information on data on the exhaustion of fishing opportunities. It is therefore necessary to specify the codes relating to landings of stocks subject to this Regulation which are to be used by the Member States when sending data to the Commission.
- (9) In accordance with Article 2 of Council Regulation (EC) No 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas⁽²⁾, the stocks that are subject to the various measures referred to therein must be identified.
- (10) In order to avoid the interruption of fishing activities and to ensure the livelihood of Union fishermen, it is important to open those fisheries on 1 January 2012. However, since Regulation (EU) No 1124/2010 applies from 1 January 2011, the provisions of the present Regulation allowing flexibility in the management of the fishing effort for cod stocks in the Baltic Sea should apply from 1 January 2011. For reasons of urgency, this Regulation should enter into force immediately after its publication,
- (a) International Council for the Exploration of the Sea (ICES) zones are the geographical areas specified in Annex I to Council Regulation (EC) No 2187/2005 of 21 December 2005 for the conservation of fishery resources through technical measures in the Baltic Sea, the Belts and the Sound⁽³⁾;
- (b) 'Baltic Sea' means ICES Subdivisions 22-32;
- (c) 'EU vessel' means a fishing vessel flying the flag of a Member State and registered in the Union;
- (d) 'total allowable catch' (TAC) means the quantity that can be taken from each stock each year;
- (e) 'quota' means a proportion of the TAC allocated to the Union, a Member State or a third country;
- (f) 'day absent from port' means any continuous period of 24 hours or part thereof during which the vessel is absent from port.

CHAPTER II

FISHING OPPORTUNITIES

Article 4

TACs and allocations

The TACs, the allocation of such TACs among Member States, and the conditions functionally linked thereto, where appropriate, are set out in Annex I.

Article 5

Special provisions on allocations

1. The allocation of fishing opportunities among Member States as set out in this Regulation shall be without prejudice to:

- (a) exchanges made pursuant to Article 20(5) of Regulation (EC) No 2371/2002;
- (b) reallocations made pursuant to Article 37 of Regulation (EC) No 1224/2009;
- (c) additional landings allowed under Article 3 of Regulation (EC) No 847/96;
- (d) quantities withheld in accordance with Article 4 of Regulation (EC) No 847/96;
- (e) deductions made pursuant to Articles 37, 105, 106 and 107 of Regulation (EC) No 1224/2009.

HAS ADOPTED THIS REGULATION:

CHAPTER I

SCOPE AND DEFINITIONS

Article 1

Subject matter

This Regulation fixes the fishing opportunities for certain fish stocks and groups of fish stocks in the Baltic Sea for 2012 and amends Regulation (EU) No 1124/2010 as regards the management of the fishing effort in respect of cod stocks in the Baltic Sea.

Article 2

Scope

This Regulation shall apply to EU vessels operating in the Baltic Sea.

Article 3

Definitions

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

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ OJ L 115, 9.5.1996, p. 3.

⁽³⁾ OJ L 349, 31.12.2005, p. 1.

2. Except where otherwise specified in Annex I to this Regulation, Article 3 of Regulation (EC) No 847/96 shall apply to stocks subject to precautionary TAC and Article 3(2) and (3) and Article 4 of that Regulation shall apply to stocks subject to analytical TAC.

Article 6

Conditions for landing catches and by-catches

Fish from stocks for which catch limits are established shall be retained on board or landed only if:

- (a) the catches have been taken by vessels of a Member State having a quota and that quota is not exhausted; or
- (b) the catches consist of a share in a Union quota which has not been allocated by quota among Member States, and that Union quota has not been exhausted.

Article 7

Fishing effort limits

1. Fishing effort limits are set out in Annex II.
2. The limits referred to in paragraph 1 shall also apply to ICES Subdivisions 27 and 28.2, unless the Commission has taken a decision in accordance with Article 29(2) of Regulation (EC) No 1098/2007 to exclude those Subdivisions from the restrictions provided for in Article 8(1)(b), (3), (4) and (5) and Article 13 of that Regulation.
3. The limits referred to in paragraph 1 shall not apply to ICES Subdivision 28.1, unless the Commission has taken a

decision in accordance with Article 29(4) of Regulation (EC) No 1098/2007 that the restrictions provided for in Article 8(1)(b), (3), (4) and (5) of Regulation (EC) No 1098/2007 shall apply to that Subdivision.

CHAPTER III

FINAL PROVISIONS

Article 8

Data transmission

When, pursuant to Articles 33 and 34 of Regulation (EC) No 1224/2009, Member States send the Commission data relating to landings of quantities of stocks caught, they shall use the stock codes set out in Annex I to this Regulation.

Article 9

Amendment to Regulation (EU) No 1124/2010

Annex II to Regulation (EU) No 1124/2010 is replaced by the text appearing in Annex III to this Regulation.

Article 10

Entry into force

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

It shall apply from 1 January 2012.

However, Article 9 shall apply from 1 January 2011.

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

Done at Brussels, 30 November 2011.

For the Council

The President

J. VINCENT-ROSTOWSKI

ANNEX I

TACS APPLICABLE TO EU VESSELS IN AREAS WHERE TACS EXIST BY SPECIES AND BY AREA

The following tables set out the TACs and quotas (in tonnes live weight, except where otherwise specified) by stock, and conditions functionally linked thereto, where appropriate.

The references to fishing zones are references to ICES zones, unless otherwise specified.

Within each area, fish stocks are referred to following the alphabetical order of the Latin names of the species.

For the purposes of this Regulation, the following comparative table of Latin names and common names is provided:

Scientific name	Alpha-3 code	Common name
<i>Clupea harengus</i>	HER	Herring
<i>Gadus morhua</i>	COD	Cod
<i>Pleuronectes platessa</i>	PLE	Plaice
<i>Salmo salar</i>	SAL	Atlantic salmon
<i>Sprattus sprattus</i>	SPR	Sprat

Species:	Herring <i>Clupea harengus</i>	Zone:	Subdivisions 30-31 HER/3D30.; HER/3D31.
Finland	86 905		
Sweden	19 095		
Union	106 000		
TAC	106 000		Analytical TAC

Species:	Herring <i>Clupea harengus</i>	Zone:	Subdivisions 22-24 HER/3B23.; HER/3C22.; HER/3D24.
Denmark	2 930		
Germany	11 532		
Finland	1		
Poland	2 719		
Sweden	3 718		
Union	20 900		
TAC	20 900		Analytical TAC Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply.

Species: Herring <i>Clupea harengus</i>		Zone: EU waters of Subdivisions 25-27, 28.2, 29 and 32 HER/3D25.; HER/3D26.; HER/3D27.; HER/3D28.; HER/3D29.; HER/3D32.
Denmark	1 725	
Germany	457	
Estonia	8 810	
Finland	17 197	
Latvia	2 174	
Lithuania	2 289	
Poland	19 537	
Sweden	26 228	
Union	78 417	
TAC	Not relevant	Analytical TAC Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply.

Species: Herring <i>Clupea harengus</i>		Zone: Subdivision 28.1 HER/03D.RG
Estonia	14 120	
Latvia	16 456	
Union	30 576	
TAC	30 576	Analytical TAC

Species: Cod <i>Gadus morhua</i>		Zone: EU waters of Subdivisions 25-32 COD/3D25.; COD/3D26.; COD/3D27.; COD/3D28.; COD/3D29.; COD/3D30.; COD/3D31.; COD/3D32.
Denmark	15 587	
Germany	6 200	
Estonia	1 519	
Finland	1 193	
Latvia	5 795	
Lithuania	3 818	
Poland	17 947	
Sweden	15 791	
Union	67 850	
TAC	Not relevant	Analytical TAC

Species: Cod <i>Gadus morhua</i>	Zone: Subdivisions 22-24 COD/3B23.; COD/3C22.; COD/3D24.
Denmark	9 298
Germany	4 546
Estonia	206
Finland	183
Latvia	769
Lithuania	499
Poland	2 487
Sweden	3 312
Union	21 300
TAC	21 300
Analytical TAC Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply.	
Species: Plaice <i>Pleuronectes platessa</i>	Zone: EU waters of Subdivisions 22-32 PLE/3B23.; PLE/3C22.; PLE/3D24.; PLE/3D25.; PLE/3D26.; PLE/3D27.; PLE/3D28.; PLE/3D29.; PLE/3D30.; PLE/3D31.; PLE/3D32.
Denmark	2 070
Germany	230
Poland	433
Sweden	156
Union	2 889
TAC	2 889
Precautionary TAC Article 4 of Regulation (EC) No 847/96 does not apply.	
Species: Atlantic salmon <i>Salmo salar</i>	Zone: EU waters of Subdivisions 22-31 SAL/3B23.; SAL/3C22.; SAL/3D24.; SAL/3D25.; SAL/3D26.; SAL/3D27.; SAL/3D28.; SAL/3D29.; SAL/3D30.; SAL/3D31.
Denmark	25 396 ⁽¹⁾
Germany	2 826 ⁽¹⁾
Estonia	2 581 ⁽¹⁾
Finland	31 667 ⁽¹⁾
Latvia	16 153 ⁽¹⁾
Lithuania	1 899 ⁽¹⁾
Poland	7 704 ⁽¹⁾
Sweden	34 327 ⁽¹⁾
Union	122 553 ⁽¹⁾
TAC	Not relevant
Analytical TAC Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply.	

⁽¹⁾ Expressed by number of individual fish.

Species: Atlantic salmon <i>Salmo salar</i>	Zone: EU waters of Subdivision 32 SAL/3D32.
Estonia	1 581 ⁽¹⁾
Finland	13 838 ⁽¹⁾
Union	15 419 ⁽¹⁾
TAC	Not relevant
Analytical TAC Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply.	

⁽¹⁾ Expressed by number of individual fish.

Species: Sprat and associated catches <i>Sprattus sprattus</i>	Zone: EU waters of Subdivisions 22-32 SPR/3B23.; SPR/3C22.; SPR/3D24.; SPR/3D25.; SPR/3D26.; SPR/3D27.; SPR/3D28.; SPR/3D29.; SPR/3D30.; SPR/3D31.; SPR/3D32.
Denmark	22 218
Germany	14 076
Estonia	25 800
Finland	11 631
Latvia	31 160
Lithuania	11 272
Poland	66 128
Sweden	42 952
Union	225 237 ⁽¹⁾
TAC	Not relevant
Analytical TAC Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply.	

⁽¹⁾ At least 92 % of landings counted against the TAC must be of sprat. By-catches of herring are to be counted against the remaining 8 % of the TAC.

ANNEX II

FISHING EFFORT LIMITS

1. Member States shall allocate the right to vessels flying their flag and fishing with trawls, Danish seines or similar gear of a mesh size equal to or larger than 90 mm, with gillnets, entangling nets or trammel nets of a mesh size equal to or larger than 90 mm, with bottom set lines, longlines except drifting lines, handlines and jigging equipment, to be up to:
 - (a) 163 days absent from port in ICES Subdivisions 22-24, with the exception of the period from 1 to 30 April when Article 8(1)(a) of Regulation (EC) No 1098/2007 applies; and
 - (b) 160 days absent from port in ICES Subdivisions 25-28, with the exception of the period from 1 July to 31 August when Article 8(1)(b) of Regulation (EC) No 1098/2007 applies.
 2. The maximum number of days absent from port per year for which a vessel may be present within the two areas referred to in point 1(a) and (b) fishing with the gears specified in point 1 may not exceed the maximum number of days absent from port allocated for one of these two areas.
 3. By way of derogation from points 1 and 2, and where efficient management of fishing opportunities so requires, a Member State may allocate to vessels flying its flag the right to additional days absent from port where an equal amount of days absent from port is withdrawn from other vessels flying its flag that are subject to effort restriction in the same area and where the capacity, in terms of kW, of each of the donor vessels is equal to, or larger than, that of the receiving vessels. The number of receiving vessels may not exceed 10 % of the total number of vessels of the Member State concerned, as indicated in point 1.
-

ANNEX III

ANNEX II

FISHING EFFORT LIMITS

1. Member States shall allocate the right to vessels flying their flag and fishing with trawls, Danish seines or similar gear of a mesh size equal to or larger than 90 mm, with gillnets, entangling nets or trammel nets of a mesh size equal to or larger than 90 mm, with bottom set lines, longlines except drifting lines, handlines and jigging equipment, to be up to:
 - (a) 163 days absent from port in ICES Subdivisions 22-24, with the exception of the period from 1 to 30 April when Article 8(1)(a) of Regulation (EC) No 1098/2007 applies; and
 - (b) 160 days absent from port in ICES Subdivisions 25-28, with the exception of the period from 1 July to 31 August when Article 8(1)(b) of Regulation (EC) No 1098/2007 applies.
 2. The maximum number of days absent from port per year for which a vessel may be present within the two areas referred to in point 1(a) and (b) fishing with the gears specified in point 1 may not exceed the maximum number of days absent from port allocated for one of these two areas.
 3. By way of derogation from points 1 and 2, and where efficient management of fishing opportunities so requires, a Member State may allocate to vessels flying its flag the right to additional days absent from port where an equal amount of days absent from port is withdrawn from other vessels flying its flag that are subject to effort restriction in the same area and where the capacity, in terms of kW, of each of the donor vessels is equal to, or larger than, that of the receiving vessels. The number of receiving vessels may not exceed 10 % of the total number of vessels of the Member State concerned, as indicated in point 1.
-

COMMISSION IMPLEMENTING REGULATION (EU) No 1257/2011

of 23 November 2011

amending Regulation (EC) No 810/2008 opening and providing for the administration of tariff quotas for high-quality fresh, chilled and frozen beef and for frozen buffalo meat

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(1) thereof,

Whereas:

(1) Article 1 of Commission Regulation (EC) No 810/2008 ⁽²⁾ opened yearly tariff quotas for high-quality fresh, chilled or frozen meat of bovine animals covered by CN codes 0201 and 0202, for products covered by CN codes 0206 10 95 and 0206 29 91 and for frozen boneless buffalo meat covered by CN code 0202 30 90.

(2) Article 2(a) of Regulation (EC) No 810/2008 allocates 28 000 tonnes of boneless beef covered by CN codes 0201 30 00 and 0206 10 95 to selected beef cuts meeting a precise definition.

