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

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## II

(Non-legislative acts)

## REGULATIONS

## COMMISSION IMPLEMENTING REGULATION (EU) No 374/2012

of 26 April 2012

**amending Regulation (EU) No 1255/2010 laying down detailed rules for the application of the import tariff quotas for ‘baby beef’ products originating in Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Montenegro, Serbia**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) <sup>(1)</sup>, and in particular Article 144(1) and Article 148, in conjunction with Article 4 thereof,

Whereas:

- (1) Article 3(2) of Council Regulation (EC) No 1215/2009 of 30 November 2009 introducing exceptional trade measures for countries and territories participating in or linked to the European Union’s Stabilisation and Association process <sup>(2)</sup> as amended by Regulation (EU) No 1336/2011 of the European Parliament and of the Council <sup>(3)</sup>, has provided for an annual import tariff quota of 475 tonnes expressed in carcase weight for ‘baby-beef’ products as defined in Annex II to Regulation (EC) No 1215/2009 and originating in the customs territory of Kosovo <sup>(4)</sup>.
- (2) This annual tariff quota should be administrated in line with Commission Regulation (EU) No 1255/2010 of 22 December 2010 laying down detailed rules for the application on the import tariff quotas for ‘baby beef’ products originating in Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Montenegro and Serbia <sup>(5)</sup>.
- (3) Regulation (EU) No 1255/2010 should therefore be amended accordingly.

(4) Since Article 1 of Regulation (EU) No 1255/2010 provides that the tariff quotas are opened yearly from 1 January, this Regulation should apply as from 1 January 2012.

(5) 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 1255/2010 is amended as follows:

(1) the title is replaced by the following:

**‘Commission Regulation (EU) No 1255/2010 of 22 December 2010 laying down detailed rules for the application of the import tariff quotas for “baby beef” products originating in Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Montenegro, Serbia and Kosovo (\*)**

(\*) This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.’;

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

(a) the following point (f) is added:

‘(f) 475 tonnes of “baby beef”, expressed in carcase weight, originating in the customs territory of Kosovo (\*).

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

<sup>(2)</sup> OJ L 328, 15.12.2009, p. 1.

<sup>(3)</sup> OJ L 347, 30.12.2011, p. 1.

<sup>(4)</sup> This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

<sup>(5)</sup> OJ L 342, 28.12.2010, p. 1.

(\*) This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.’;

(b) the second subparagraph is replaced by the following:

‘The quotas referred to in the first subparagraph shall bear the order Nos 09.4503, 09.4504, 09.4505, 09.4198, 09.4199 and 09.4200 respectively.’;

(3) the Annexes are amended in accordance with the Annex to this Regulation.

*Article 2*

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

It shall apply from the 1 of January 2012.

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

Done at Brussels, 26 April 2012.

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

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## ANNEX

The Annexes to Regulation (EU) No 1255/2010 are amended as follows:

(1) in Annex II, the following issuing authority is added:

— Kosovo (\*).

(\* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence;'

(2) a new Annex VIIa is inserted:

## 'ANNEX VIIa

1. Consignor (full name and address)	<b>CERTIFICATE No 0000</b> ORIGINAL Kosovo (*)		
2. Consignee (full name and address)	CERTIFICATE OF AUTHENTICITY for exports to the EU of bovine animals and meat of bovine animals [application of Regulation (EU) No 1255/2010]		
<b>NOTES</b>			
A. This certificate shall be prepared in one original and two copies.			
B. The original and its two copies shall be typewritten or completed by hand. In the latter case, they must be completed in black ink and in block capitals.			
3. Marks, numbers, numbers and nature of packages or head of cattle; description of goods	4. Combined Nomenclature code	5. Gross weight (kg)	6. Net weight (kg)
7. Net weight (kg) (in words)			
8. I, the undersigned ....., acting on behalf of the authorised issuing body (box 9) certify that the goods described above were subjected to health inspection at ....., in accordance with the attached veterinary certificate of ....., originate in and come from Kosovo (*) and correspond exactly to the definition contained in Annex II to Council Regulation (EC) No 1215/2009, as amended.			
9. Authorised issuing body	Place:	Date:	
	(Stamp of issuing body)	..... (signature)	
(*) This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.'			

(3) in Annex VIII, in the first column of the table, the order number '09.4200' is added;

(4) in Annex IX, in the first column of the table, the order number '09.4200' is added;

(5) in Annex X in the first column of the table, the order number '09.4200' is added.

## COMMISSION IMPLEMENTING REGULATION (EU) No 375/2012

of 2 May 2012

**amending Regulation (EC) No 885/2006 laying down detailed rules for the application of Council Regulation (EC) No 1290/2005 as regards the accreditation of paying agencies and other bodies and the clearance of the accounts of the EAGF and EAFRD**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy <sup>(1)</sup>, and in particular Article 42 thereof,

Whereas:

(1) Pursuant to Article 6(1)(e) of Regulation (EC) No 1290/2005 Member States' accredited paying agencies are to ensure that documents in respect to payments made by them are accessible and kept in a manner which ensures their completeness, validity and legibility over time. In order to reflect the evolution in information and communication technology which makes it possible to store aid claim supporting documents in electronic form, in a secure and cost-effective way, Member States should be allowed to store aid claim support documents electronically rather than in paper form. Member State should be able to use that option where national law permits the use of electronic documents as evidence of the underlying transactions in national court proceedings. Electronic documents should be protected in line with international information security standards in the same way as other information held by the paying agency in accordance with Commission Regulation (EC) No 885/2006 <sup>(2)</sup>, in order to ensure that they are available to Commission scrutiny as required, in a form which exactly reflects the original paper documents.

