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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION

of 23 January 2012

on the position to be taken by the European Union in the EEA Joint Committee concerning the setting-up of a Joint Working Group to monitor the implementation of Chapter IIa of Protocol 10 to the EEA Agreement on simplification of inspections and formalities in respect of carriage of goods and defining its rules of procedure

(2012/41/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 and Articles 207(2) and 218(9) thereof,

Having regard to Council Regulation (EC) No 2894/94 of 28 November 1994 concerning arrangements for implementing the Agreement on the European Economic Area ⁽¹⁾, and in particular Article 1(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Protocol 10 to the Agreement was amended by Decision of the EEA Joint Committee No 76/2009 of 30 June 2009 ⁽²⁾, with a view to inserting a new Chapter IIa on customs security measures.
- (2) Article 9b of Protocol 10 provides that, in bilateral trade between the Contracting Parties, the application of customs security measures shall be waived, provided that there is an equivalent level of customs security on their respective territories.
- (3) Article 9f of Protocol 10 also provides that the EEA Joint Committee shall define the rules allowing the Contracting Parties to ensure the monitoring of the implementation

of Chapter IIa of that Protocol and to verify whether the provisions of Chapter IIa of and Annexes I and II to that Protocol are complied with,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken by the Union in the EEA Joint Committee on the setting-up of a Joint Working Group to monitor the implementation of Chapter IIa of Protocol 10 to the EEA Agreement on simplification of inspections and formalities in respect of carriage of goods and defining its rules of procedure shall be based on the draft Decision of the EEA Joint Committee attached to this Decision.

Article 2

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

Done at Brussels, 23 January 2012.

For the Council

The President

M. GJERSKOV

⁽¹⁾ OJ L 305, 30.11.1994, p. 6.

⁽²⁾ OJ L 232, 3.9.2009, p. 40.

DRAFT

DECISION No .../2011 OF THE EEA JOINT COMMITTEE

of ...

setting up a Joint Working Group to monitor the implementation of Chapter IIa of Protocol 10 to the EEA Agreement on simplification of inspections and formalities in respect of carriage of goods and defining its rules of procedure

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area (hereinafter 'the EEA Agreement'), and in particular Article 92 and Article 94(3) thereof, and Article 9f(1) of Protocol 10 to the EEA Agreement,

Whereas:

- (1) Protocol 10 to the EEA Agreement was amended by Decision of the EEA Joint Committee No 76/2009 of 30 June 2009 ⁽¹⁾, with a view to inserting a new Chapter IIa on customs security measures.
- (2) Article 9b of Protocol 10 provides that, in bilateral trade between the Contracting Parties, the application of customs security measures shall be waived, provided that there is an equivalent level of customs security on their respective territories.
- (3) Article 9f of Protocol 10 also provides that the EEA Joint Committee shall define the rules allowing the Contracting Parties to ensure the monitoring of the implementation of Chapter IIa of that Protocol and to verify whether the provisions of Chapter IIa of and Annexes I and II to that Protocol are complied with,

HAS ADOPTED THIS DECISION:

Article 1

1. A Joint Working Group on Customs Security Measures (hereinafter 'the Working Group'), is hereby established in order to ensure the monitoring of the implementation of the

customs security provisions in Chapter IIa of Protocol 10 to the EEA Agreement and to verify whether the provisions of Chapter IIa of and Annexes I and II to that Protocol are complied with.

2. The Working Group shall operate in accordance with the rules of procedure specified in the Annex to this Decision.

3. The Working Group shall report to Joint Subcommittee I on the free movement of goods, as referred to in Article 15(1)(a) of the Rules of Procedure of the EEA Joint Committee ⁽²⁾.

Article 2

This Decision shall enter into force on ..., provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 3

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels,

*For the EEA Joint Committee**The President**The Secretaries
to the EEA Joint Committee*

⁽¹⁾ OJ L 232, 3.9.2009, p. 40.

⁽²⁾ Decision of the EEA Joint Committee No 1/94 of 8 February 1994 adopting the Rules of Procedure of the EEA Joint Committee (OJ L 85, 30.3.1994, p. 60).

(*) [No constitutional requirements indicated.] [Constitutional requirements indicated.]