(3) The Agreement in the form of an Exchange of Letters between the European Union and Argentina pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union ⁽³⁾ approved by Council Decision 2011/769/EU ⁽⁴⁾, provides for an addition of 1 500 tonnes in the country allocated (Argentina) EU tariff quota 'boneless meat of bovine animals, fresh or chilled'. For the four first years of implementation the increase is to be 2 000 tonnes annually. That Agreement also provides for the creation of a country allocation (Argentina) of 200 tonnes under the EU tariff quota 'Boneless buffalo meat, frozen', the allocation of Argentina also covering 'fresh and chilled'.

(4) For the sake of clarity it is appropriate to specify the country where the buffalo meat is originating in.

(5) Article 2(e) of Regulation (EC) No 810/2008 allocates 1 300 tonnes of meat covered by CN codes 0201 20 90, 0201 30, 0202 20 90, 0202 30, 0206 10 95 and 0206 29 91 to high quality beef cuts meeting a precise definition.

(6) The Agreement in the form of an Exchange of Letters between the European Union and New Zealand pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union ⁽⁵⁾ approved by Council Decision 2011/767/EU ⁽⁶⁾, provides for a change in the definition of the EU tariff quota of 1 300 tonnes 'high quality beef'.

(7) Regulation (EC) No 810/2008 should be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 810/2008 is amended as follows:

(1) in Article 1, paragraph 1 is amended as follows:

(a) point (a) is replaced by the following:

'(a) 66 750 tonnes for high quality fresh, chilled or frozen meat of bovine animals covered by CN codes 0201 and 0202 and for products covered by CN codes 0206 10 95 and 0206 29 91. For the import period 2011/2012, the total amount is 66 625 tonnes and for the import periods 2012/2013, 2013/2014, 2014/2015, the total amount is 67 250 tonnes.;

(b) point (b) is replaced by the following:

'(b) 2 250 tonnes for frozen boneless buffalo meat covered by CN code 0202 30 90, expressed in weight of boneless meat, originating in Australia. This quota carries order number 09.4001.;

⁽¹⁾ OJ L 146, 20.6.1996, p. 1.

⁽²⁾ OJ L 219, 14.8.2008, p. 3.

⁽³⁾ OJ L 317, 30.11.2011, p. 11.

⁽⁴⁾ OJ L 317, 30.11.2011, p. 10.

⁽⁵⁾ OJ L 317, 30.11.2011, p. 3.

⁽⁶⁾ OJ L 317, 30.11.2011, p. 2.

(c) the following point (c) is added:

'(c) 200 tonnes for "boneless buffalo meat, fresh, chilled or frozen" covered by CN code 0201 30 00 and CN code 0202 30 90, expressed in weight of boneless meat, originating in Argentina. This quota carries order number 09.4004.;

(2) Article 2 is amended as follows:

(a) point (a) is replaced by the following:

'(a) 29 500 tonnes of boneless beef covered by CN codes 0201 30 00 and 0206 10 95 and meeting the following definition:

"Selected beef cuts obtained from steers, young steers or heifers having been exclusively fed through pasture grazing since their weaning. The steer carcasses shall be classified as 'JJ', 'J', 'U' or 'U2', young steer and heifer carcasses shall be classified as 'AA', 'A', or 'B' according to the official beef classification established by the Secretariat of Agriculture, Livestock, Fisheries and Food in Argentina (Secretaría de Agricultura, Ganadería, PESCA y Alimentos — SAGPyA)".

However, for the import period 2011/2012 the total amount is 29 375 tonnes and for the import periods 2012/2013, 2013/2014 and 2014/2015 it is raised to 30 000 tonnes.

The cuts shall be labelled in accordance with Article 13 of Regulation (EC) No 1760/2000 of the European Parliament and of the Council (*).

The indication "High Quality Beef" may be added to the information on the label.

This quota carries order number 09.4450.

(*) OJ L 204, 11.8.2000, p. 1.;

(b) in point (e), the definition is replaced by the following:

'Selected beef cuts derived from exclusively pasture grazed steers or heifers, the carcasses of which have a dressed weight of not more than 370 kilograms. The carcasses shall be classified as A, L, P, T or F, be trimmed to a fat depth of P or lower and have a muscling classification of 1 or 2 according to the carcass classification system administered by the New Zealand Meat Board';

(3) in Article 8, paragraph 1, is replaced by the following:

'1. Imports of the quantities set out in Article 1(1)(b) and (c) and in Article 2(a) to (e) and (g) shall be subject to presentation, on release for free circulation, of import licences issued in accordance with Article 4(a) and (b) and paragraph 2 of this Article.;

(4) in Article 10, the second paragraph, is replaced by the following:

'For quantities referred to in Article 1(1)(b) and (c) and in Article 2(a) to (e) and (g) of this Regulation, the provisions of Regulation (EC) No 376/2008, Chapter III of Regulation (EC) No 1301/2006 and Regulation (EC) No 382/2008 shall apply, save as otherwise provided for in this Regulation.;

(5) Article 11 is amended as follows:

(a) in paragraph 1, point (b) is replaced by the following:

'(b) No later than 31 August following the end of each import tariff quota period, for the import tariff quota with the order numbers 09.4001 and 09.4004, the quantities of products, including nil returns, for which import licenses were issued in the previous import tariff quota period.;

(b) in paragraph 3, the second subparagraph, is replaced by the following:

'The notifications regarding the quantities referred to in Article 1(1)(b) and (c) and in Article 2(a) to (e) and (g) of this Regulation shall be made as indicated in Annexes IV, V and VI to this Regulation.;

(6) in Annex I, the definition is replaced by the following:

'High quality beef originating in ...

(appropriate definition)

or Buffalo meat originating in Australia

or Buffalo meat originating in Argentina.;

(7) in Annex II, the first indent is replaced by the following:

'— MINISTERIO DE ECONOMÍA Y FINANZAS PÚBLICAS:

For meat originating in Argentina:

(a) meeting the definition in point (c) of Article 1(1)

(b) meeting the definition in Article 2(a);

(8) in Annexes IV, V and VI the following order number and country of origin are added:

'09.4004'

'Argentina'.

Article 2

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

It shall apply from 1 December 2011.

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

Done at Brussels, 23 November 2011.

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

COMMISSION REGULATION (EU) No 1258/2011

of 2 December 2011

amending Regulation (EC) No 1881/2006 as regards maximum levels for nitrates in foodstuffs

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EEC) No 315/93 of 8 February 1993 laying down Community procedures for contaminants in food ⁽¹⁾, and in particular Article 2(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs ⁽²⁾ sets maximum levels for nitrates in certain leafy vegetables.
- (2) In some cases, despite developments in good agricultural practice, the maximum levels are exceeded and therefore a temporary derogation was granted to certain Member States for the placing on the market of certain leafy vegetables, grown and intended for consumption in their territory with nitrate levels higher than the established maximum levels.
- (3) Since the application of the maximum levels of nitrates in lettuce and spinach, many investigations have been performed on the factors involved in the presence of nitrates in lettuce and spinach and on the measures to be taken to reduce the presence of nitrates in lettuce and spinach as much as possible. Despite the progress achieved in the good agricultural practice to reduce the presence of nitrates in lettuce and spinach and a strict application of this good agricultural practice, it is not possible to achieve in a consistent way nitrate levels in lettuce and fresh spinach below the current maximum levels in certain regions of the Union. The reason is that the climate and in particular the light conditions are the main determinant factor in the presence of nitrates in lettuce and spinach. These climate conditions cannot be managed or changed by the producer.
- (4) To provide an up-to-date scientific basis for the longer-term strategy for managing the risk arising from nitrates in vegetables, a scientific risk assessment by the European Food Safety Authority (EFSA), taking into account new information, was needed. Such assessment had to take into account any relevant considerations on risks and benefits, for example, weighing the possible negative impact of nitrate versus the possible positive effects of eating vegetables, such as antioxidant activities or other

properties that might in some way counteract or provide a balance to the risks arising from nitrates and the resulting nitroso-compounds.

- (5) On request of the Commission, the Panel on Contaminants in the Food Chain (the Panel) adopted on 10 April 2008 a Scientific opinion on nitrate in vegetables ⁽³⁾. The Panel compared the risk and benefits of exposure to nitrate from vegetables. Overall, the estimated exposures to nitrate from vegetables are unlikely to result in appreciable health risks, therefore, the recognised beneficial effects of consumption of vegetables prevail. The Panel recognised that there are occasional circumstances (e.g. unfavourable local/home production conditions) for vegetables which constitute a large part of the diet, or individuals with a diet high in vegetables such as rucola which need to be assessed on a case-by-case basis.
- (6) Following discussion on appropriate measures and concerns expressed as regards possible risks for infants and young children following acute dietary intake exposure, the Commission asked EFSA for a complementary scientific statement on nitrates in vegetables, whereby the possible risks for infants and young children related to the presence of nitrates in fresh vegetables are assessed in more detail, also considering the acute dietary intake, taking into account recent occurrence data on the presence of nitrates in vegetables, more detailed consumption data of vegetables by infants and young children and the possibility of the establishment of slightly higher than the current maximum levels for nitrates in leafy vegetables. The Panel adopted on 1 December 2010 a Statement on possible public health risks for infants and young children from the presence of nitrates in leafy vegetables ⁽⁴⁾.
- (7) In that statement the Panel concluded that exposure to nitrate at the current or envisaged maximum levels in spinach cooked from fresh spinach is unlikely to be a health concern, although a risk for some infants eating more than one spinach meal per day cannot be excluded. EFSA noted that it did not take into account possible changes of the nitrate content due to processing of the food commodities, such as washing, peeling and/or cooking, as this could not be considered due to lack of

⁽¹⁾ OJ L 37, 13.2.1993, p. 1.

⁽²⁾ OJ L 364, 20.12.2006, p. 5.

⁽³⁾ Opinion of the Scientific Panel on Contaminants in the Food chain on a request from the European Commission to perform a scientific risk assessment on nitrate in vegetables, *EFSA Journal* (2008), Journal No 689, p. 1. <http://www.efsa.europa.eu/en/scdocs/doc/689.pdf>

⁽⁴⁾ EFSA Panel on Contaminants in the Food Chain (CONTAM); Scientific Opinion on possible health risks for infants and young children from the presence of nitrates in leafy vegetables. *EFSA Journal* 2010; 8(12):1935. doi:10.2903/j.efsa.2010.1935. <http://www.efsa.europa.eu/en/scdocs/doc/1935.pdf>

representative data. The non-consideration of the quantitative impact of food processing on nitrate levels may consequently lead to an overestimation of the exposure. It was furthermore concluded that levels of nitrate in lettuce are not a health concern for children. Enforcing the current maximum levels for nitrate in lettuce and spinach, or envisaged maximum levels at 500 mg/kg higher than the current maximum levels, would have a minor impact.

- (8) In order to provide legal security for the producer in all regions of the European Union which applies strictly the good agricultural practices to reduce the presence of nitrates in spinach and lettuce as much as possible, it is therefore appropriate to slightly increase the maximum level for nitrates in fresh spinach and lettuce without endangering public health.
- (9) Given the sometimes very high levels of nitrates found in rucola, it is appropriate to set a maximum level for rucola. The maximum level for rucola should be reviewed in 2 years in view of a reduction of the levels after having identified the factors involved in the presence of nitrate in rucola and the full implementation of good agricultural practice in rucola to minimise the nitrate content.
- (10) Given that EFSA has been mandated by the Commission to compile all occurrence data on contaminants, including nitrates, in food into one database, it is appropriate to communicate the results directly to EFSA.
- (11) The measures provided for in this Regulation are in accordance with the opinion of the Standing

Committee on the Food Chain and Animal Health and neither the European Parliament nor the Council have opposed them,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1881/2006 is amended as follows:

(1) in Article 7, paragraphs 1, 2 and 3 are deleted;

(2) in Article 9, paragraph 1 is replaced by the following:

‘1. Member States shall monitor nitrate levels in vegetables which may contain significant levels, in particular green leaf vegetables, and communicate the result to EFSA on a regular basis.’;

(3) in the Annex, Section 1: Nitrate is replaced by the Section in 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*.

It shall apply from the date of its entry into force. However, the maximum levels for rucola provided for in point 1.5 of the Annex shall apply from 1 April 2012.

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

Done at Brussels, 2 December 2011.

For the Commission
The President

José Manuel BARROSO

ANNEX

'Section 1: Nitrate

Foodstuffs ⁽¹⁾		Maximum levels (mg NO ₃ /kg)	
1.1	Fresh spinach (<i>Spinacia oleracea</i>) ⁽²⁾		3 500
1.2	Preserved, deep-frozen or frozen spinach		2 000
1.3	Fresh Lettuce (<i>Lactuca sativa</i> L.) (protected and open-grown lettuce) excluding lettuce listed in point 1.4	Harvested 1 October to 31 March: lettuce grown under cover lettuce grown in the open air	5 000 4 000
		Harvested 1 April to 30 September: lettuce grown under cover lettuce grown in the open air	4 000 3 000
1.4	"Iceberg" type lettuce	Lettuce grown under cover	2 500
		Lettuce grown in the open air	2 000
1.5	Rucola (<i>Eruca sativa</i> , <i>Diplotaxis</i> sp., <i>Brassica tenuifolia</i> , <i>Sisymbrium tenuifolium</i>)	Harvested 1 October to 31 March:	7 000
		Harvested 1 April to 30 September:	6 000
1.6	Processed cereal-based foods and baby foods for infants and young children ⁽³⁾ ⁽⁴⁾		200'

COMMISSION REGULATION (EU) No 1259/2011

of 2 December 2011

amending Regulation (EC) No 1881/2006 as regards maximum levels for dioxins, dioxin-like PCBs and non dioxin-like PCBs in foodstuffs

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EEC) No 315/93 of 8 February 1993 laying down Community procedures for contaminants in food ⁽¹⁾, and in particular Article 2(3) thereof,

Whereas:

(1) Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs ⁽²⁾ sets maximum levels for dioxins and dioxin-like PCBs in a range of foodstuffs.