(2) According to Article 31(1) of Regulation (EC) No 1290/2005 if expenditure has been incurred in a way that has infringed Union rules, the Commission is to decide what amounts are to be excluded from Union financing. In the interest of the effectiveness and efficiency of the conformity clearance procedure, it should be possible for the Commission not to pursue cases where the findings of its inquiry lead to conclude that the presumed maximum amounts concerned would not exceed EUR 50 000 and 10 % of the relevant expenditure.

(3) In order to ensure that the procedure for executing decisions taken pursuant to Articles 30 and 31 of Regulation (EC) No 1290/2005, in the area of EAFRD, is effective and transparent, it is necessary to ensure that

the Member State concerned is in a position to take the financial effects of such decisions into account when submitting its declaration of expenditure referred to in Article 27 of that Regulation.

(4) Having regard to the possibility that a Member State may experience severe financial difficulties caused by a serious deterioration in the international economic environment, the Commission should have the possibility to defer deductions from Union financing of expenditure which have been incurred in a way that has infringed Union rules, if the Member State concerned so requests. Deferral of deductions for a period not exceeding 18 months should also be granted to those Member States which so request while being subject to financial assistance in accordance with Council Regulation (EC) No 332/2002 of 18 February 2002 establishing a facility providing medium-term financial assistance for Member States' balances of payments <sup>(3)</sup>, Council Regulation (EU) No 407/2010 of 11 May 2010 establishing a European financial stabilisation mechanism <sup>(4)</sup>, the European Financial Stability Facility Framework Agreement signed on 7 June 2010 and the Treaty establishing the European Stability Mechanism signed on 11 July 2011. The Member State benefiting from a deferral decision shall ensure that the deficiencies which have been the reasons for the deductions and which still persist at the time of the decision are being remedied on the basis of an action plan, established in consultation with the Commission, with clear progress indicators. If a Member State benefiting from such a deferral fails to remedy the deficiencies in accordance with the action plan and, thus, exposes the Union budget to additional financial risks, the Commission should revoke its decision deferring the date for the execution of the deductions while respecting the principle of proportionality.

(5) Regulation (EC) No 885/2006 should therefore be amended accordingly.

(6) The Committee on the Agricultural Funds has not given an opinion within the time limit set by its President,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 885/2006 is amended as follows:

<sup>(1)</sup> OJ L 209, 11.8.2005, p. 1.

<sup>(2)</sup> OJ L 171, 23.6.2006, p. 90.

<sup>(3)</sup> OJ L 53, 23.2.2002, p. 1.

<sup>(4)</sup> OJ L 118, 12.5.2010, p. 1.

(1) in Article 9, the following paragraph 5 is added:

'5. The supporting documents referred to in paragraphs 1 to 4 shall be kept at the disposal of the Commission either in paper form, in electronic form and/or in both forms.

Documents may only be kept exclusively in electronic form if the national law of the Member State concerned permits the use of electronic documents as evidence of the underlying transactions in national court proceedings.

If the documents are kept in electronic form only, the system for doing so shall comply with point 3(B) of Annex I.;

(2) in Article 10(2), the second sentence of the second subparagraph is replaced by the following:

'The Commission shall deduct that amount from or add it to the first payment for which the declaration of expenditure is submitted by the Member State after the decision pursuant to Article 30 of Regulation (EC) No 1290/2005 has been adopted.;

(3) Article 11 is amended as follows:

(a) in paragraph 3, the following fourth subparagraph is added:

'The Commission may, at any stage, terminate the procedure, without financial consequences for the Member State concerned, if it expects that the possible financial effects of non-compliance identified as a result of an inquiry referred to in paragraph 1 would not exceed EUR 50 000 and 10 % of the relevant expenditure or the amounts to be recovered.;

(b) in paragraph 4, the second and the third subparagraphs are replaced by the following:

'As regards the EAFRD, the deductions from Union financing shall be made by the Commission from the payment for which the declaration of expenditure is submitted by the Member State after the decision pursuant to Article 31 of Regulation (EC) No 1290/2005 has been adopted.

However, at the Member State's request and after consultation of the Committee on the Agricultural Funds, the Commission may adopt a decision:

(a) setting a different date for the deductions or authorising their reimbursement in one or more instalments where this is warranted by the materiality of the deductions included in an implementing act adopted on the basis of Article 31 of Regulation (EC) No 1290/2005; or

(b) deferring, until the end of a period of maximum 18 months from the date of its adoption, the execution of all deductions to be executed during this period and at the same time authorising their execution after the end of the deferral in a maximum of three equal annual instalments, for those Member States which are subject to financial assistance under Council Regulation (EC) No 332/2002 (\*), Council Regulation (EU) No 407/2010 (\*\*), the European Financial Stability Facility Framework Agreement signed on 7 June 2010 or the Treaty establishing the European Stability Mechanism.