ANNEX

to Decision No .../2011 of the EEA Joint Committee

RULES OF PROCEDURE OF THE JOINT WORKING GROUP ON CUSTOMS SECURITY MEASURES*Article 1***Composition**

The Working Group shall be composed of representatives of the European Union, representatives of the EFTA States and representatives of the Member States of the European Union.

*Article 2***Tasks**

1. The Working Group shall evaluate the equivalency of customs security measures defined in the legislation of the Contracting Parties. In particular, it shall monitor the implementation of the legislation concerning pre-arrival and pre-departure information, security-related customs controls and risk management and the legislation concerning authorised economic operators. It shall also exchange information on amendments to the legislation concerned.
2. The Working Group shall discuss the necessary technical amendments to Chapter IIa of Protocol 10.
3. Upon a request of one of the Contracting Parties, the Working Group shall organise a meeting of a group of experts to discuss a specific issue. The Working Group shall also review administrative procedures of the Contracting Parties. In order to carry out such a review, the Working Group may agree to organise on-the-spot visits.
4. Upon a request of one of the Contracting Parties, the Working Group shall examine any issue which it considers relevant for the implementation of the customs security measures defined in Chapter IIa of Protocol 10.

*Article 3***Chairmanship**

The meetings of the Working Group shall be chaired alternately every 6 months by a representative of the European Union and by a representative of one of the EFTA States to which Chapter IIa of Protocol 10 applies.

*Article 4***Meetings**

1. The Working Group shall meet on a regular basis and at least once a year.
2. The meetings shall take place in Brussels or in any other place decided by the Chair of the Working Group.
3. The Chair shall convene the meetings of the Working Group. Invitations to the meeting shall be sent to the participants referred to in Article 1 at least 10 working days before the meeting. In urgent matters, invitations may be sent out at a shorter notice.
4. The working language of the Working Group shall be English.
5. The meetings shall not be public unless otherwise agreed.

*Article 5***Agenda**

1. The Chair shall draw up the provisional agenda for each meeting. The provisional agenda shall be sent to the participants referred to in Article 1 at least 10 working days before the meeting.
2. The Contracting Parties may request the inclusion of an agenda item either in writing to the Chair or prior to the adoption of the agenda on the day of the meeting.

*Article 6***Minutes**

1. Minutes from each meeting of the Working Group shall be drawn up under the responsibility of the Chair. The minutes shall indicate, with respect to each agenda item, the recommendations and/or the conclusions of the Working Group.
2. The draft minutes shall be exchanged between the Contracting Parties and agreed within 20 working days after the meeting.

*Article 7***Expenses**

The representatives of the Contracting Parties and the experts from the customs administrations of the Member States of the European Union shall cover all expenses they incur as a result of their participation in the meetings of the Working Group.

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) No 68/2012

of 26 January 2012

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:

- (1) 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.

- (2) The standard import value is calculated each working day, in accordance with Article 136(1) of Implementing Regulation (EU) No 543/2011, taking into account variable daily data. Therefore this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

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 to this Regulation.

Article 2

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

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

Done at Brussels, 26 January 2012.

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	IL	160,4
	MA	51,6
	TN	83,0
	TR	103,5
	ZZ	99,6
0707 00 05	EG	217,9
	JO	229,9
	MA	148,6
	TR	169,0
	ZZ	191,4
0709 91 00	EG	143,2
	ZZ	143,2
0709 93 10	MA	126,9
	TR	160,1
	ZZ	143,5
0805 10 20	EG	52,8
	MA	54,0
	TN	58,7
	TR	63,6
	ZZ	57,3
0805 20 10	MA	81,7
	ZZ	81,7
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	CN	61,5
	EG	79,2
	IL	84,0
	KR	91,9
	MA	39,3
	PK	50,1
	TR	99,3
	ZZ	72,2
0805 50 10	TR	56,1
	ZZ	56,1
0808 10 80	CA	126,3
	CL	74,9
	CN	97,5
	MK	30,8
	US	152,7
	ZZ	96,4
0808 30 90	CN	55,6
	TR	95,1
	US	159,7
	ZA	87,1
	ZZ	99,4

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

COMMISSION IMPLEMENTING REGULATION (EU) No 69/2012

of 26 January 2012

on the issue of licences for importing rice under the tariff quotas opened for the January 2012 subperiod by Implementing Regulation (EU) No 1273/2011