(2) Dioxins belong to a group of 75 polychlorinated dibenzo-p-dioxin (PCDD) congeners and 135 polychlorinated dibenzofuran (PCDF) congeners, of which 17 are of toxicological concern. Polychlorinated biphenyls (PCBs) are a group of 209 different congeners which can be divided into two groups according to their toxicological properties: 12 congeners exhibit toxicological properties similar to dioxins and are therefore often referred to as 'dioxin-like PCBs' (DL-PCB). The other PCBs do not exhibit dioxin-like toxicity but have a different toxicological profile and are referred to as 'non dioxin-like PCB' (NDL-PCB).

(3) Each congener of dioxins or DL-PCBs exhibits a different level of toxicity. In order to be able to sum up the toxicity of these different congeners, the concept of toxic equivalency factors (TEFs) was introduced to facilitate risk assessment and regulatory control. As a result the analytical results relating to all the individual dioxin and dioxin-like PCB congeners of toxicological concern are expressed in terms of a quantifiable unit, namely the TCDD toxic equivalent (TEQ).

(4) The World Health Organisation (WHO) held an expert workshop on 28 to 30 June 2005 concerning the TEF values, agreed by WHO in 1998. A number of TEF values were changed, notably for PCBs, octachlorinated congeners and pentachlorinated furans. The data on the effect of the new TEF values and the recent occurrence are compiled in the European Food Safety Authority's

(EFSA) scientific report 'Results of the monitoring of dioxin levels in food and feed' ⁽³⁾. Therefore, it is appropriate to review the maximum levels of PCBs taking into account these new data.

(5) The Scientific Panel on Contaminants in the Food Chain of the EFSA on a request from the Commission has adopted an opinion on the presence of NDL-PCBs in feed and food ⁽⁴⁾.

(6) The sum of the six marker or indicator PCBs (PCB 28, 52, 101, 138, 153 and 180) comprises about half of the amount of total NDL-PCB present in feed and food. That sum is considered as an appropriate marker for occurrence and human exposure to NDL-PCB and therefore should be set as a maximum level.

(7) Maximum levels have been established taking into account recent occurrence data compiled in the EFSA scientific report 'Results of the monitoring of non dioxin-like PCBs in food and feed' ⁽⁵⁾. Although it is possible to achieve lower limits of quantification (LOQ), it can be observed that a considerable number of laboratories apply an LOQ of 1 µg/kg fat or even 2 µg/kg fat. Expressing the analytical result as an upperbound level would result in some cases in a level close to the maximum level if very strict maximum levels would be established, even if no PCBs have been quantified. It was also acknowledged that for certain food categories the data were not very extensive. Therefore, it would be appropriate to review the maximum levels in 3 years time, based upon a more extensive database obtained with a method of analysis with sufficient sensitivity for quantifying low levels.

(8) Derogations have been granted to Finland and Sweden to place on the market fish originating in the Baltic region and intended for consumption in their territory with dioxin levels higher than the maximum levels established for dioxins and the sum of dioxins and DL-PCBs in fish. Those Member States have fulfilled the conditions as regards the provision of information to consumers on dietary recommendations. Every year they communicate to the Commission the results of their monitoring of the levels of dioxins in fish from the Baltic region and the measures to reduce human exposure to dioxins from the Baltic region.

⁽¹⁾ OJ L 37, 13.2.1993, p. 1.

⁽²⁾ OJ L 364, 20.12.2006, p. 5.

⁽³⁾ *EFSA Journal* 2010; 8(3):1385, <http://www.efsa.europa.eu/en/efsajournal/doc/1385.pdf>

⁽⁴⁾ *EFSA Journal* (2005) 284, p. 1, <http://www.efsa.europa.eu/en/efsajournal/doc/284.pdf>

⁽⁵⁾ *EFSA Journal* 2010; 8(7):1701, <http://www.efsa.europa.eu/en/efsajournal/doc/1701.pdf>

- (9) On the basis of the results of monitoring of levels of dioxins and DL-PCBs carried out by Finland and Sweden, the derogation granted could be limited to certain fish species. Given the persistent presence of dioxins and PCBs in the environment and consequently in fish it is appropriate to grant this derogation without a time limit.
- (10) As regards wild caught salmon, Latvia has requested a similar derogation as that granted to Finland and Sweden. To that end, Latvia has demonstrated that human exposure to dioxins and DL-PCBs in its territory is not higher than the highest average level in any of the Member States and that it has a system in place to ensure that consumers are fully informed of dietary recommendations with regard to restrictions on the consumption of fish from the Baltic region by identified vulnerable sections of the population in order to avoid potential health risks. Furthermore, monitoring of the levels of dioxins and DL-PCBs in fish from the Baltic region should be carried out and the results and measures that have been taken to reduce human exposure to dioxins and DL-PCBs from fish from the Baltic region should be reported to the Commission. The necessary measures have been put in place ensuring that fish and fish products not complying with EU maximum levels for PCBs are not marketed in other Member States.
- (11) Given that the contamination pattern of NDL-PCBs in fish from the Baltic region show similarities with the contamination of dioxins and DL-PCBs and given that also NDL-PCBs are very persistent in the environment, it is appropriate to grant a similar derogation as regards the presence of NDL-PCBs as for dioxins and DL-PCBs in fish from the Baltic region.
- (12) EFSA has been requested to provide scientific opinion as regards the presence of dioxins and dioxin-like PCBs in sheep and deer liver and the appropriateness to establish maximum levels for dioxins and PCBs in liver and derived products on product basis rather than on a fat basis, as is currently the case. Therefore, the provisions on liver and derived products should be reviewed in particular the provisions as regards sheep and deer liver once the EFSA opinion is available. In the meantime it is appropriate to set the maximum level for dioxins and PCBs on a fat basis.
- (13) Foods with less than 1 % fat were until now excluded from the maximum level for dioxins and DL-PCBs, given that those foods are generally minor contributors to the human exposure. However, there have been cases with food containing less than 1 % fat but with very high levels of dioxins and DL-PCBs in the fat. Therefore, it is appropriate to apply the maximum level to such foods, but on a product basis. Taking into account that a maximum level is established on product basis for certain low fat containing foods, it is appropriate to apply a maximum level on product basis for foods containing less than 2 % fat.
- (14) In the light of the monitoring data for dioxins and DL-PCBs in foods for infants and young children it is appropriate to set specific lower maximum levels for dioxins and DL-PCBs in foods for infants and young children. The Federal Institute for Risk Assessment from Germany has addressed to EFSA a specific request to assess the risk for infants and young children of the presence of dioxins and dioxin-like PCBs in foods for infants and young children. Therefore, the provisions on foods for infants and young children should be reviewed once the EFSA opinion is available.
- (15) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health and neither the European Parliament nor the Council have opposed them,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1881/2006 is amended as follows:

- (1) Article 7 is amended as follows:
- (a) The title '**Temporary derogations**' is replaced by '**Derogations**';
- (b) paragraph 4 is replaced by the following:
- '4. By way of derogation from Article 1, Finland, Sweden and Latvia may authorise the placing on their market of wild caught salmon (*Salmo salar*) and products thereof originating in the Baltic region and intended for consumption in their territory with levels of dioxins and/or dioxin-like PCBs and/or non-dioxin-like PCBs higher than those set out in point 5.3 of the Annex, provided that a system is in place to ensure that consumers are fully informed of the dietary recommendations with regard to the restrictions on the consumption of wild caught salmon from the Baltic region and products thereof by identified vulnerable sections of the population in order to avoid potential health risks.

Finland, Sweden and Latvia shall continue to apply the necessary measures to ensure that wild caught salmon and products thereof not complying with point 5.3 of the Annex are not marketed in other Member States.

Finland, Sweden and Latvia will report yearly to the Commission the measures they have taken to effectively inform the identified vulnerable sections of the population of the dietary recommendations and to ensure that wild caught salmon and products thereof not compliant with the maximum levels is not marketed in other Member States. They shall furthermore provide evidence of the effectiveness of these measures.;

(c) the following paragraph 5 is added:

‘5. By way of derogation from Article 1, Finland and Sweden may authorise the placing on their market of wild caught herring larger than 17 cm (*Clupea harengus*), wild caught char (*Salvelinus* spp.), wild caught river lamprey (*Lampetra fluviatilis*) and wild caught trout (*Salmo trutta*) and products thereof originating in the Baltic region and intended for consumption in their territory with levels of dioxins and/or dioxin-like PCBs and/or non dioxin-like PCBs higher than those set out in point 5.3 of the Annex, provided that a system is in place to ensure that consumers are fully informed of the dietary recommendations with regard to the restrictions on the consumption of wild caught herring larger than 17 cm, wild caught char, wild caught river lamprey and wild caught trout from the Baltic region and products thereof by identified vulnerable sections of the population in order to avoid potential health risks.

Finland and Sweden shall continue to apply the necessary measures to ensure that wild caught herring larger than 17 cm, wild caught char, wild caught river

lamprey and wild caught trout and products thereof not complying with point 5.3 of the Annex are not marketed in other Member States.

Finland and Sweden will report yearly to the Commission the measures they have taken to effectively inform the identified vulnerable sections of the population of the dietary recommendations and to ensure that fish and products thereof not compliant with the maximum levels is not marketed in other Member States. They shall furthermore provide evidence of the effectiveness of these measures.’;

(2) the Annex 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*.

It shall apply from 1 January 2012.

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

Done at Brussels, 2 December 2011.

For the Commission

The President

José Manuel BARROSO

ANNEX

Section 5: Dioxins and PCBs of the Annex to Regulation (EC) No 1881/2006 is amended as follows:

(a) Section 5: Dioxins and PCBs is replaced by the following:

‘Section 5: Dioxins and PCBs ⁽³¹⁾

Foodstuffs		Maximum levels		
		Sum of dioxins (WHO-PCDD/F-TEQ) ⁽³²⁾	Sum of dioxins and dioxin-like PCBs (WHO-PCDD/F-PCB-TEQ) ⁽³²⁾	Sum of PCB28, PCB52, PCB101, PCB138, PCB153 and PCB180 (ICES – 6) ⁽³²⁾
5.1	Meat and meat products (excluding edible offal) of the following animals ⁽⁶⁾ :			
	— bovine animals and sheep	2,5 pg/g fat ⁽³³⁾	4,0 pg/g fat ⁽³³⁾	40 ng/g fat ⁽³³⁾
	— poultry	1,75 pg/g fat ⁽³³⁾	3,0 pg/g fat ⁽³³⁾	40 ng/g fat ⁽³³⁾
	— pigs	1,0 pg/g fat ⁽³³⁾	1,25 pg/g fat ⁽³³⁾	40 ng/g fat ⁽³³⁾
5.2	Liver of terrestrial animals referred to in 5.1 ⁽⁶⁾ , and derived products thereof,	4,5 pg/g fat ⁽³³⁾	10,0 pg/g fat ⁽³³⁾	40 ng/g fat ⁽³³⁾
5.3	Muscle meat of fish and fishery products and products thereof ⁽²⁵⁾ ⁽³⁴⁾ , with the exemption of: <ul style="list-style-type: none"> — wild caught eel — wild caught fresh water fish, with the exception of diadromous fish species caught in fresh water — fish liver and derived products — marine oils <p>The maximum level for crustaceans applies to muscle meat from appendages and abdomen ⁽⁴⁴⁾. In case of crabs and crab-like crustaceans (<i>Brachyura</i> and <i>Anomura</i>) it applies to muscle meat from appendages.</p>	3,5 pg/g wet weight	6,5 pg/g wet weight	75 ng/g wet weight
5.4	Muscle meat of wild caught fresh water fish, with the exception of diadromous fish species caught in fresh water, and products thereof ⁽²⁵⁾	3,5 pg/g wet weight	6,5 pg/g wet weight	125 ng/g wet weight
5.5	Muscle meat of wild caught eel (<i>Anguilla anguilla</i>) and products thereof	3,5 pg/g wet weight	10,0 pg/g wet weight	300 ng/g wet weight
5.6	Fish liver and derived products thereof with the exception of marine oils referred to in point 5.7	—	20,0 pg/g wet weight ⁽³⁸⁾	200 ng/g wet weight ⁽³⁸⁾
5.7	Marine oils (fish body oil, fish liver oil and oils of other marine organisms intended for human consumption)	1,75 pg/g fat	6,0 pg/g fat	200 ng/g fat
5.8	Raw milk ⁽⁶⁾ and dairy products ⁽⁶⁾ , including butter fat	2,5 pg/g fat ⁽³³⁾	5,5 pg/g fat ⁽³³⁾	40 ng/g fat ⁽³³⁾

Foodstuffs		Maximum levels		
		Sum of dioxins (WHO-PCDD/F-TEQ) ⁽³²⁾	Sum of dioxins and dioxin-like PCBs (WHO-PCDD/F-PCB-TEQ) ⁽³²⁾	Sum of PCB28, PCB52, PCB101, PCB138, PCB153 and PCB180 (ICES – 6) ⁽³²⁾
5.9	Hen eggs and egg products ⁽⁶⁾	2,5 pg/g fat ⁽³³⁾	5,0 pg/g fat ⁽³³⁾	40 ng/g fat ⁽³³⁾
5.10	Fat of the following animals:			
	— bovine animals and sheep	2,5 pg/g fat	4,0 pg/g fat	40 ng/g fat
	— poultry	1,75 pg/g fat	3,0 pg/g fat	40 ng/g fat
	— pigs	1,0 pg/g fat	1,25 pg/g fat	40 ng/g fat
5.11	Mixed animal fats	1,5 pg/g fat	2,50 pg/g fat	40 ng/g fat
5.12	Vegetable oils and fats	0,75 pg/g fat	1,25 pg/g fat	40 ng/g fat
5.13	Foods for infants and young children ⁽⁴⁾	0,1 pg/g wet weight	0,2 pg/g wet weight	1,0 ng/g wet weight'

(b) footnote 31 is replaced by the following:

⁽³¹⁾ Dioxins (sum of polychlorinated dibenzo-para-dioxins (PCDDs) and polychlorinated dibenzofurans (PCDFs), expressed as World Health Organisation (WHO) toxic equivalent using the WHO-toxic equivalency factors (WHO-TEFs)) and sum of dioxins and dioxin-like PCBs (sum of PCDDs, PCDFs and polychlorinated biphenyls (PCBs), expressed as WHO toxic equivalent using the WHO-TEFs). WHO-TEFs for human risk assessment based on the conclusions of the World Health Organization (WHO) – International Programme on Chemical Safety (IPCS) expert meeting which was held in Geneva in June 2005 (Martin van den Berg et al., The 2005 World Health Organization Re-evaluation of Human and Mammalian Toxic Equivalency Factors for Dioxins and Dioxin-like Compounds. Toxicological Sciences 93(2), 223–241 (2006))

Congener	TEF value	Congener	TEF value
Dibenzo-p-dioxins ('PCDDs')		"Dioxin-like" PCBs Non-ortho PCBs + Mono-ortho PCBs	
2,3,7,8-TCDD	1		
1,2,3,7,8-PeCDD	1	<i>Non-ortho PCBs</i>	
1,2,3,4,7,8-HxCDD	0,1	PCB 77	0,0001
1,2,3,6,7,8-HxCDD	0,1	PCB 81	0,0003
1,2,3,7,8,9-HxCDD	0,1	PCB 126	0,1
1,2,3,4,6,7,8-HpCDD	0,01	PCB 169	0,03
OCDD	0,0003		
Dibenzofurans ('PCDFs')		<i>Mono-ortho PCBs</i>	
2,3,7,8-TCDF	0,1	PCB 105	0,00003
1,2,3,7,8-PeCDF	0,03	PCB 114	0,00003
2,3,4,7,8-PeCDF	0,3	PCB 118	0,00003
1,2,3,4,7,8-HxCDF	0,1	PCB 123	0,00003
1,2,3,6,7,8-HxCDF	0,1	PCB 156	0,00003
1,2,3,7,8,9-HxCDF	0,1	PCB 157	0,00003
2,3,4,6,7,8-HxCDF	0,1	PCB 167	0,00003
1,2,3,4,6,7,8-HpCDF	0,01	PCB 189	0,00003
1,2,3,4,7,8,9-HpCDF	0,01		
OCDF	0,0003		

Abbreviations used: "T" = tetra; "Pe" = penta; "Hx" = hexa; "Hp" = hepta; "O" = octa; "CDD" = chlorodibenzodioxin; "CDF" = chlorodibenzofuran; "CB" = chlorobiphenyl.

(c) footnote 33 is replaced by the following:

⁽³³⁾ The maximum level expressed on fat is not applicable for foods containing < 2 % fat. For foods containing less than 2 % fat, the maximum level applicable is the level on product basis corresponding to the level on product basis for the food containing 2 % fat, calculated from the maximum level established on fat basis, making use of following formula:

Maximum level expressed on product basis for foods containing less than 2 % fat = maximum level expressed on fat for that food x 0,02.

**COMMISSION IMPLEMENTING REGULATION (EU) No 1260/2011
of 2 December 2011**

amending Regulation (EU) No 945/2010 adopting the plan allocating to the Member States resources to be charged to the 2011 budget year for the supply of food from intervention stocks for the benefit of the most deprived persons in the EU and derogating from certain provisions of Regulation (EU) No 807/2010

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular points (f) and (g) of Article 43, in conjunction with Article 4 thereof,

Having regard to Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro ⁽²⁾, and in particular Article 3(2) thereof,

Whereas:

- (1) Taking into account that the availability of intervention stocks for the supply of the scheme for food distribution to the most deprived persons in the 2012 annual plan adopted by Commission Implementing Regulation (EU) No 562/2011 ⁽³⁾ is substantially reduced as compared to the previous years, it is appropriate to extend the implementation period of the 2011 annual plan adopted by Commission Regulation (EU) No 945/2010 ⁽⁴⁾ in order to allow the Member States to complement the foodstuffs to be distributed to the final recipients under the 2012 annual plan with resources that could be saved under the 2011 annual plan.
- (2) As a result of appeals launched against tender procedures and delays in the relevant judicial procedures, Greece has been unable to complete payments for certain purchases of food products in the market and to withdraw a part of the allocated quantity of butter from Union intervention stocks. The Greek authorities submitted to the Commission a request for the extension of the deadline fixed by Article 3(3) of Commission Regulation (EU) No 807/2010 of 14 September 2010 laying down detailed rules for the supply of food from intervention stocks for the benefit of the most deprived persons in the Union ⁽⁵⁾, and of the deadline fixed by Article 4 of Regulation (EU) No 945/2010. Portugal presented a similar request relating to the deadline for payment operations fixed by Article 3(3) of Regulation (EU) No 807/2010. In view of the difficult financial situation faced by these Member States, it is appropriate to allow them to

complete payment operations for products mobilised on the market and to allow the withdrawal of the remaining quantities of intervention stocks, so that these allocations remain available to increase the quantity of food products distributed to the most deprived people. It is, therefore, necessary to grant an extension of those two deadlines. In order to ensure equal treatment of Member States, the derogations should cover all payment operations for products mobilised on the market and all withdrawals of dairy products from intervention stocks under the 2011 annual plan. As the deadline for the payment operations for products mobilised on the market was set at 1 September and for the withdrawal of dairy products from Union intervention stocks at 30 September, these two derogations should apply retroactively.

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 945/2010 is amended as follows:

- (1) the following Article 3a is inserted:

'Article 3a

By way of derogation from Article 3(1) of Regulation (EU) No 807/2010, the implementation period of the 2011 annual distribution plan shall finish on 29 February 2012.;

- (2) in Article 4, the first paragraph is replaced by the following:

'By way of derogation from the first and third subparagraphs of Article 3(2) of Regulation (EU) No 807/2010, for the 2011 distribution plan, withdrawal of butter and skimmed milk powder from intervention stocks shall take place from 1 June to 31 December 2011. The expenses arising from keeping the allocated quantities of butter and skimmed milk powder in intervention stocks between 30 September and the date of the actual withdrawal from intervention storage shall be born by the Member State to which the products are allocated under the 2011 distribution plan.;

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 349, 24.12.1998, p. 1.

⁽³⁾ OJ L 152, 11.6.2011, p. 24.

⁽⁴⁾ OJ L 278, 22.10.2010, p. 1.

⁽⁵⁾ OJ L 242, 15.9.2010, p. 9.

(3) the following Article 5a is inserted:

Article 5a

By way of derogation from Article 3(3) of Regulation (EU) No 807/2010, for the 2011 annual distribution plan, payment operations for products to be supplied by the operator shall, in case of products to be mobilised on the

market under Article 2(3)(a)(iii) and (iv) of Regulation (EU) No 807/2010, be closed before 31 December 2011.

Article 2

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

Article 1, points (2) and (3) shall apply from 31 August 2011.

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

Done at Brussels, 2 December 2011.

For the Commission

The President

José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 1261/2011**of 2 December 2011****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

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

Having regard to Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors ⁽²⁾, and in particular Article 136(1) thereof,

Whereas:

Implementing Regulation (EU) No 543/2011 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XVI, Part A thereto,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 3 December 2011.

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

Done at Brussels, 2 December 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	58,8
	IL	98,1
	MA	39,1
	MK	68,6
	TN	143,0
	TR	75,8
	ZZ	80,6
0707 00 05	EG	193,3
	TR	97,0
	ZZ	145,2
0709 90 70	MA	31,4
	TR	125,9
	ZZ	78,7
0805 10 20	AR	36,9
	BR	41,5
	MA	56,6
	UY	42,5
	ZA	50,9
	ZZ	45,7
0805 20 10	MA	66,2
	ZZ	66,2
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	HR	31,3
	IL	78,6
	JM	129,1
	TR	88,8
	UY	71,0
	ZZ	79,8
0805 50 10	TR	56,9
	ZZ	56,9
0808 10 80	CA	120,5
	CL	90,0
	CN	74,9
	US	119,9
	ZA	180,1
	ZZ	117,1
0808 20 50	CN	59,0
	TR	133,1
	ZZ	96,1

⁽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

COUNCIL DECISION

of 8 November 2011

amending Decision 2011/734/EU addressed to Greece with a view to reinforcing and deepening fiscal surveillance and giving notice to Greece to take measures for the deficit reduction judged necessary to remedy the situation of excessive deficit

(2011/791/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union (TFEU), and in particular Article 126(9) and Article 136 thereof,

Having regard to the recommendation from the European Commission,

Whereas:

- (1) Article 136(1)(a) TFEU foresees the possibility of adopting measures specific to the Member States whose currency is the euro with a view to strengthening the coordination and surveillance of their budgetary discipline.
- (2) Article 126 TFEU establishes that Member States are to avoid excessive government deficits and sets out the excessive deficit procedure to that effect. The Stability and Growth Pact, which in its corrective arm implements the excessive deficit procedure, provides the framework supporting government policies for a prompt return to sound budgetary positions taking account of the economic situation.
- (3) On 27 April 2009, the Council decided, in accordance with Article 104(6) of the Treaty establishing the European Community (TEC), that an excessive deficit existed in Greece.
- (4) On 10 May 2010, the Council adopted Decision 2010/320/EU ⁽¹⁾ addressed to Greece under Article 126(9) and Article 136 with a view to reinforcing and deepening the fiscal surveillance and giving notice to

take measures for the deficit reduction judged necessary to remedy the situation of excessive deficit at the latest by the deadline of 2014. The Council established the following adjustment path for the deficit correction: government deficits not exceeding EUR 18 508 million in 2010, EUR 17 065 million in 2011, EUR 14 916 million in 2012, EUR 11 399 million in 2013 and EUR 6 385 million in 2014.

- (5) Decision 2010/320/EU had been substantially amended several times ⁽²⁾. Since further amendments were to be made, it was recast, on 12 July 2011, by means of Council Decision 2011/734/EU ⁽³⁾ in the interests of clarity.
- (6) In September 2011, it became evident that, taking into account budgetary execution until that September, with unchanged policies, the 2011 target for the deficit would be missed by a significant amount which would jeopardise the overall credibility of the programme. In October 2011, the Greek government announced measures aimed at minimising the slippage in the 2011 budget and presented a draft budget for 2012 aimed at respecting the ceiling for 2012 established by Decision 2010/320/EU. These measures will become law by the end of October 2011. Extensive discussions on these measures have taken place between the Hellenic authorities and the Commission's services.
- (7) In the light of the above considerations, it appears appropriate to amend Decision 2011/734/EU in a number of respects, while keeping unchanged the deadline for the correction of the excessive deficit,

⁽¹⁾ OJ L 145, 11.6.2010, p. 6.

⁽²⁾ Decision 2010/486/EU (OJ L 241, 14.9.2010, p. 12); Decision 2011/57/EU (OJ L 26, 29.1.2011, p. 15); Decision 2011/257/EU (OJ L 110, 29.4.2011, p. 26).

⁽³⁾ OJ L 296, 15.11.2011, p. 38.

HAS ADOPTED THIS DECISION:

Article 1

Article 2 of Decision 2011/734/EU is hereby amended as follows:

(1) the following paragraph is inserted:

'6a. Greece shall adopt and implement the following measures without delay:

- (a) a reduction in tax exemptions, in particular the tax-free personal income thresholds, with the aim of increasing revenue by at least EUR 2 831 million in 2012;
- (b) a permanent levy on real estate, collected through electricity invoices, with the aim of collecting at least EUR 1 667 million in 2011, and EUR 1 750 million per annum from 2012 onwards;
- (c) an immediate implementation of the revised wage grid for civil servants, thereby contributing to a reduction in expenditure of at least EUR 101 million in 2011, and with a carry-over of at least EUR 552 million for 2012, additional to savings provided in the MTFS through 2015. This reform shall cover all general government employees, except those covered by special wage regimes. These net savings take into account the impact of this measure on income tax and social contributions, as well as bonuses to be paid to specific employee categories;
- (d) a cut in main and supplementary pensions, as well as in lump sums paid on retirement, with the aim of saving at least EUR 219 million in 2011 with a carry-over of EUR 446 million in 2012, additional to savings provided for in the MTFS;
- (e) capping at 5 % of its deposits spending by the Green Fund, with the aim of saving EUR 360 million in 2012;
- (f) ministerial decisions or circulars concerning the measures on excise on natural gas, heating oil and vehicle taxes provided for in the MTFS;
- (g) ministerial decisions to uniformly regulate health benefits provided by the several social security funds;
- (h) legislation for the collection of the solidarity surcharge through withholding tax;
- (i) ministerial decisions that initiate the closure, merging or substantial downsizing of entities. This affects KED,

ETA, ODDY, National Youth Institute, EOMEX, IGME, OSK, DEPANOM, THEMIS, ETHYAGE and ERT, and 35 other smaller entities;

- (j) a ministerial Decision specifying the disability criteria on the attribution of disability pensions, consistent with achieving the MTFS saving objectives;
- (k) a law to freeze the indexation of main and supplementary pensions through 2015;
- (l) finalisation of the positive list for pharmaceuticals that establish prices charged to social security funds;
- (m) transferring to the privatisation fund "Hellenic Republic Asset Development Fund" (HRADF) the following assets: Alpha Bank (0,619 % of shares); National Bank of Greece (1,234 % of shares); Piraeus Bank (1,308 % of shares); Piraeus Port Authority (23,1 % of shares); Thessaloniki Port Authority (23,3 % of shares); Elefsina, Lavrio, Igoumenitsa, Alexandroupolis, Volos, Kavala, Corfu, Patras, Rafina, Heraklion port authorities (100 %); Athens Water and Sewerage Company (27,3 %); Thessaloniki Water and Sewerage Company (40 %); Regional state airports (transfer of concession rights); off-shore natural gas storage facility "South Kavala" (transfer of rights of current and future concessions); Hellenic motorways (transfer of economic rights of current and future concessions); Egnatia odos (100 %); Hellenic Post (90 %); OPAP, SA (29 %); four state buildings;
- (n) appointing the legal, technical and financial advisors for at least 14 of the privatisations that are planned until end-2012;
- (o) based on a dialogue with social partners and taking into account the objective of creating and preserving jobs and improving firms' competitiveness, adopting further measures to allow the adaptation of wages to economic conditions. In particular: the extension of occupational and sectoral collective agreements and the so-called favourability principle shall be suspended during the period of application of the MTFS in such a manner that firm-level agreements take precedence over sectoral and occupational agreements; firm-level collective contracts may be signed either by trade unions or, when there is no firm-level union, by work councils or other employees' representations, irrespective of the firms' size.;

