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Price: EUR 7

⁽¹⁾ Text with EEA relevance

(Continued overleaf)

EN

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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⁽¹⁾ Text with EEA relevance

I

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is obligatory)

REGULATIONS

COMMISSION REGULATION (EC) No 1149/2009

of 27 November 2009

establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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 1580/2007 of 21 December 2007 laying down implementing rules for Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector ⁽²⁾, and in particular Article 138(1) thereof,

Whereas:

Regulation (EC) No 1580/2007 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 XV, Part A thereto,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 138 of Regulation (EC) No 1580/2007 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 28 November 2009.

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

Done at Brussels, 27 November 2009.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, 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	MA	36,9
	MK	52,7
	TR	63,4
	ZZ	51,0
0707 00 05	MA	52,9
	TR	77,3
	ZZ	65,1
0709 90 70	MA	33,4
	TR	123,8
	ZZ	78,6
0805 20 10	MA	67,9
	ZZ	67,9
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	CN	49,3
	HR	60,9
	MA	63,0
	TR	79,9
	ZZ	63,3
0805 50 10	AR	64,7
	TR	68,1
	ZZ	66,4
0808 10 80	AU	142,2
	CA	105,6
	CN	108,9
	MK	22,6
	US	95,7
	XS	24,5
	ZA	125,2
0808 20 50	ZZ	89,2
	CN	57,1
	TR	91,0
	US	163,7
	ZZ	103,9

⁽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 REGULATION (EC) No 1150/2009

of 10 November 2009

amending Regulation (EC) No 1564/2005 as regards the standard forms for the publication of notices in the framework of public procurement in accordance with Council Directives 89/665/EEC and 92/13/EEC

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/665/EEC of 21 December 1989 on the coordination of the laws, regulations and administrative provisions relating to the application of review procedures to the award of public supply and public works contracts ⁽¹⁾, and in particular Article 3a thereof,

Having regard to Council Directive 92/13/EEC of 25 February 1992 coordinating the laws, regulations and administrative provisions relating to the application of Community rules on the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors ⁽²⁾, and in particular Article 3a thereof,

Having regard to Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors ⁽³⁾, and in particular Article 44(1) thereof,

Having regard to Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts ⁽⁴⁾, and in particular Article 36(1) thereof,

After consulting the Advisory Committee for Public Contracts,

Whereas:

- (1) Directives 89/665/EEC and 92/13/EEC as amended by Directive 2007/66/EC of the European Parliament and of the Council ⁽⁵⁾, allow Member States to provide for a reduction of the time limit for applying for ineffectiveness of a public contract where the contracting entity or contracting authority has published a contract award notice in accordance with Directive 2004/17/EC or

Directive 2004/18/EC, respectively, without prior publication of a contract notice, provided that the contract award notice includes justification of the decision to award the contract without prior publication of a contract notice in the *Official Journal of the European Union*.

- (2) The standard forms for contract award notices are set out in Annexes III and VI to Commission Regulation (EC) No 1564/2005 of 7 September 2005 establishing standard forms for the publication of notices in the framework of public procurement procedures pursuant to Directives 2004/17/EC and 2004/18/EC of the European Parliament and of the Council ⁽⁶⁾. In order to ensure the full effectiveness of Directives 89/665/EEC and 92/13/EEC as amended by Directive 2007/66/EC, the standard forms of those notices should be adapted so that contracting entities and contracting authorities could include the justification referred to in Article 2f of Directives 89/665/EEC and 92/13/EEC in those notices.
- (3) Directives 89/665/EEC and 92/13/EEC provide for a notice for voluntary ex ante transparency to be used in order to ensure pre-contractual transparency on a voluntary basis. It is necessary to establish a standard form for that notice.
- (4) Regulation (EC) No 1564/2005 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1564/2005 is amended as follows:

1. The title is replaced by the following:

‘Commission Regulation (EC) No 1564/2005 of 7 September 2005 establishing standard forms for the publication of notices in the field of public procurement’;

⁽¹⁾ OJ L 395, 30.12.1989, p. 33.