THE EUROPEAN COMMISSION,

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

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

Having regard to Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences ⁽²⁾, and in particular Article 7(2) thereof,

Having regard to Commission Implementing Regulation (EU) No 1273/2011 of 7 December 2011 opening and providing for the administration of certain tariff quotas for imports of rice and broken rice ⁽³⁾, and in particular the first paragraph of Article 5 thereof,

Whereas:

- (1) Implementing Regulation (EU) No 1273/2011 opened and provided for the administration of certain import tariff quotas for rice and broken rice, broken down by country of origin and split into several subperiods in accordance with Annex I to that Implementing Regulation.
- (2) January is the first subperiod for the quotas provided for under Article 1(1)(a), (b), (c) and (d) of Implementing Regulation (EU) No 1273/2011.
- (3) The notifications sent in accordance with point (a) of Article 8 of Implementing Regulation (EU) No 1273/2011 show that, for the quotas with order number 09.4154 — 09.4112 — 09.4116 — 09.4117 — 09.4118 — 09.4119 — 09.4166, the applications lodged in the first 10 working days of January 2012 under Article 4(1) of that Implementing Regulation cover a quantity greater than that available. The extent to which import licences may be issued should therefore

be determined by fixing the allocation coefficient to be applied to the quantity requested under the quotas concerned.

- (4) Those notifications also show that, for the quotas with order number 09.4127 — 09.4128 — 09.4148 — 09.4149 — 09.4150 — 09.4152 — 09.4153, the applications lodged in the first 10 working days of January 2012 under Article 4(1) of Implementing Regulation (EU) n° 1273/2011 cover a quantity less than that available.
- (5) The total quantity available for the following subperiod should also be fixed for the quotas with order number 09.4127 — 09.4128 — 09.4148 — 09.4149 — 09.4150 — 09.4152 — 09.4153 — 09.4154 — 09.4112 — 09.4116 — 09.4117 — 09.4118 — 09.4119 — 09.4166, in accordance with the first subparagraph of Article 5 of Implementing Regulation (EU) No 1273/2011.
- (6) In order to ensure sound management of the procedure of issuing import licences, this Regulation should enter into force immediately after its publication,

HAS ADOPTED THIS REGULATION:

Article 1

1. For import licence applications for rice under the quotas with order number 09.4154 — 09.4112 — 09.4116 — 09.4117 — 09.4118 — 09.4119 — 09.4166 referred to in Implementing Regulation (EU) No 1273/2011 lodged in the first 10 working days of January 2012, licences shall be issued for the quantity requested, multiplied by the allocation coefficient set out in the Annex to this Regulation.

2. The total quantity available for the following subperiod under the quotas with order number 09.4127 — 09.4128 — 09.4148 — 09.4149 — 09.4150 — 09.4152 — 09.4153 — 09.4154 — 09.4112 — 09.4116 — 09.4117 — 09.4118 — 09.4119 — 09.4166, referred to in Implementing Regulation (EU) No 1273/2011, is set out in the Annex to this Regulation.

Article 2

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

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 238, 1.9.2006, p. 13.

⁽³⁾ OJ L 325, 8.12.2011, p. 6.

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

Done at Brussels, 26 January 2012.

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

ANNEX

Quantities to be allocated for the January 2012 subperiod and quantities available for the following subperiod under Implementing Regulation (EU) No 1273/2011

- (a) Quota of wholly milled or semi-milled rice covered by CN code 1006 30 as provided for in Article 1(1)(a) of Implementing Regulation (EU) No 1273/2011:

Origin	Order number	Allocation coefficient for the January 2012 subperiod (%)	Total quantity available for April 2012 subperiod (kg)
United States	09.4127	— ⁽¹⁾	23 803 600
Thailand	09.4128	— ⁽¹⁾	9 812 999
Australia	09.4129	— ⁽²⁾	1 019 000
Other origins	09.4130	— ⁽²⁾	1 805 000

⁽¹⁾ Applications cover quantities less than or equal to the quantities available: all applications are therefore acceptable.

⁽²⁾ No quantity available for this subperiod.

- (b) Quota of husked rice covered by CN code 1006 20 as provided for in Article 1(1)(b) of Implementing Regulation (EU) No 1273/2011

Origin	Order number	Allocation coefficient for the January 2012 subperiod (%)	Total quantity available for July 2012 subperiod (kg)
All countries	09.4148	— ⁽¹⁾	1 634 000

⁽¹⁾ No allocation coefficient applied for this subperiod: no licence applications were notified to the Commission.