(2) paragraph 7 is amended as follows:

(a) point (a) is replaced by the following:

‘(a) a budget for 2012 in line with the MTFS targets and the deficit ceilings set out in this Decision; update and publish information on the several measures provided for in the MTFS; and the tax and expenditure legislative acts that are necessary to implement the budget at the same time of the budget;’;

(b) point (d) is replaced by the following:

‘(d) assessment of the results of the first phase of the independent functional review of central administration which will result in an action plan for the implementation of operational policy recommendations. These recommendations shall determine how to achieve a more streamlined and effective public service, to define clear responsibilities and command lines of ministerial departments, eliminating overlapping competences, and to improve inter- and intra-ministerial mobility; finalisation of the ongoing functional review of existing social programmes;’;

(c) the following points are added:

‘(i) appointment of advisors for the other privatisation transactions planned for 2012 and not included in point (n) of paragraph 6a; acceleration of state land ownership registration and secondary legislation on tourism housing and on land use; establishment and operation of a new General Secretariat of Public Property working together with the newly merged KED/ETA (real estate management and tourism real estate institutions, respectively), which are to prepare real estate for privatisation of commercial and tradable assets. The aim is to improve the management of real estate assets, clear them of encumbrances and prepare them for privatisation; creation of six real estate portfolios by the HRDAF; adoption of the legal act on the transfer to the State of the mobile and immobile assets of entities that are closed;

(j) the reform of revenue administration, through: the activation of a large-taxpayers unit; the removal of barriers to effective tax administration by implementing the key reforms of the new tax law, including replacing managers who do not meet performance targets, reassessing tax auditors’ qualifications; the operation of the newly created fast-track administrative dispute resolution body to deal rapidly with large dispute cases (i.e. within 90 days); the centralisation of the functions of, and the merging of, at least 31 tax offices;

(k) to strengthen expenditure control: appointment of permanent financial accounting officers in all Ministries;

(l) publication of a medium-term staffing plan for the period up to 2015 in line with the rule of 1 recruitment for 5 exits which applies to general government as a whole without sectoral exceptions; transfer of about 15 000 staff currently employed by various government entities to the labour reserve, and placement of about 15 000 in pre-retirement. Staff in the labour reserve, and in pre-retirement, are to be paid at 60 % of their basic wage (excluding overtime and other extra payments) for not more than 12 months. This period of 12 months may be extended up to 24 months for staff close to retirement. Payments to staff while in the labour reserve are part of their severance pay;

(m) revision of the list of heavy and arduous professions and reduction in its coverage to less than 10 % of employment. An in-depth revision of the functioning of secondary/supplementary public pension funds, including welfare funds and lump-sum schemes, with the aim of stabilising pension expenditure, guaranteeing the budgetary neutrality of these schemes, and ensuring medium- and long-term sustainability of the system. The revision shall achieve: a further reduction in the number of existing funds; the elimination of imbalances in those funds with deficits; the stabilisation of the current spending at sustainable level, through appropriate adjustments to be made from 1 January 2012; and the long-term sustainability of secondary schemes through a strict link between contributions and benefits.’;

(3) in paragraph 8, the following points are added:

‘(c) undertaking of the second phase of the existing functional review of social programmes which include a more detailed review of specific programmes, aiming at reducing excessive fragmentation, generating savings and creating efficiencies;

(d) coverage of all medical acts by e-prescribing (medicines, referrals, diagnostics, surgery) in both national health system (NHS) facilities and providers contracted by EOPYY and the social security funds; production of detailed monthly auditing reports by NHS facilities and by providers; association of a lower cost-sharing rate to generic medicines that have a significantly lower price than the reference price (lower than 60 % of the reference price) on the basis of the experience of other Member States; publication by the social security funds of an annual report on medicine prescription; adoption by all hospitals of commitment registers;

- (e) move towards a new centralised procurement of pharmaceuticals and medical goods for the NHS through the Supplies Coordination Committee with the support of the Specifications Committee, using the uniform coding system for medical supplies and pharmaceuticals;
- (f) in order to strengthen expenditure control, adoption of legislation streamlining the procedure for submission and approval of supplementary budgets; continuation of the process of establishing commitment registries, which shall cover the whole general government.’;
- (4) the following paragraph is added:
- ‘(9) Greece shall adopt the following measures by the end of June 2012:
- (a) Preparation of the measures to be adopted at the same time as the 2013 budget and at the same time as the 2014 budget, initiation of a review of public expenditure programmes, with the aim of identifying measures amounting to 3 % of GDP. The review shall draw on external technical assistance and shall focus on

pensions and social transfers (in a manner that will preserve basic social protection); reduction of defence spending without prejudice to the defence capability of the country; and restructuring of central and local administrations; adjustments to special wage regimes; specification of further rationalisation of pharmaceutical spending and operational spending of hospitals, and welfare cash benefits.’.

Article 2

This Decision shall take effect on the day of its notification.

Article 3

This Decision is addressed to the Hellenic Republic.

Done at Brussels, 8 November 2011.

For the Council

The President

J. VINCENT-ROSTOWSKI

POLITICAL AND SECURITY COMMITTEE DECISION ATALANTA/4/2011**of 2 December 2011****on the appointment of an EU Force Commander for the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (Atalanta)**

(2011/792/CFSP)

THE POLITICAL AND SECURITY COMMITTEE,

Having regard to the Treaty on European Union, and in particular Article 38 thereof,

Having regard to Council Joint Action 2008/851/CFSP of 10 November 2008 on a European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast ⁽¹⁾ (Atalanta), and in particular Article 6 thereof,

Whereas:

- (1) Pursuant to Article 6(1) of Joint Action 2008/851/CFSP, the Council authorised the Political and Security Committee (PSC) to take decisions on the appointment of the EU Force Commander.
- (2) On 5 July 2011, the PSC adopted Decision Atalanta/3/2011 ⁽²⁾ appointing Rear Admiral Thomas JUGEL as EU Force Commander for the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast.
- (3) The EU Operation Commander has recommended the appointment of Captain Jorge MANSO as the new EU Force Commander for the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast.

(4) The EU Military Committee supports that recommendation.

(5) In accordance with Article 5 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 does not participate in the elaboration and the implementation of decisions and actions of the Union which have defence implications,

HAS ADOPTED THIS DECISION:

Article 1

Captain Jorge MANSO is hereby appointed EU Force Commander for the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast.

Article 2

This Decision shall enter into force on 6 December 2011.

Done at Brussels, 2 December 2011.

For the Political and Security Committee
The Chairperson
O. SKOOG

⁽¹⁾ OJ L 301, 12.11.2008, p. 33.

⁽²⁾ OJ L 177, 6.7.2011, p. 26.

COMMISSION IMPLEMENTING DECISION

of 19 October 2011

on the position to be taken by the European Union within the Joint Committee on Agriculture set up by the Agreement between the European Community and the Swiss Confederation on trade in agricultural products, as regards the amendment of Annex 9 to the Agreement

(2011/793/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Decision 2002/309/EC, Euratom of the Council, and of the Commission as regards the Agreement on Scientific and Technological Cooperation, of 4 April 2002 on the conclusion of seven Agreements with the Swiss Confederation⁽¹⁾, and in particular the sixth indent of the second subparagraph of Article 5(2) thereof,

Whereas:

- (1) The Agreement between the European Community and the Swiss Confederation on trade in agricultural products⁽²⁾ (hereinafter referred to as 'the Agreement') entered into force on 1 June 2002.
- (2) Article 6 of the Agreement sets up a Joint Committee on Agriculture (hereinafter 'the Committee') to be responsible for the administration of the Agreement and ensure its proper functioning.
- (3) In accordance with Article 6(4) and (7) of the Agreement, on 21 October 2003 the Committee adopted its Rules of Procedure⁽³⁾ and set up the working groups needed to administer the Annexes to the Agreement⁽⁴⁾.
- (4) The bilateral Working Group on Organic Products met to examine, in particular, the scope of Annex 9, the import rules applied by the two Parties and the exchanges of information between them to make recommendations on this to the Committee with a view to adapting Annex 9 to the Agreement.

(5) Pursuant to Article 11 of the Agreement, the Committee may decide to amend the Annexes to the Agreement.

(6) The Head of the European Union Delegation within the Joint Committee on Agriculture expresses the European Union's support for the final version of the draft Decision of the Joint Committee.

(7) The measures provided for by this Decision are in accordance with the opinion of the Committee set up by Article 37 of Council Regulation (EC) No 834/2007⁽⁵⁾,

HAS ADOPTED THIS DECISION:

Article 1

The European Union position within the Joint Committee on Agriculture set up by Article 6 of the Agreement between the European Community and the Swiss Confederation on trade in agricultural products is based on the draft Decision of the Joint Committee on Agriculture annexed to this Decision.

Article 2

The Decision of the Joint Committee on Agriculture shall be published in the *Official Journal of the European Union* after its adoption.

Done at Brussels, 19 October 2011.

For the Commission

Dacian CIOLOȘ

Member of the Commission

⁽¹⁾ OJ L 114, 30.4.2002, p. 1.

⁽²⁾ OJ L 114, 30.4.2002, p. 132.

⁽³⁾ Common position adopted by the Council on 21 July 2003; Decision of the Joint Committee No 1/2003 of 21 October 2003 concerning the adoption of its Rules of Procedure (OJ L 303, 21.11.2003, p. 24).

⁽⁴⁾ Common position adopted by the Council on 21 July 2003; Decision of the Joint Committee No 2/2003 of 21 October 2003 concerning the setting-up of the Working Groups and the adoption of the terms of reference of those groups (OJ L 303, 21.11.2003, p. 27).

⁽⁵⁾ OJ L 189, 20.7.2007, p. 1.

ANNEX

DRAFT

**DECISION No 2/2011 OF THE JOINT COMMITTEE ON AGRICULTURE
of 25 November 2011**

amending Annex 9 to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products

THE JOINT COMMITTEE ON AGRICULTURE,

(2) Article 6 is replaced by the following:

Having regard to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products, and in particular Article 11 thereof,

'Article 6

Third countries and inspection bodies in third countries

Whereas:

1. The Parties shall do their utmost to ensure that the import arrangements applicable to organically produced products from third countries are equivalent.

(1) The Agreement between the European Community and the Swiss Confederation on trade in agricultural products (hereinafter referred to as 'the Agreement') entered into force on 1 June 2002.

2. With a view to ensuring equivalence in practice as regards recognition in the case of third countries and inspection bodies in third countries, the Parties shall establish appropriate collaboration in order to make use of their experience and shall consult each other before they recognise and include any third country or inspection body in the lists drawn up to that end in their laws and regulations.;

(2) The purpose of Annex 9 to the Agreement is to facilitate and foster the bilateral trade flow of organic products from the European Union and Switzerland.

(3) Article 7 is replaced by the following:

(3) Under Article 8 of Annex 9 to the Agreement, the Working Group on Organic Products examines all issues relating to Annex 9 and its implementation and makes recommendations to the Committee. This group met to examine, in particular, the scope of the Agreement, the import rules applied by the two Parties to the Agreement and the exchanges of information between them. The Working Group concluded that the content of the Articles of Annex 9 on these subjects should be adapted to take account of developments in organic production and the market for organic products,

'Article 7

Exchange of information

1. Under Article 8 of the Agreement, the Parties and Member States shall send each other the following information and documents in particular:

HAS DECIDED AS FOLLOWS:

Article 1

Annex 9 to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products is hereby amended as follows:

— a list of the competent authorities and inspection bodies and their code numbers and reports on surveillance by the authorities charged with this task,

(1) Article 2 is amended as follows:

— a list of the administrative decisions authorising imports of organically produced products from third countries,

(a) in paragraph 1, the word 'plant' is replaced by 'agricultural';

— details of irregularities or infringements of the laws and regulations listed in Appendix 1 altering the organic character of a product; the level of communication shall depend on the severity and the extent of the irregularity or infringement found in accordance with the Appendix.

(b) paragraph 2 is deleted;

2. The Parties shall guarantee the confidential treatment of the information referred to in the third indent of paragraph 1.;

- (4) Appendix 1 and Appendix 2 shall be replaced, respectively, by Appendix 1 and Appendix 2 in the Annex to this Decision.

Article 2

This Decision shall enter into force on 1 December 2011.

Done at Brussels, 25 November 2011.

For the Joint Committee on Agriculture

*The Head of the EU
Delegation*
Nicolas VERLET

*The President and Head of
the Swiss Delegation*
Jacques CHAVAZ

The Committee Secretary
Michael WÜRZNER

—

ANNEX

'Appendix 1

List of acts referred to in Article 3 relating to organically produced agricultural products and foodstuffs

Regulations applicable in the European Union:

- Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91 (OJ L 189, 20.7.2007, p. 1), as last amended by Council Regulation (EC) No 967/2008 of 29 September 2008 (OJ L 264, 3.10.2008, p. 1),
- Commission Regulation (EC) No 889/2008 of 5 September 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control (OJ L 250, 18.9.2008, p. 1), as last amended by Commission Regulation (EC) No 426/2011 of 2 May 2011 (OJ L 113, 13.5.2011, p. 1),
- Commission Regulation (EC) No 1235/2008 of 8 December 2008 laying down detailed rules for implementation of Council Regulation (EC) No 834/2007 as regards the arrangements for imports of organic products from third countries (OJ L 334, 12.12.2008, p. 25), as last amended by Commission Regulation (EC) No 590/2011 of 20 June 2011 (OJ L 161, 21.6.2011, p. 9).

Regulations applicable in the Swiss Confederation:

- Ordinance of 22 September 1997 on organic farming and the labelling of organically produced plant products and foodstuffs (Ordinance on organic farming), as last amended on 27 October 2010 (RO 2010 5859),
- Ordinance of the Département Fédéral de l'Economie of 22 September 1997 on organic farming, as last amended on 25 May 2011 (RO 2011 2369).