⁽²⁾ OJ L 76, 23.3.1992, p. 14.

⁽³⁾ OJ L 134, 30.4.2004, p. 1.

⁽⁴⁾ OJ L 134, 30.4.2004, p. 114.

⁽⁵⁾ OJ L 335, 20.12.2007, p. 31.

⁽⁶⁾ OJ L 257, 1.10.2005, p. 1.

2. after the first citation, the following legal bases are inserted:

‘Having regard to Council Directive 89/665/EEC of 21 December 1989 on the coordination of the laws, regulations and administrative provisions relating to the application of review procedures to the award of public supply and public works contracts (*), and in particular Article 3a thereof,

Having regard to Council Directive 92/13/EEC of 25 February 1992 coordinating the laws, regulations and administrative provisions relating to the application of Community rules on the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors (**), and in particular Article 3a thereof,

(*) OJ L 395, 30.12.1989, p. 33.

(**) OJ L 76, 23.3.1992, p. 14.’;

3. the following Article 2a is inserted:

‘Article 2a

Contracting authorities and contracting entities shall, from the date of entry into force of the respective national

measures transposing Directive 2007/66/EC of the European Parliament and of the Council (*) and from 21 December 2009 at the latest, use, for the publication of the notice referred to in Article 3a of Directives 89/665/EEC and 92/13/EEC in the *Official Journal of the European Union*, the standard form set out in Annex XIV to this Regulation.

(*) OJ L 335, 20.12.2007, p. 31.’;

4. Annex III is replaced by the text set out in Annex I to this Regulation;

5. Annex VI is replaced by the text set out in Annex II to this Regulation;

6. The text set out in Annex III to this Regulation is added as Annex XIV.

Article 2

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

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

Done at Brussels, 10 November 2009.

For the Commission

Charlie McCREEVY

Member of the Commission

ANNEX I



EUROPEAN UNION

Publication of Supplement to the *Official Journal of the European Union*

2, rue Mercier, 2985 Luxembourg, LUXEMBOURG

E-mail: ojs@publications.europa.eu

Fax +352 2929-42670

Info & on-line forms: <http://simap.europa.eu>

CONTRACT AWARD NOTICE

SECTION I: CONTRACTING AUTHORITY

I.1) NAME, ADDRESSES AND CONTACT POINT(S)

Official name:		
Postal address:		
Town:	Postal code:	Country:
Contact point(s):	Telephone:	
For the attention of:		
E-mail (if applicable):	Fax:	
Internet address(es) (if applicable) General address of the contracting authority (URL): Address of the buyer profile (URL):		

I.2) TYPE OF THE CONTRACTING AUTHORITY AND MAIN ACTIVITY OR ACTIVITIES

<input type="checkbox"/> Ministry or any other national or federal authority, including their regional or local subdivisions	<input type="checkbox"/> General public services
<input type="checkbox"/> National or federal agency/office	<input type="checkbox"/> Defence
<input type="checkbox"/> Regional or local authority	<input type="checkbox"/> Public order and safety
<input type="checkbox"/> Regional or local agency/office	<input type="checkbox"/> Environment
<input type="checkbox"/> Body governed by public law	<input type="checkbox"/> Economic and financial affairs
<input type="checkbox"/> European institution/agency or international organisation	<input type="checkbox"/> Health
<input type="checkbox"/> Other (please specify): _____	<input type="checkbox"/> Housing and community amenities
	<input type="checkbox"/> Social protection
	<input type="checkbox"/> Recreation, culture and religion
	<input type="checkbox"/> Education
	<input type="checkbox"/> Other (please specify): _____
The contracting authority is purchasing on behalf of other contracting authorities yes <input type="checkbox"/> no <input type="checkbox"/>	