- (c) Quota of broken rice covered by CN code 1006 40 00 as provided for in Article 1(1)(c) of Implementing Regulation (EU) No 1273/2011

Origin	Order number	Allocation coefficient for the January 2012 subperiod (%)	Total quantity available for July 2012 subperiod (kg)
Thailand	09.4149	— ⁽¹⁾	44 047 269
Australia	09.4150	— ⁽²⁾	16 000 000
Guyana	09.4152	— ⁽²⁾	11 000 000
United States	09.4153	— ⁽¹⁾	5 455 000
Other origins	09.4154	1,447729	6 000 011

⁽¹⁾ Applications cover quantities less than or equal to the quantities available: all applications are therefore acceptable.

⁽²⁾ No allocation coefficient applied for this subperiod: no licence applications were notified to the Commission.

(d) Quota of wholly milled or semi-milled rice covered by CN code 1006 30 as provided for in Article 1(1)(d) of Implementing Regulation (EU) No 1273/2011

Origin	Order number	Allocation coefficient for the January 2012 subperiod (%)	Total quantity available for July 2012 subperiod (kg)
Thailand	09.4112	1,073576	0
United States	09.4116	2	0
India	09.4117	0,91078	0
Pakistan	09.4118	0,933048	0
Other origins	09.4119	0,997548	0
All countries	09.4166	0,842279	17 011 014

DECISIONS

COUNCIL DECISION

of 24 January 2012

appointing the Chairperson of the European Statistical Governance Advisory Board

(2012/42/EU)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Decision No 235/2008/EC of the European Parliament and of the Council of 11 March 2008 establishing the European Statistical Governance Advisory Board ⁽¹⁾, and in particular Article 3 thereof,

Having regard to the opinion of the European Commission,

Having regard to the approval of the European Parliament,

Whereas:

- (1) On 16 March 2009, the Council adopted Decision 2009/249/EC ⁽²⁾ appointing Mr Johnny ÅKERHOLM as the Chairperson of the European Statistical Governance Advisory Board for a period of three years from 23 March 2009.
- (2) It is therefore necessary to appoint a new Chairperson to take office upon expiry of the term of office which began on 23 March 2009.

- (3) According to Article 3(3) in Decision No 235/2008/EC, the chairperson shall not be a current member of either a National Statistical Office or the Commission,

HAS ADOPTED THIS DECISION:

Article 1

Mr Thomas WIESER is hereby appointed Chairperson of the European Statistical Governance Advisory Board, for a period of three years from 23 March 2012.

Article 2

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

Done at Brussels, 24 January 2012.

For the Council
The President
M. VESTAGER

⁽¹⁾ OJ L 73, 15.3.2008, p. 17.

⁽²⁾ OJ L 74, 20.3.2009, p. 30.

COMMISSION IMPLEMENTING DECISION

of 25 January 2012

authorising the Kingdom of Denmark to conclude agreements with Greenland and the Faroe Islands for transfers of funds between Denmark and each of these territories to be treated as transfers of funds within Denmark, pursuant to Regulation (EC) No 1781/2006 of the European Parliament and of the Council

(notified under document C(2012) 141)

(Only the Danish text is authentic)

(2012/43/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1781/2006 of the European Parliament and of the Council of 15 November 2006 on information on the payer accompanying transfers of funds ⁽¹⁾, and in particular Article 17 thereof,

Having regard to the application from the Kingdom of Denmark,

Whereas:

- (5) Payment services providers in Greenland and the Faroe Islands participate directly in payment and settlement systems in Denmark, namely either Kronos or Sumclearing. They therefore comply with the criterion set out in Article 17(1)(b) of Regulation (EC) No 1781/2006.
 - (6) Both Greenland and the Faroe Islands have incorporated in their legal orders provisions corresponding to those of Regulation (EC) No 1781/2006, in particular, for Greenland through Act No 399 of 21 April 2010 on the information on the payer accompanying transfers of funds and Act No 6 of 19 May 2010 on the information on the payer accompanying transfers of funds, and for the Faroe Islands through Act No 467 of 17 June 2008 on the information on the payer accompanying transfers of funds, with amendments in Act No 579 of 1 June 2010.
 - (7) Greenland and the Faroe Islands have issued legislation which contributes to the building of a sound anti-money laundering regime. In Greenland, this legislation consists particularly of the Royal Decree No 1034 of 30 August 2010 on Measures to Prevent Money Laundering and Financing of Terrorism and the Act No 5 of 19 May 2010 on Measures to Prevent Money Laundering and Financing of Terrorism. In the Faroe Islands, the anti-money laundering legislation comprises particularly the Royal Decree No 79 of 29 January 2010 on Measures to Prevent Money Laundering and Financing of Terrorism and the Act on Measures to Prevent Money Laundering and Financing of Terrorism, Act No 56 of 9 June 2008 with amendments of 26 May 2010.
 - (8) Greenland and the Faroe Islands have in place appropriate legislation to impose financial penalties vis-à-vis entities or persons listed by the United Nations or the European Union.
 - (9) Therefore, both Greenland and the Faroe Islands have adopted the same rules as those established under Regulation (EC) No 1781/2006 and require their respective payment services providers to apply them, thus fulfilling the criterion set out in Article 17(1)(c) of that Regulation.
 - (10) It is therefore appropriate to grant to Denmark the requested derogation.
- (1) Launched in December 2006, Denmark in April 2011 completed its application for derogation under Article 17(1) of Regulation (EC) No 1781/2006 for the transfers of funds between Denmark and Greenland and between Denmark and the Faroe Islands.
 - (2) In accordance with Article 17(2) of Regulation (EC) No 1781/2006, transfers of funds between Denmark and Greenland and between Denmark and the Faroe Islands have been provisionally treated as transfers of funds within Denmark since December 2006.
 - (3) Member States were informed on 27 April 2011 that the Commission considered that it had received the information necessary for appraising the requests made by Denmark.
 - (4) Neither Greenland nor the Faroe Islands form part of the territory of the European Union as determined in accordance with Article 52 of the Treaty on European Union (TEU) and Article 355 of the Treaty on the Functioning of the European Union (TFEU) but form part of the currency area of Denmark. Greenland and the Faroe Islands therefore comply with the criterion set out in Article 17(1)(a) of Regulation (EC) No 1781/2006.

⁽¹⁾ OJ L 345, 8.12.2006, p. 1.

(11) The agreements to be concluded between Denmark and Greenland should make provision to ensure compliance with Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data ⁽¹⁾ and in particular Articles 25 and 26.

(12) The measures provided for in this Decision are in accordance with the opinion of the Committee on the Prevention of Money Laundering and Terrorist Financing,

HAS ADOPTED THIS DECISION:

Article 1

The Kingdom of Denmark shall be authorised to conclude agreements with Greenland and the Faroe Islands, to the

effect that the transfers of funds between Denmark and Greenland and between Denmark and the Faroe Islands are treated as transfers of funds within Denmark for the purposes of Regulation (EC) No 1781/2006.

Article 2

This Decision is addressed to the Kingdom of Denmark.

Done at Brussels, 25 January 2012.

For the Commission

Michel BARNIER

Member of the Commission

⁽¹⁾ OJ L 281, 23.11.1995, p. 31.

COMMISSION IMPLEMENTING DECISION

of 25 January 2012

on the rules applicable to veterinary checks to be carried out on live animals and products of animal origin entering certain French overseas departments from third countries

(notified under document C(2012) 222)

(Only the French text is authentic)

(Text with EEA relevance)

(2012/44/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC ⁽¹⁾, and in particular Article 13 thereof,

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries ⁽²⁾, and in particular Article 18 thereof,

Whereas:

- (1) Directives 91/496/EEC and 97/78/EC detail specific requirements for veterinary checks on each consignment of live animals and products of animal origin coming from a third country and destined to the Union in a Union approved border inspection post (BIP).
- (2) Article 13 of Directive 91/496/EEC permits special rules for checks to be carried out on live animals imported for slaughter and intended for local consumption and of breeding or production animals, for use in remote parts of Member States. These rules require that plans describing the nature of the checks to be carried out have to be submitted to the Commission. These plans must specify the checks carried out to prevent animals introduced into the remote regions concerned or products derived from those animals being dispatched under any circumstances to other parts of Union territory.
- (3) Article 18 of Directive 97/78/EC permits special rules for checks to be carried out on products of animal origin imported for local use in remote parts of, amongst

others, the French Republic. These rules require that plans describing the nature of the checks to be carried out have to be submitted to the Commission. These plans must specify the checks carried out to prevent products of animal origin being introduced into the remote regions concerned being dispatched under any circumstances to other parts of Union territory.