Exclusion from the equivalence arrangements:

- Swiss products based on ingredients produced under the arrangements for conversion to organic farming,
- Swiss goat products, where the animals are covered by the derogation provided for in Article 39d of the Ordinance on organic farming and the labelling of organically produced products and foodstuffs (*).

(*) (RS 910.18)

'Appendix 2

Detailed rules for implementation

The rules on labelling concerning organic feed in force in the legislation of the importing Contracting Party shall apply to the imports of the other Party.'

COMMISSION IMPLEMENTING DECISION

of 30 November 2011

establishing the financial contribution by the Union to the expenditure incurred in the context of the emergency measures taken to combat avian influenza in the Netherlands in 2010

(notified under document C(2011) 8714)

(Only the Dutch text is authentic)

(2011/794/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Decision 2009/470/EC of 25 May 2009 on expenditure in the veterinary field ⁽¹⁾, and in particular Article 4 thereof,

Whereas:

- (1) In accordance with Article 75 of the Financial Regulation and Article 90(1) of the Implementing Rules, the commitment of expenditure from the Union budget shall be preceded by a financing decision setting out the essential elements of the action involving expenditure and adopted by the institution or the authorities to which powers have been delegated by the institution.
- (2) Decision 2009/470/EC lays down the procedures governing the financial contribution from the Union towards specific veterinary measures, including emergency measures. With a view to helping to eradicate avian influenza as rapidly as possible the Union should contribute financially to eligible expenditure borne by the Member States. Article 4(3), first and second indents, of that Decision lays down rules on the percentage that must be applied to the costs incurred by the Member States.
- (3) Article 3 of Commission Regulation (EC) No 349/2005 of 28 February 2005 laying down rules on the Community financing of emergency measures and of the campaign to combat certain animal diseases under Council Decision 90/424/EEC ⁽²⁾ sets rules on the expenditure eligible for Union financial support.
- (4) Commission Implementing Decision 2011/204/EU of 31 March 2011 on a financial contribution from the Union towards emergency measures to combat avian influenza in Denmark and the Netherlands in 2010 ⁽³⁾ granted, amongst others, a financial contribution by the Union towards emergency measures to combat avian influenza in the Netherlands in 2010. An official request for reimbursement was submitted by the Netherlands on 20 May 2011, as set out in Article 7(1) and (2) of Regulation (EC) No 349/2005.
- (5) The payment of the financial contribution from the Union is to be subject to the condition that the planned activities were actually implemented and that the authorities provided all the necessary information within the set deadlines.
- (6) The Netherlands has, in accordance with Article 3(4) of Decision 2009/470/EC, without delay informed the Commission and the other Member States of the measures applied in accordance with Union legislation on notification and eradication and the results thereof. The request for reimbursement was, as required in Article 7 of Regulation (EC) No 349/2005, accompanied by a financial report, supporting documents, an epidemiological report on each holding where the animals have been slaughtered or destroyed, and the results of respective audits.
- (7) The Commission's observations, method of calculating the eligible expenditure and final conclusions were communicated to the Netherlands on 8 August 2011. The Netherlands agreed by e-mail dated 16 August 2011.
- (8) Consequently the total amount of the financial support from the Union to the eligible expenditure incurred in connection with the eradication of avian influenza in the Netherlands in 2010 can now be fixed.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

⁽¹⁾ OJ L 155, 18.6.2009, p. 30.

⁽²⁾ OJ L 55, 1.3.2005, p. 12.

⁽³⁾ OJ L 86, 1.4.2011, p. 73.

HAS ADOPTED THIS DECISION:

Article 1

The financial contribution from the Union towards the expenditure associated with eradicating avian influenza in the Netherlands in 2010 is fixed at EUR 54 203,48.

Article 2

This Decision constituting a financing decision in the meaning of Article 75 of the Financial Regulation is addressed to the Kingdom of the Netherlands.

Done at Brussels, 30 November 2011.

For the Commission
John DALLI
Member of the Commission

COMMISSION IMPLEMENTING DECISION

of 30 November 2011

establishing the financial contribution by the Union to the expenditure incurred in the context of the emergency measures taken to combat swine vesicular disease in Italy in 2009

(notified under document C(2011) 8715)

(Only the Italian text is authentic)

(2011/795/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Decision 2009/470/EC of 25 May 2009 on expenditure in the veterinary field ⁽¹⁾, and in particular Article 3(4) thereof,

Whereas:

(1) In accordance with Article 75 of the Financial Regulation and Article 90(1) of the Implementing Rules, the commitment of expenditure from the Union budget shall be preceded by a financing decision setting out the essential elements of the action involving expenditure and adopted by the institution or the authorities to which powers have been delegated by the institution.

(2) Decision 2009/470/EC lays down the procedures governing the financial contribution from the Union towards specific veterinary measures, including emergency measures. With a view to helping to eradicate swine vesicular disease as rapidly as possible the Union should contribute financially to eligible expenditure borne by the Member States. Article 3(6) first indent of that Decision lays down rules on the percentage that must be applied to the costs incurred by the Member States.

(3) Commission Regulation (EC) No 349/2005 ⁽²⁾ lays down rules on the Community financing of emergency measures and of the campaign to combat certain animal diseases under Council Decision 90/424/EEC. Article 3 of that Regulation lays down rules on the expenditure eligible for Union financial support.

(4) Commission Decision 2010/143/EU of 5 March 2010 on a financial contribution from the Union towards

emergency measures to combat swine vesicular disease in Italy in 2009 ⁽³⁾ granted a financial contribution from the Union to Italy towards the costs incurred for the eradication of swine vesicular disease.

(5) On 3 and 4 May 2010, Italy submitted an official request for reimbursement as set out in Article 7(1) and (2) of Regulation (EC) No 349/2005. The Commission's final conclusions were communicated to Italy by e-mail dated 29 June 2011. Italy agreed by e-mail dated 23 August 2011.

(6) The payment of the financial contribution from the Union must be subject to the condition that the planned activities were actually implemented and that the authorities provided all the necessary information within the set deadlines.

(7) The Italian authorities have fully complied with their technical and administrative obligations as set out in Article 3(4) of Decision 2009/470/EC and Article 7 of Regulation (EC) No 349/2005.

(8) In view of the above considerations, the total amount of the financial contribution from the Union to the eligible expenditure incurred associated with the eradication of swine vesicular disease in Italy in 2009 should now be fixed.

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

HAS ADOPTED THIS DECISION:

Article 1

The financial contribution from the Union towards the expenditure associated with eradicating swine vesicular disease in Italy in 2009 is fixed at EUR 93 998,39. It constitutes a financing decision in the meaning of Article 75 of the Financial Regulation.

⁽¹⁾ OJ L 155, 18.6.2009, p. 30.

⁽²⁾ OJ L 55, 1.3.2005, p. 12.

⁽³⁾ OJ L 56, 6.3.2010, p. 12.

Article 2

This Decision is addressed to the Italian Republic.

Done at Brussels, 30 November 2011.

For the Commission
John DALLI
Member of the Commission

COMMISSION IMPLEMENTING DECISION

of 30 November 2011

on a financial contribution from the Union towards emergency measures to combat avian influenza in Cloppenburg, Germany in December 2008 and January 2009*(notified under document C(2011) 8716)***(Only the German text is authentic)**

(2011/796/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Decision 2009/470/EC of 25 May 2009 on expenditure in the veterinary field ⁽¹⁾, and in particular Article 4 thereof,

Whereas:

(1) In accordance with Article 75 of the Financial Regulation and Article 90(1) of the Implementing Rules, the commitment of expenditure from the Union budget shall be preceded by a financing decision setting out the essential elements of the action involving expenditure and adopted by the institution or the authorities to which powers have been delegated by the institution.

(2) Decision 2009/470/EC lays down the procedures governing the financial contribution from the Union towards specific veterinary measures, including emergency measures. With a view to eradicate avian influenza as rapidly as possible the Union should contribute financially to eligible expenditure borne by the Member States. Article 4(3), first and second indents, of that Decision identifies the percentage of Union financial contributions that can be paid to compensate the costs incurred by the Member States.

(3) Article 3 of Commission Regulation (EC) No 349/2005 of 28 February 2005 laying down rules on the Community financing of emergency measures and of the campaign to combat certain animal diseases under Council Decision 90/424/EEC ⁽²⁾ sets rules on the expenditure eligible for Union financial support.

(4) Commission Decision 2009/581/EC of 29 July 2009 on a financial contribution from the Community towards emergency measures to combat avian influenza in Cloppenburg, Germany in December 2008 and January 2009 ⁽³⁾ provided for a financial contribution by the Union towards emergency measures to combat avian influenza in Germany in December 2008 and January 2009.

(5) Germany submitted an official request for reimbursement on 3 September 2009, as set out in Article 7(1) and (2) of Regulation (EC) No 349/2005.

(6) Article 7 of Regulation (EC) No 349/2005 makes the payment of that financial contribution from the Union subject to the condition that the planned activities were actually implemented and that the authorities provided all the necessary information within the set deadlines.

(7) Decision 2009/581/EC provided that a first tranche of EUR 2 000 000 should be paid as part of the Union's financial contribution.

(8) An audit according to Article 10 of Regulation (EC) No 349/2005 carried out by the Commission's services did reveal only minor financial issues.

(9) Germany has thus to this point complied with its technical and administrative obligations as set out in Article 3(4) of Decision 2009/470/EC and Article 7 of Regulation (EC) No 349/2005.

(10) In view of the above considerations, a second tranche of the financial support from the Union to the eligible expenditure incurred in association with the eradication of avian influenza in Cloppenburg, Germany in December 2008 and January 2009 should now be fixed.

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

⁽¹⁾ OJ L 155, 18.6.2009, p. 30.

⁽²⁾ OJ L 55, 1.3.2005, p. 12.

⁽³⁾ OJ L 198, 30.7.2009, p. 83.

HAS ADOPTED THIS DECISION:

Article 1

A second tranche of EUR 4 000 000 shall be paid to Germany as part of the Union financial contribution.

Article 2

This Decision constituting a financing decision in the meaning of Article 75 of the Financial Regulation is addressed to the Federal Republic of Germany.

Done at Brussels, 30 November 2011.

For the Commission
John DALLI
Member of the Commission

COMMISSION IMPLEMENTING DECISION

of 30 November 2011

establishing the financial contribution by the Union to the expenditure incurred in the context of the emergency measures taken to combat Newcastle disease in Spain in 2009

(notified under document C(2011) 8717)

(Only the Spanish text is authentic)

(2011/797/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Decision 2009/470/EC of 25 May 2009 on expenditure in the veterinary field ⁽¹⁾, and in particular Article 6 thereof,

Whereas:

(1) In accordance with Article 75 of the Financial Regulation and Article 90(1) of the Implementing Rules, the commitment of expenditure from the Union budget shall be preceded by a financing decision setting out the essential elements of the action involving expenditure and adopted by the institution or the authorities to which powers have been delegated by the institution.

(2) Decision 2009/470/EC lays down the procedures governing the financial contribution from the Union towards specific veterinary measures, including emergency measures. With a view to helping to eradicate Newcastle disease as rapidly as possible the Union should contribute financially to eligible expenditure borne by the Member States. Article 3(6), first indent, of that Decision lays down rules on the percentage that must be applied to the costs incurred by the Member States.

(3) Article 3 of Commission Regulation (EC) No 349/2005 of 28 February 2005 laying down rules on the Community financing of emergency measures and of the campaign to combat certain animal diseases under Council Decision 90/424/EEC ⁽²⁾ sets rules on the expenditure eligible for Union financial support.

(4) Commission Implementing Decision 2011/208/EU of 1 April 2011 on a financial contribution from the

Union towards emergency measures to combat Newcastle disease in Spain in 2009 ⁽³⁾ granted, amongst others, a financial contribution by the Union towards emergency measures to combat Newcastle disease in Spain in 2009. An official request for reimbursement was submitted by Spain on 31 May 2011, as set out in Article 7(1) and (2) of Regulation (EC) No 349/2005.

(5) The payment of the financial contribution from the Union is to be subject to the condition that the planned activities were actually implemented and that the authorities provided all the necessary information within the set deadlines.

(6) Spain has in accordance with Article 3(4) of Decision 2009/470/EC without delay informed the Commission and the other Member States of the measures applied in accordance with Union legislation on notification and eradication and the results thereof. The request for reimbursement was, as required in Article 7 of Regulation (EC) No 349/2005, accompanied by a financial report, supporting documents, an epidemiological report on each holding where the animals have been slaughtered or destroyed, and the results of respective audits.

(7) The Commission's observations, method of calculating the eligible expenditure and final conclusions were communicated to Spain on 20 October 2011. Spain agreed by e-mail dated 20 October 2011.

(8) Consequently the total amount of the financial support from the Union to the eligible expenditure incurred in connection with the eradication of Newcastle disease in Spain in 2009 can now be fixed.

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

⁽¹⁾ OJ L 155, 18.6.2009, p. 30.

⁽²⁾ OJ L 55, 1.3.2005, p. 12.

⁽³⁾ OJ L 87, 2.4.2011, p. 29.

HAS ADOPTED THIS DECISION:

Article 1

The financial contribution from the Union towards the expenditure associated with eradicating Newcastle disease in Spain in 2009 is fixed at EUR 103 219,22.

Article 2

This Decision constituting a financing decision in the meaning of Article 75 of the Financial Regulation is addressed to the Kingdom of Spain.

Done at Brussels, 30 November 2011.

For the Commission
John DALLI
Member of the Commission

COMMISSION IMPLEMENTING DECISION

of 30 November 2011

on a financial contribution from the Union towards emergency measures to combat avian influenza in Spain in 2009

(notified under document C(2011) 8721)

(Only the Spanish text is authentic)

(2011/798/EU)

THE EUROPEAN COMMISSION,

Czech Republic, Germany, Spain, France and Italy in 2009⁽³⁾ provided for a financial contribution by the Union towards emergency measures to combat avian influenza, amongst others, in Spain in 2009.