SECTION II: OBJECT OF THE CONTRACT

II.1) DESCRIPTION

II.1.1) Title attributed to the contract <hr/>		
II.1.2) Type of contract and location of works, place of delivery or of performance <i>(Choose one category only — works, supplies or services — which corresponds most to the specific object of your contract or purchase(s))</i>		
a) Works <input type="checkbox"/>	b) Supplies <input type="checkbox"/>	c) Services <input type="checkbox"/>
Execution <input type="checkbox"/> Design and execution <input type="checkbox"/> Realisation, by whatever means of work, corresponding to the requirements specified by the contracting authorities <input type="checkbox"/>	Purchase <input type="checkbox"/> Lease <input type="checkbox"/> Rental <input type="checkbox"/> Hire purchase <input type="checkbox"/> A combination of these <input type="checkbox"/>	Service category No <input type="checkbox"/> <input type="checkbox"/> In case of contract for service categories 17 to 27 (see Annex C), do you agree to the publication of this notice? yes <input type="checkbox"/> no <input type="checkbox"/>
Main site or location of works, place of delivery or of performance <hr/>		
NUTS code <input style="width: 40px; border: 1px solid black;" type="text"/>		
II.1.3) The notice involves (if applicable) The conclusion of a framework agreement <input type="checkbox"/> Contract(s) based on a dynamic purchasing system (DPS) <input type="checkbox"/>		
II.1.4) Short description of the contract or purchase(s) <hr/> <hr/>		
II.1.5) Common Procurement Vocabulary (CPV)		
	Main vocabulary	Supplementary vocabulary (if applicable)
Main object	<input style="width: 100px; border: 1px solid black;" type="text"/>	<input style="width: 100px; border: 1px solid black;" type="text"/> <input style="width: 100px; border: 1px solid black;" type="text"/>
Additional object(s)	<input style="width: 100px; border: 1px solid black;" type="text"/> <input style="width: 100px; border: 1px solid black;" type="text"/> <input style="width: 100px; border: 1px solid black;" type="text"/> <input style="width: 100px; border: 1px solid black;" type="text"/>	<input style="width: 100px; border: 1px solid black;" type="text"/> <input style="width: 100px; border: 1px solid black;" type="text"/> <input style="width: 100px; border: 1px solid black;" type="text"/> <input style="width: 100px; border: 1px solid black;" type="text"/> <input style="width: 100px; border: 1px solid black;" type="text"/> <input style="width: 100px; border: 1px solid black;" type="text"/> <input style="width: 100px; border: 1px solid black;" type="text"/> <input style="width: 100px; border: 1px solid black;" type="text"/>
II.1.6) Contract covered by the Government Procurement Agreement (GPA)		
		yes <input type="checkbox"/> no <input type="checkbox"/>

II.2) TOTAL FINAL VALUE OF CONTRACT(S)

II.2.1) Total final value of contract(s) <i>(give figures only) (Please give only total final value, including all contracts, lots and options; for information about individual contracts, please fill section V. Award of contract)</i>	Excluding VAT	Including VAT	VAT rate (%)
Value <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> Currency: _____ or Lowest offer <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> and highest offer <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> Currency: _____ taken into consideration	<input type="checkbox"/>	<input type="checkbox"/> at	<input type="text"/> <input type="text"/> . <input type="text"/>
	<input type="checkbox"/>	<input type="checkbox"/> at	<input type="text"/> <input type="text"/> . <input type="text"/>

SECTION IV: PROCEDURE

IV.1) TYPE OF PROCEDURE

IV.1.1) Type of procedure			
Open	<input type="checkbox"/>	Negotiated with a call for competition	<input type="checkbox"/>
Restricted	<input type="checkbox"/>	Accelerated negotiated	<input type="checkbox"/>
Accelerated restricted	<input type="checkbox"/>	Negotiated without a call for competition	<input type="checkbox"/>
Competitive dialogue	<input type="checkbox"/>	Award of a contract without prior publication of a contract notice in the <i>Official Journal of the European Union</i> (in the cases listed in points k) and l) in Annex D)	<input type="checkbox"/>
Justification for the award of the contract without prior publication of a contract notice in the <i>Official Journal of the European Union</i>: please complete Annex D			