- (4) Commission Regulation (EC) No 136/2004 of 22 January 2004 laying down procedures for veterinary checks at Community border inspection posts on products imported from third countries ⁽³⁾ and Commission Regulation (EC) No 282/2004 of 18 February 2004 introducing a document for the declaration of, and veterinary checks on, animals from third countries entering the Community ⁽⁴⁾ are detailing the procedures for notification of and the veterinary checks on products of animal origin and live animals and the Common Veterinary Entry Documents (CVEDs), which have to be used to document the results of the veterinary checks on such consignments.
- (5) The French authorities have submitted respective plans to the Commission for certain entry points located in the French overseas departments Guadeloupe, Martinique and French Guiana.
- (6) The French plans demonstrate that all consignments of live animals or products of animal origin are required be presented for import at designated entry points in the departments, where they are subject to veterinary checks. The plans demonstrate that when implemented the dispatch of consignments into other parts of Union territory, which do not comply with the requirements of relevant Union legislation, is effectively prevented. This is achieved by the stamping on the CVEDs of live animals or products of animal origin approved for import into the departments that they are restricted for use only in the territory of the relevant department. Importers are informed that it is not possible to dispatch these live animals, products derived from them, or products of animal origin to other parts of Union territory and the competent authorities of the French overseas departments monitor this requirement when approving intra-trade certificates.

⁽¹⁾ OJ L 268, 24.9.1991, p. 56.

⁽²⁾ OJ L 24, 30.1.1998, p. 9.

⁽³⁾ OJ L 21, 28.1.2004, p. 11.

⁽⁴⁾ OJ L 49, 19.2.2004, p. 11.

(7) The French plans detail as well the infrastructure of the facilities with sufficient large premises allowing for hygienic sampling and the equipment necessary to carry out the veterinary checks required to verify that Union public and animal health requirements for live animals and products of animal origin are being met. In addition, there are premises and cold stores for storage of consignments sampled, detained or inspected in place and additionally, for live animals, appropriate facilities to house them pending the results of any checks carried out.

(8) The French plans detail that sufficient numbers of veterinary and technical staff are available to carry out the veterinary checks as provided for by Articles 4 of Directives 91/496/EEC and 97/78/EC and in accordance with provisions set out in Annex I to Regulation (EC) No 136/2004 and in Regulation (EC) No 282/2004.

(9) While in general veterinary checks have to be carried out on all consignments of products of animal origin, Article 10 of Directive 97/78/EC allows for the reduction of the frequency of physical checks on certain products of animal origin, which are listed together with the relevant frequency for physical checks in Annexes I and II to Commission Decision 94/360/EC of 20 May 1994 on the reduced frequency of physical checks of consignments of certain products to be implemented from third countries, under Council Directive 90/675/EEC⁽¹⁾. To be consistent with the veterinary checks at Union borders, these reduced frequencies may be applied for the veterinary consignments destined to the three French overseas departments.

(10) The Union's Trade Control and Expert System (Traces) set up by Commission Decision 2004/292/EC of 30 March 2004 on the introduction of the Traces system⁽²⁾ provides that Member States are to introduce and start using Traces in particular for consignments of live animals and products of animal origin coming from non-Union countries.

(11) The use of the Traces system for imports of live animals and products of animal origin requires the issue of a CVED for each consignment presented for introduction. These documents should be used to ensure that such imported consignments of live animals, or products of animal origin are not dispatched to other parts of the Union territory and are for local use only.

(12) The entry points in the French overseas departments Guadeloupe, Martinique and French Guiana should thus

be identified and the requirements for their operation should be specified in this Decision.

(13) 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

For the purposes of Article 13 of Directive 91/496/EEC and Article 18 of Directive 97/78/EC, the authorised entry points in the French overseas departments Guadeloupe, Martinique and French Guiana shall be as listed in the Annex to this Decision.

Article 2

1. Each entry point listed in the Annex shall be under the responsibility of a competent authority with official veterinarians and designated technicians at its disposal, if necessary.