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

Having regard to Council Decision 2009/470/EC of 25 May 2009 on expenditure in the veterinary field⁽¹⁾, and in particular Article 4 thereof,

(5) Spain submitted an official request for reimbursement on 3 May 2010 as set out in Article 7(1) and (2) of Regulation (EC) No 349/2005.

Whereas:

(6) Article 7 of Regulation (EC) No 349/2005 makes the payment of that financial contribution from the Union subject to the condition that the planned activities were actually implemented and that the authorities provided all the necessary information within the set deadlines.

(1) In accordance with Article 75 of the Financial Regulation and Article 90(1) of the Implementing Rules, the commitment of expenditure from the Union budget shall be preceded by a financing decision setting out the essential elements of the action involving expenditure and adopted by the institution or the authorities to which powers have been delegated by the institution.

(7) An audit according to Article 10 of Regulation (EC) No 349/2005 carried out by the Commission's services did reveal only minor financial issues.

(2) Decision 2009/470/EC lays down the procedures governing the financial contribution from the Union towards specific veterinary measures, including emergency measures. With a view to eradicate avian influenza as rapidly as possible the Union should contribute financially to eligible expenditure borne by the Member States. Article 4(3), first and second indents, of that Decision identifies the percentage of Union financial contributions that can be paid to compensate the costs incurred by the Member States.

(8) Spain has thus to this point complied with its technical and administrative obligations as set out in Article 3(4) of Decision 2009/470/EC and Article 7 of Regulation (EC) No 349/2005.

(3) Article 3 of Commission Regulation (EC) No 349/2005 of 28 February 2005 laying down rules on the Community financing of emergency measures and of the campaign to combat certain animal diseases under Council Decision 90/424/EEC⁽²⁾ sets rules on the expenditure eligible for Union financial support.

(9) In view of the above considerations, a first tranche of the financial support from the Union to Spain to the eligible expenditure incurred in association with the eradication of avian influenza in 2009 should now be fixed.

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

(4) Commission Decision 2010/148/EU of 5 March 2010 on a financial contribution from the Union towards emergency measures to combat avian influenza in the

HAS ADOPTED THIS DECISION:

Article 1

A first tranche of EUR 500 000,00 shall be paid to Spain as part of the Union financial contribution.

⁽¹⁾ OJ L 155, 18.6.2009, p. 30.

⁽²⁾ OJ L 55, 1.3.2005, p. 12.

⁽³⁾ OJ L 60, 10.3.2010, p. 22.

Article 2

This Decision constituting a financing decision in the meaning of Article 75 of the Financial Regulation is addressed to the Kingdom of Spain.

Done at Brussels, 30 November 2011.

For the Commission
John DALLI
Member of the Commission

COMMISSION IMPLEMENTING DECISION

of 30 November 2011

on a financial contribution from the Union towards emergency measures to combat avian influenza in Poland in 2007

(notified under document C(2011) 8722)

(Only the Polish text is authentic)

(2011/799/EU)

THE EUROPEAN COMMISSION,

Poland in 2007 ⁽³⁾ provided for a financial contribution by the Union towards emergency measures to combat avian influenza in Poland in 2007.

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

(5) Poland submitted an official request for reimbursement on 13 March 2008 as set out in Article 7(1) and (2) of Regulation (EC) No 349/2005.

Having regard to Council Decision 2009/470/EC of 25 May 2009 on expenditure in the veterinary field ⁽¹⁾, and in particular Article 4 thereof,

(6) Article 7 of Regulation (EC) No 349/2005 makes the payment of that financial contribution from the Union subject to the condition that the planned activities were actually implemented and that the authorities provided all the necessary information within the set deadlines.

Whereas:

(1) In accordance with Article 75 of the Financial Regulation and Article 90(1) of the Implementing Rules, the commitment of expenditure from the Union budget shall be preceded by a financing decision setting out the essential elements of the action involving expenditure and adopted by the institution or the authorities to which powers have been delegated by the institution.

(7) Decision 2008/557/EC provided that a first tranche of EUR 845 000 should be paid as part of the Union's financial contribution.

(2) Decision 2009/470/EC lays down the procedures governing the financial contribution from the Union towards specific veterinary measures, including emergency measures. With a view to eradicate avian influenza as rapidly as possible the Union should contribute financially to eligible expenditure borne by the Member States. Article 4(3) first and second indents of that Decision identifies the percentage of Union financial contributions can be paid to compensate the costs incurred by the Member States.

(8) An audit according to Article 10 of Regulation (EC) No 349/2005 carried out by the Commission's services did reveal only minor financial issues.

(3) Article 3 of Commission Regulation (EC) No 349/2005 of 28 February 2005 laying down rules on the Community financing of emergency measures and of the campaign to combat certain animal diseases under Council Decision 90/424/EEC ⁽²⁾ sets rules on the expenditure eligible for Union financial support.

(9) Poland has thus to this point complied with its technical and administrative obligations as set out in Article 3(4) of Decision 2009/470/EC and Article 7 of Regulation (EC) No 349/2005.

(10) In view of the above considerations, a second tranche of the financial support from the Union to Poland to the eligible expenditure incurred in association with the eradication of avian influenza in 2007 should now be fixed.

(4) Commission Decision 2008/557/EC of 27 June 2008 on a financial contribution from the Community towards emergency measures to combat avian influenza in

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

HAS ADOPTED THIS DECISION:

Article 1

A second tranche of EUR 750 000 shall be paid to Poland as part of the Union financial contribution.

⁽¹⁾ OJ L 155, 18.6.2009, p. 30.

⁽²⁾ OJ L 55, 1.3.2005, p. 12.

⁽³⁾ OJ L 180, 9.7.2008, p. 15.

Article 2

This Decision constituting a financing decision in the meaning of Article 75 of the Financial Regulation is addressed to the Republic of Poland.

Done at Brussels, 30 November 2011.

For the Commission
John DALLI
Member of the Commission

COMMISSION IMPLEMENTING DECISION

of 30 November 2011

on a financial contribution from the Union towards emergency measures to combat bluetongue in Germany in 2007

(notified under document C(2011) 8723)

(Only the German text is authentic)

(2011/800/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Decision 2009/470/EC of 25 May 2009 on expenditure in the veterinary field ⁽¹⁾, and in particular Article 3,

Whereas:

- (1) In accordance with Article 75 of the Financial Regulation and Article 90(1) of the Implementing Rules, the commitment of expenditure from the Union budget shall be preceded by a financing decision setting out the essential elements of the action involving expenditure and adopted by the institution or the authorities to which powers have been delegated by the institution.
- (2) Decision 2009/470/EC lays down the procedures governing the financial contribution from the Union towards specific veterinary measures, including emergency measures. With a view to eradicate bluetongue as rapidly as possible the Union should contribute financially to eligible expenditure borne by the Member States. Article 3(6) first indent of that Decision identifies the percentage of Union financial contributions can be paid to compensate the costs incurred by the Member States.
- (3) Article 3 of Commission Regulation (EC) No 349/2005 of 28 February 2005 laying down rules on the Community financing of emergency measures and of the campaign to combat certain animal diseases under Council Decision 90/424/EEC ⁽²⁾ sets rules on the expenditure eligible for Union financial support.
- (4) Commission Decision 2008/444/EC of 5 June 2008 on a financial contribution from the Community towards emergency measures to combat bluetongue in Germany in 2007 ⁽³⁾ provided for a financial contribution by the Union towards emergency measures to combat bluetongue in Germany in 2007.
- (5) Germany submitted an official request for reimbursement on 6 June 2008 as set out in Article 7(1) and (2) of Regulation (EC) No 349/2005.

- (6) Article 7 of Regulation (EC) No 349/2005 makes the payment of that financial contribution from the Union subject to the condition that the planned activities were actually implemented and that the authorities provided all the necessary information within the set deadlines.
- (7) Decision 2008/444/EC provided that a first tranche of EUR 950 000,00 should be paid as part of the Union's financial contribution.
- (8) An audit according to Article 10 of Regulation (EC) No 349/2005 carried out by the Commission's services did reveal only minor financial issues.
- (9) Germany has thus to this point complied with its technical and administrative obligations as set out in Article 3(4) of Decision 2009/470/EC and Article 7 of Regulation (EC) No 349/2005.
- (10) In view of the above considerations, a second tranche of the financial support from the Union to the eligible expenditure incurred in association with the eradication of bluetongue in Germany in 2007 should now be fixed.
- (11) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

A second tranche of EUR 1 950 000,00 shall be paid to Germany as part of the Union financial contribution.

Article 2

This Decision constituting a financing decision in the meaning of Article 75 of the Financial Regulation is addressed to the Federal Republic of Germany.

Done at Brussels, 30 November 2011.

For the Commission

John DALLI

Member of the Commission⁽¹⁾ OJ L 155, 18.6.2009, p. 30.⁽²⁾ OJ L 55, 1.3.2005, p. 12.⁽³⁾ OJ L 156, 14.6.2008, p. 18.

COMMISSION IMPLEMENTING DECISION

of 30 November 2011

establishing the financial contribution by the Union to the expenditure incurred in the context of the emergency vaccination plans against bluetongue in France in 2007 and 2008

(notified under document C(2011) 8727)

(Only the French text is authentic)

(2011/801/EU)

THE EUROPEAN COMMISSION,

by the Union towards emergency measures to combat bluetongue in France in 2007 and 2008.

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

(5) On 31 March 2009, France submitted an official request for reimbursement as set out in Article 7(1) and (2) of Regulation (EC) No 349/2005.

Having regard to Council Decision 2009/470/EC of 25 May 2009 on expenditure in the veterinary field ⁽¹⁾, and in particular Article 3(3), (4) and second indent of (6) thereof,

(6) An FVO inspection was carried out in France from 24 to 28 November 2008, which has noted some technical shortcomings. Nevertheless these shortcomings had not compromised the overall implementation of the programme nor caused additional expenditures for the Union budget.

Whereas:

(1) In accordance with Article 75 of the Financial Regulation and Article 90(1) of the Implementing Rules, the commitment of expenditure from the Union budget shall be preceded by a financing decision setting out the essential elements of the action involving expenditure and adopted by the institution or the authorities to which powers have been delegated by the institution.

(7) A financial control was carried out in France from 1 to 4 December 2009 which has concluded that the expenditures presented by France were eligible.

(2) Decision 2009/470/EC lays down the procedures governing the financial contribution from the Union towards specific veterinary measures, including emergency measures. With a view to helping to eradicate bluetongue as rapidly as possible the Union should contribute financially to eligible expenditure borne by the Member States. The second indent of Article 3(6) of that Decision lays down rules on the percentage that must be applied to the costs incurred by the Member States.

(8) The Commission's observations, method of calculating the eligible expenditure and final conclusions were communicated to France in a letter dated 14 July 2011.

(3) Commission Regulation (EC) No 349/2005 ⁽²⁾ lays down rules on the Community financing of emergency measures and of the campaign to combat certain animal diseases under Council Decision 90/424/EEC. Article 3 of that Regulation lays down rules on the expenditure eligible for Union financial support.

(9) In view of the above considerations, the total amount of the financial support from the Union to the eligible expenditure incurred associated with the eradication of bluetongue in France in 2007 and 2008 should now be fixed according to Article 3(2) of Decision 2008/655/EC.

(4) Commission Decision 2008/655/EC ⁽³⁾ as modified by Decision 2009/19/EC ⁽⁴⁾ granted a financial contribution

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

HAS ADOPTED THIS DECISION:

Article 1

The financial contribution from the Union for the expenditure associated with eradicating bluetongue in France in 2007 and 2008 is fixed at EUR 23 162 004,20. It constitutes a financing decision in the meaning of Article 75 of the Financial Regulation.

⁽¹⁾ OJ L 155 18.6.2009, p. 30.⁽²⁾ OJ L 55, 1.3.2005, p. 12.⁽³⁾ OJ L 214, 9.8.2008, p. 66.⁽⁴⁾ OJ L 8, 13.1.2009, p. 31.

Article 2

The balance of the financial contribution is fixed at EUR 2 041 295,20.

Article 3

This Decision is addressed to the French Republic.

Done at Brussels, 30 November 2011.

For the Commission
John DALLI
Member of the Commission

COMMISSION IMPLEMENTING DECISION

of 30 November 2011

establishing the financial contribution by the Union to the expenditure incurred in the context of the emergency vaccination plans against bluetongue in Italy in 2007 and 2008

(notified under document C(2011) 8728)

(Only the Italian text is authentic)

(2011/802/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Decision 2009/470/EC of 25 May 2009 on expenditure in the veterinary field ⁽¹⁾, and in particular Article 3(3), (4) and second indent of (6) thereof,

Whereas:

- (1) In accordance with Article 75 of the Financial Regulation and Article 90(1) of the Implementing Rules, the commitment of expenditure from the Union budget shall be preceded by a financing decision setting out the essential elements of the action involving expenditure and adopted by the institution or the authorities to which powers have been delegated by the institution.
- (2) Decision 2009/470/EC lays down the procedures governing the financial contribution from the Union towards specific veterinary measures, including emergency measures. With a view to helping to eradicate bluetongue as rapidly as possible the Union should contribute financially to eligible expenditure borne by the Member States. The second indent of Article 3(6) of that Decision lays down rules on the percentage that must be applied to the costs incurred by the Member States.
- (3) Commission Regulation (EC) No 349/2005 ⁽²⁾ lays down rules on the Community financing of emergency measures and of the campaign to combat certain animal diseases under Council Decision 90/424/EEC. Article 3 of that Regulation lays down rules on the expenditure eligible for Union financial support.
- (4) Commission Decision 2008/655/EC ⁽³⁾ as modified by Decision 2009/19/EC ⁽⁴⁾ granted a financial contribution by the Union towards emergency measures to combat bluetongue in Italy in 2007 and 2008.

- (5) On 12 March 2009, Italy submitted an official request for reimbursement as set out in Article 7(1) and (2) of Regulation (EC) No 349/2005. The Commission's observations, method of calculating the eligible expenditure and final conclusions were communicated to Italy in a letter dated 28 March 2011.

- (6) The payment of the financial contribution from the Union must be subject to the condition that the planned activities were actually implemented and that the authorities provided all the necessary information within the set deadlines.