The time period of deferral referred to in point (b) of the third subparagraph cannot be prolonged and no further decision authorising a deferral can be adopted in relation to the same Member State. The Member State benefiting from a deferral decision shall ensure that the deficiencies which have been the reasons for the deductions and which still persist at the time of the adoption of the deferral decision are being remedied on the basis of an action plan, established in consultation with the Commission, with clear progress indicators. If the Member State fails to take the necessary actions to remedy those deficiencies as foreseen in the action plan, if the progress of the remedial actions is not sufficient according to the progress indicators or if the outcome of the action is not satisfactory the Commission shall revoke its decision deferring the date for the execution of the deductions while respecting the principle of proportionality.

(\*) OJ L 53, 23.2.2002, p. 1.

(\*\*) OJ L 118, 12.5.2010, p. 1.;

#### Article 2

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

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

Done at Brussels, 2 May 2012.

For the Commission  
The President  
José Manuel BARROSO

**COMMISSION IMPLEMENTING REGULATION (EU) No 376/2012****of 2 May 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) <sup>(1)</sup>,

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

Whereas:

- (1) Implementing Regulation (EU) No 543/2011 lays down, pursuant to the outcome of the Uruguay Round multi-lateral 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, 2 May 2012.

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

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

<sup>(2)</sup> OJ L 157, 15.6.2011, p. 1.



## ANNEX

## Standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)		
CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	MA	64,2
	TN	124,7
	TR	115,6
	ZZ	101,5
0707 00 05	JO	225,1
	TR	113,4
	ZZ	169,3
0709 93 10	JO	225,1
	MA	29,9
	TR	129,4
	ZZ	128,1
0805 10 20	CL	48,2
	EG	51,2
	IL	70,4
	MA	61,2
	TN	116,7
	ZA	40,1
	ZZ	64,6
0805 50 10	TR	36,9
	ZA	91,9
	ZZ	64,4
0808 10 80	AR	103,9
	BR	81,0
	CL	92,4
	CN	82,0
	MK	31,8
	NZ	126,8
	US	164,1
	ZA	87,4
	ZZ	96,2

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

# DECISIONS

## COUNCIL DECISION

of 26 April 2012

### on the launch of automated data exchange with regard to Vehicle Registration Data (VRD) in Poland

(2012/236/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime <sup>(1)</sup>, in particular Article 25 thereof,

Having regard to Council Decision 2008/616/JHA of 23 June 2008 on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime <sup>(2)</sup>, in particular Article 20 and Chapter 4 of the Annex thereto,

Whereas:

- (1) According to the Protocol on Transitional Provisions annexed to the Treaty on European Union, to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community, the legal effects of the acts of the institutions, bodies, offices and agencies of the Union adopted prior to the entry into force of the Treaty of Lisbon are preserved until those acts are repealed, annulled or amended in implementation of the Treaties.
- (2) Accordingly, Article 25 of Decision 2008/615/JHA is applicable and the Council must unanimously decide whether the Member States have implemented the provisions of Chapter 6 of that Decision.
- (3) Article 20 of Decision 2008/616/JHA provides that decisions referred to in Article 25(2) of Decision 2008/615/JHA are to be taken on the basis of an evaluation report based on a questionnaire. With respect to automated data exchange in accordance with Chapter 2 of Decision 2008/615/JHA, the evaluation report is to be based on an evaluation visit and a pilot run.
- (4) According to Chapter 4, point 1.1, of the Annex to Decision 2008/616/JHA, the questionnaire drawn up by

the relevant Council Working Group concerns each of the automated data exchanges and has to be answered by a Member State as soon as it believes it fulfils the prerequisites for sharing data in the relevant data category.

- (5) Poland has completed the questionnaire on data protection and the questionnaire on Vehicle Registration Data (VRD).
- (6) A successful pilot run has been carried out by Poland with the Netherlands.
- (7) An evaluation visit has taken place in Poland and a report on the evaluation visit has been produced by the Belgian/Dutch evaluation team and forwarded to the relevant Council Working Group.
- (8) An overall evaluation report, summarising the results of the questionnaire, the evaluation visit and the pilot run concerning VRD has been presented to the Council,

HAS ADOPTED THIS DECISION:

#### *Article 1*

For the purposes of automated searching of vehicle registration data (VRD), Poland has fully implemented the general provisions on data protection of Chapter 6 of Decision 2008/615/JHA and is entitled to receive and supply personal data pursuant to Article 12 of that Decision as from the day of the entry into force of this Decision.

#### *Article 2*

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

Done at Luxembourg, 26 April 2012.

For the Council  
The President  
M. BØDSKOV

<sup>(1)</sup> OJ L 210, 6.8.2008, p. 1.

<sup>(2)</sup> OJ L 210, 6.8.2008, p. 12.



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