2. Each entry point shall have all the facilities, equipment and staff necessary to carry out veterinary checks on consignments of live animals or products of animal origin they are designated to receive.

Article 3

The importer or his representative must:

(1) notify the competent authority responsible for the entry point before the physical arrival of the consignment of products using the first part of the CVED in accordance with Article 2 of Regulation (EC) No 136/2004 and using the Traces system in accordance with Article 3 of Decision 2004/292/EC;

(2) give one working day's notice to the competent authority where live animals are to be presented specifying the number, nature and estimated time of arrival and using the first part of the CVED in accordance with Article 1 of Regulation (EC) No 282/2004 and using the Traces system in accordance with Article 3 of Decision 2004/292/EC;

(3) keep a register approved by the competent authority showing the quantities of products or animals imported and the name and address of the purchaser(s);

(4) inform the purchaser(s) that the products derived from the animals or products of animal origin imported are for local consumption only and for breeding and production animals they must not be dispatched under any circumstances to other territories of the Union;

⁽¹⁾ OJ L 158, 25.6.1994, p. 41.

⁽²⁾ OJ L 94, 31.3.2004, p. 63.

(5) inform the purchaser(s) that, in the case of resale, the purchaser(s) must inform the new purchaser(s) where the latter is a commercial operator that the products are for local consumption only and for breeding and production animals they must not under any circumstances be dispatched to other parts of the Union territory.

Article 4

1. The official veterinarian, assisted by designated technicians shall carry out the checks at the entry points listed in the Annex to this Decision in accordance with Articles 4 of Directive 91/496/EEC and 97/78/EC and in accordance with provisions set out in Annex I to Regulation (EC) No 136/2004 and in Regulation (EC) No 282/2004.

2. Physical checks may be carried out on certain products of animal origin in the frequency set out in Annexes I and II to Decision 94/360/EC.

3. The official veterinarians shall ensure that all data contained in the CVED for live animals and products of animal origin presented for import is entered into the Traces system in accordance with Article 3(2) of Decision 2004/292/EC.

4. The official veterinarians shall ensure that after the veterinary checks are carried out, the relevant CVED issued is stamped to indicate that the animals or products of animal origin may only be for local use and must not under any circumstances be dispatched to other parts of the Union territory.

5. The official veterinarian shall make regular inspections of the places of housing/storage of the imported animals or products of animal origin to verify that public and animal health requirements are maintained and the consignments are not dispatched to other parts of the Union territory.

Article 5

The provisions laid down in Directive 91/496/EEC, except those in Article 6, and in Directive 97/78/EC, except those in Article 6, shall continue to apply.

Article 6

The French authorities shall take the appropriate administrative or penal measures against any infringements of this Decision committed by a natural or legal person.

Article 7

This Decision shall enter into force on the 1 March 2012.

Article 8

The Decision is addressed to the French Republic.

Done at Brussels, 25 January 2012.

For the Commission

John DALLI

Member of the Commission

ANNEX

LIST OF AUTHORISED ENTRY POINTS

1	2	3	4	5
Guadeloupe — port de Baie-Mahault	FR09600	P	HC, NHC	
Guadeloupe — aéroport des Abymes	FR09600	A	HC, NHC-NT	
Martinique — port de Fort-de-France	FR09700	P	HC, NHC-T(CH), NHC-NT	
Martinique — aéroport Aimé Césaire	FR09700	A	HC-T(CH), HC-NT, NHC-T(CH), NHC-NT	O, E
French Guiana — St Georges de l'Oyapock	FR09800	R	HC, NHC	O

Notes and abbreviations:

1 = Name

2 = Traces Code of the Local Veterinary Unit

3 = Type: A = Airport, P = Port, R = Road

4 = Products:

HC = All products for human consumption

NHC = Other products not for human consumption

NT = No temperature requirements

T = Frozen/Chilled products

T(FR) = Frozen products

T(CH) = Chilled products

5 = Live animals:

E = Registered equidae as defined in Directive 90/426/EEC ⁽¹⁾

O = Other live animals (including zoo animals) than E and U (Ungulates such as cattle, pigs, sheep, goats, wild and domestic solipeds)

⁽¹⁾ Council Directive 90/426/EEC of 26 June 1990 on animal health conditions governing the movement and import from third countries of equidae (OJ L 224, 18.8.1990, p. 42).

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