- (7) The Italian authorities have fully complied with their technical and administrative obligations as set out in Article 3(4) of Decision 2009/470/EC and Article 7 of Regulation (EC) No 349/2005.

- (8) In view of the above considerations, the total amount of the financial support from the Union to the eligible expenditure incurred associated with the eradication of bluetongue in Italy in 2007 and 2008 should now be fixed according to Article 3(2) of Decision 2008/655/EC.

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

HAS ADOPTED THIS DECISION:

Article 1

The financial contribution from the Union towards the expenditure associated with eradicating bluetongue in Italy in 2007 and 2008 is fixed at EUR 732 680,67. It constitutes a financing decision in the meaning of Article 75 of the Financial Regulation.

Article 2

The balance of the financial contribution is fixed at EUR 1 336,20.

⁽¹⁾ OJ L 155, 18.6.2009, p. 30.

⁽²⁾ OJ L 55, 1.3.2005, p. 12.

⁽³⁾ OJ L 214, 9.8.2008, p. 66.

⁽⁴⁾ OJ L 8, 13.1.2009, p. 31.

Article 3

This Decision is addressed to the Italian Republic.

Done at Brussels, 30 November 2011.

For the Commission
John DALLI
Member of the Commission

COMMISSION IMPLEMENTING DECISION

of 30 November 2011

establishing the financial contribution by the Union to the expenditure incurred in the context of the emergency vaccination plans against bluetongue in Austria in 2007 and 2008

(notified under document C(2011) 8729)

(Only the German text is authentic)

(2011/803/EU)

THE EUROPEAN COMMISSION,

by the Union towards emergency measures to combat bluetongue in Austria in 2007 and 2008.

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

Having regard to Council Decision 2009/470/EC of 25 May 2009 on expenditure in the veterinary field ⁽¹⁾, and in particular Article 3(3), (4) and second indent of (6) thereof,

Whereas:

- (1) In accordance with Article 75 of the Financial Regulation and Article 90(1) of the Implementing Rules, the commitment of expenditure from the Union budget shall be preceded by a financing decision setting out the essential elements of the action involving expenditure and adopted by the institution or the authorities to which powers have been delegated by the institution.
- (2) Decision 2009/470/EC lays down the procedures governing the financial contribution from the Union towards specific veterinary measures, including emergency measures. With a view to helping to eradicate bluetongue as rapidly as possible the Union should contribute financially to eligible expenditure borne by the Member States. The second indent of Article 3(6) of that Decision lays down rules on the percentage that must be applied to the costs incurred by the Member States.
- (3) Commission Regulation (EC) No 349/2005 ⁽²⁾ lays down rules on the Community financing of emergency measures and of the campaign to combat certain animal diseases under Council Decision 90/424/EEC. Article 3 of that Regulation lays down rules on the expenditure eligible for Union financial support.
- (4) Commission Decision 2008/655/EC ⁽³⁾ as modified by Decision 2009/19/EC ⁽⁴⁾ granted a financial contribution

- (5) On 31 March 2009, Austria submitted an official request for reimbursement as set out in Article 7(1) and (2) of Regulation (EC) No 349/2005. The Commission's observations, method of calculating the eligible expenditure and final conclusions were communicated to Austria in a letter dated 28 March 2011.
- (6) The payment of the financial contribution from the Union must be subject to the condition that the planned activities were actually implemented and that the authorities provided all the necessary information within the set deadlines.
- (7) The Austrian authorities have fully complied with their technical and administrative obligations as set out in Article 3(4) of Decision 2009/470/EC and Article 7 of Regulation (EC) No 349/2005.
- (8) In view of the above considerations, the total amount of the financial support from the Union to the eligible expenditure incurred associated with the eradication of bluetongue in Austria in 2007 and 2008 should now be fixed according to Article 3(2) of Decision 2008/655/EC.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

The financial contribution from the Union towards the expenditure associated with eradicating bluetongue in Austria in 2007 and 2008 is fixed at EUR 1 706 326,35. It constitutes a financing decision in the meaning of Article 75 of the Financial Regulation.

⁽¹⁾ OJ L 155, 18.6.2009, p. 30.

⁽²⁾ OJ L 55, 1.3.2005, p. 12.

⁽³⁾ OJ L 214, 9.8.2008, p. 66.

⁽⁴⁾ OJ L 8, 13.1.2009, p. 31.

Article 2

This Decision is addressed to the Republic of Austria.

Done at Brussels, 30 November 2011.

For the Commission
John DALLI
Member of the Commission

COMMISSION IMPLEMENTING DECISION

of 30 November 2011

establishing the financial contribution by the Union to the expenditure incurred in the context of the emergency vaccination plans against bluetongue in the Netherlands in 2007 and 2008

(notified under document C(2011) 8732)

(Only the Dutch text is authentic)

(2011/804/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Decision 2009/470/EC of 25 May 2009 on expenditure in the veterinary field ⁽¹⁾, and in particular Article 3(3), (4) and second indent of (6) thereof,

Whereas:

- (1) In accordance with Article 75 of the Financial Regulation and Article 90(1) of the Implementing Rules, the commitment of expenditure from the Union budget shall be preceded by a financing decision setting out the essential elements of the action involving expenditure and adopted by the institution or the authorities to which powers have been delegated by the institution.
- (2) Decision 2009/470/EC lays down the procedures governing the financial contribution from the Union towards specific veterinary measures, including emergency measures. With a view to helping to eradicate bluetongue as rapidly as possible the Union should contribute financially to eligible expenditure borne by the Member States. The second indent of Article 3(6) of that Decision lays down rules on the percentage that must be applied to the costs incurred by the Member States.
- (3) Commission Regulation (EC) No 349/2005 ⁽²⁾ lays down rules on the Community financing of emergency measures and of the campaign to combat certain animal diseases under Council Decision 90/424/EEC. Article 3 of that Regulation lays down rules on the expenditure eligible for Union financial support.
- (4) Commission Decision 2008/655/EC ⁽³⁾ as modified by Decision 2009/19/EC ⁽⁴⁾ granted a financial contribution by the Union towards emergency measures to combat bluetongue in the Netherlands in 2007 and 2008.

(5) On 26 March 2009, the Netherlands submitted an official request for reimbursement as set out in Article 7(1) and (2) of Regulation (EC) No 349/2005. The Commission's observations, method of calculating the eligible expenditure and final conclusions were communicated to the Netherlands in a letter dated 27 September 2010.

(6) The payment of the financial contribution from the Union must be subject to the condition that the planned activities were actually implemented and that the authorities provided all the necessary information within the set deadlines.

(7) The Netherlands authorities have fully complied with their technical and administrative obligations as set out in Article 3(4) of Decision 2009/470/EC and Article 7 of Regulation (EC) No 349/2005.

(8) In view of the above considerations, the total amount of the financial support from the Union to the eligible expenditure incurred associated with the eradication of bluetongue in the Netherlands in 2007 and 2008 should now be fixed according to Article 3(2) of Decision 2008/655/EC.

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

HAS ADOPTED THIS DECISION:

Article 1

The financial contribution from the Union towards the expenditure associated with eradicating bluetongue in the Netherlands in 2007 and 2008 is fixed at EUR 7 672 725. It constitutes a financing decision in the meaning of Article 75 of the Financial Regulation.

Article 2

The balance of the financial contribution is fixed at EUR 1 120 985.

⁽¹⁾ OJ L 155, 18.6.2009, p. 30.

⁽²⁾ OJ L 55, 1.3.2005, p. 12.

⁽³⁾ OJ L 214, 9.8.2008, p. 66.

⁽⁴⁾ OJ L 8, 13.1.2009, p. 31.

Article 3

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 30 November 2011.

For the Commission
John DALLI
Member of the Commission

COMMISSION IMPLEMENTING DECISION

of 30 November 2011

establishing the financial contribution by the Union to the expenditure incurred in the context of the emergency vaccination plans against bluetongue in Sweden in 2007 and 2008*(notified under document C(2011) 8737)***(Only the Swedish text is authentic)**

(2011/805/EU)

THE EUROPEAN COMMISSION,

(4) Commission Decision 2008/655/EC ⁽³⁾ as modified by Decision 2009/19/EC ⁽⁴⁾ granted a financial contribution by the Union towards emergency measures to combat bluetongue in Sweden in 2007 and 2008.

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

(5) On 30 March 2009, Sweden submitted an official request for reimbursement as set out in Article 7(1) and (2) of Regulation (EC) No 349/2005. The Commission's observations, method of calculating the eligible expenditure and final conclusions were communicated to Sweden in a letter dated 28 March 2011.

Having regard to Council Decision 2009/470/EC of 25 May 2009 on expenditure in the veterinary field ⁽¹⁾, and in particular Article 3(3), (4) and second indent of (6) thereof,

(6) The payment of the financial contribution from the Union must be subject to the condition that the planned activities were actually implemented and that the authorities provided all the necessary information within the set deadlines.

Whereas:

(1) In accordance with Article 75 of the Financial Regulation and Article 90(1) of the Implementing Rules, the commitment of expenditure from the Union budget shall be preceded by a financing decision setting out the essential elements of the action involving expenditure and adopted by the institution or the authorities to which powers have been delegated by the institution.

(7) The Swedish authorities have fully complied with their technical and administrative obligations as set out in Article 3(4) of Decision 2009/470/EC and Article 7 of Regulation (EC) No 349/2005.

(2) Decision 2009/470/EC lays down the procedures governing the financial contribution from the Union towards specific veterinary measures, including emergency measures. With a view to helping to eradicate bluetongue as rapidly as possible the Union should contribute financially to eligible expenditure borne by the Member States. The second indent of Article 3(6) of that Decision lays down rules on the percentage that must be applied to the costs incurred by the Member States.

(8) In view of the above considerations, the total amount of the financial support from the Union to the eligible expenditure incurred associated with the eradication of bluetongue in Sweden in 2007 and 2008 should now be fixed according to Article 3(2) of Decision 2008/655/EC.

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

(3) Commission Regulation (EC) No 349/2005 ⁽²⁾ lays down rules on the Community financing of emergency measures and of the campaign to combat certain animal diseases under Council Decision 90/424/EEC. Article 3 of that Regulation lays down rules on the expenditure eligible for Union financial support.

HAS ADOPTED THIS DECISION:

Article 1

The financial contribution from the Union towards the expenditure associated with eradicating bluetongue in Sweden in 2007 and 2008 is fixed at EUR 1 281 076,73. It constitutes a financing decision in the meaning of Article 75 of the Financial Regulation.

⁽¹⁾ OJ L 155, 18.6.2009, p. 30.

⁽²⁾ OJ L 55, 1.3.2005, p. 12.

⁽³⁾ OJ L 214, 9.8.2008, p. 66.

⁽⁴⁾ OJ L 8, 13.1.2009, p. 31.

Article 2

This Decision is addressed to the Kingdom of Sweden.

Done at Brussels, 30 November 2011.

For the Commission
John DALLI
Member of the Commission

COMMISSION IMPLEMENTING DECISION

of 30 November 2011

establishing the financial contribution by the Union to the expenditure incurred in the context of the emergency vaccination plans against bluetongue in Luxembourg in 2007 and 2008

(notified under document C(2011) 8742)

(Only the French text is authentic)

(2011/806/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Decision 2009/470/EC of 25 May 2009 on expenditure in the veterinary field ⁽¹⁾, and in particular Article 3(3), (4) and second indent of (6) thereof,

Whereas:

- (1) In accordance with Article 75 of the Financial Regulation and Article 90(1) of the Implementing Rules, the commitment of expenditure from the Union budget shall be preceded by a financing decision setting out the essential elements of the action involving expenditure and adopted by the institution or the authorities to which powers have been delegated by the institution.
- (2) Decision 2009/470/EC lays down the procedures governing the financial contribution from the Union towards specific veterinary measures, including emergency measures. With a view to helping to eradicate bluetongue as rapidly as possible the Union should contribute financially to eligible expenditure borne by the Member States. The second indent of Article 3(6) of that Decision lays down rules on the percentage that must be applied to the costs incurred by the Member States.
- (3) Commission Regulation (EC) No 349/2005 ⁽²⁾ lays down rules on the Community financing of emergency measures and of the campaign to combat certain animal diseases under Council Decision 90/424/EEC. Article 3 of that Regulation lays down rules on the expenditure eligible for Union financial support.
- (4) Commission Decision 2008/655/EC ⁽³⁾ as modified by Decision 2009/19/EC ⁽⁴⁾ granted a financial contribution by the Union towards emergency measures to combat bluetongue in Luxembourg in 2007 and 2008.

(5) On 27 March 2009, Luxembourg submitted an official request for reimbursement as set out in Article 7(1) and (2) of Regulation (EC) No 349/2005. The Commission's observations, method of calculating the eligible expenditure and final conclusions were communicated to Luxembourg in a letter dated 30 March 2011.

(6) The payment of the financial contribution from the Union must be subject to the condition that the planned activities were actually implemented and that the authorities provided all the necessary information within the set deadlines.

(7) The Luxembourgish authorities have fully complied with their technical and administrative obligations as set out in Article 3(4) of Decision 2009/470/EC and Article 7 of Regulation (EC) No 349/2005.

(8) In view of the above considerations, the total amount of the financial support from the Union to the eligible expenditure incurred associated with the eradication of bluetongue in Luxembourg in 2007 and 2008 should now be fixed according to Article 3(2) of Decision 2008/655/EC.

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

HAS ADOPTED THIS DECISION:

Article 1

The financial contribution from the Union towards the expenditure associated with eradicating bluetongue in Luxembourg in 2007 and 2008 is fixed at EUR 471 212,25. It constitutes a financing decision in the meaning of Article 75 of the Financial Regulation.

Article 2

The balance of the financial contribution is fixed at EUR 18 202,25.

⁽¹⁾ OJ L 155, 18.6.2009, p. 30.

⁽²⁾ OJ L 55, 1.3.2005, p. 12.

⁽³⁾ OJ L 214, 9.8.2008, p. 66.

⁽⁴⁾ OJ L 8, 13.1.2009, p. 31.

Article 3

This Decision is addressed to the Grand Duchy of Luxembourg.

Done at Brussels, 30 November 2011.

For the Commission
John DALLI
Member of the Commission

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