IV.2) AWARD CRITERIA

IV.2.1) Award criteria (please tick the relevant box)			
Lowest price		<input type="checkbox"/>	
or			
The most economically advantageous tender in terms of		<input type="checkbox"/>	
Criteria	Weighting	Criteria	Weighting
1. _____	_____	6. _____	_____
2. _____	_____	7. _____	_____
3. _____	_____	8. _____	_____
4. _____	_____	9. _____	_____
5. _____	_____	10. _____	_____
IV.2.2) An electronic auction has been used yes <input type="checkbox"/> no <input type="checkbox"/>			

IV.3) ADMINISTRATIVE INFORMATION

IV.3.1) File reference number attributed by the contracting authority (if applicable)	
IV.3.2) Previous publication(s) concerning the same contract yes <input type="checkbox"/> no <input type="checkbox"/>	
If yes (please fill in the appropriate boxes):	
Prior information notice <input type="checkbox"/>	Notice on a buyer profile <input type="checkbox"/>
Notice number in the OJEU: <input type="text"/> /S <input type="text"/> - <input type="text"/> of <input type="text"/> / <input type="text"/> / <input type="text"/> (dd/mm/yyyy)	
Contract notice <input type="checkbox"/>	Simplified contract notice (DPS) <input type="checkbox"/>
Notice number in the OJEU: <input type="text"/> /S <input type="text"/> - <input type="text"/> of <input type="text"/> / <input type="text"/> / <input type="text"/> (dd/mm/yyyy)	
Voluntary ex ante transparency notice <input type="checkbox"/>	
Notice number in the OJEU: <input type="text"/> /S <input type="text"/> - <input type="text"/> of <input type="text"/> / <input type="text"/> / <input type="text"/> (dd/mm/yyyy)	
Other previous publications <input type="checkbox"/>	
Notice number in the OJEU: <input type="text"/> /S <input type="text"/> - <input type="text"/> of <input type="text"/> / <input type="text"/> / <input type="text"/> (dd/mm/yyyy)	

CONTRACT NO LOT NO TITLE _____

..... (Use this section as many times as needed)

SECTION VI: COMPLEMENTARY INFORMATION

VI.1) CONTRACT RELATED TO A PROJECT AND/OR PROGRAMME FINANCED BY COMMUNITY FUNDS		
If yes , reference to project(s) and/or programme(s):		yes <input type="checkbox"/> no <input type="checkbox"/>
VI.2) ADDITIONAL INFORMATION (<i>if applicable</i>)		
VI.3) PROCEDURES FOR APPEAL		
VI.3.1) Body responsible for appeal procedures		
Official name:		
Postal address:		
Town:	Postal code:	Country:
E-mail:	Telephone:	
Internet address (<i>URL</i>):	Fax:	
Body responsible for mediation procedures (<i>if applicable</i>)		
Official name:		
Postal address:		
Town:	Postal code:	Country:
E-mail:	Telephone:	
Internet address (<i>URL</i>):	Fax:	
VI.3.2) Lodging of appeals (<i>please fill heading VI.3.2 or, if need be, heading VI.3.3</i>)		
Precise information on deadline(s) for lodging appeals:		
VI.3.3) Service from which information about the lodging of appeals may be obtained		
Official name:		
Postal address:		
Town:	Postal code:	Country:
E-mail:	Telephone:	
Internet address (<i>URL</i>):	Fax:	
VI.4) DATE OF DISPATCH OF THIS NOTICE: <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> (<i>dd/mm/yyyy</i>)		

ANNEX C

SERVICE CATEGORIES REFERRED TO IN SECTION II: OBJECT OF THE CONTRACT

Category No ¹	Subject
1	Maintenance and repair services
2	Land transport services ² , including armoured car services, and courier services, except transport of mail
3	Air transport services of passengers and freight, except transport of mail
4	Transport of mail by land ³ and by air
5	Telecommunications services
6	Financial services: a) Insurances services b) Banking and investment services ⁴
7	Computer and related services
8	Research and development services ⁵
9	Accounting, auditing and bookkeeping services
10	Market research and public opinion polling services
11	Management consulting services ⁶ and related services
12	Architectural services; engineering services and integrated engineering services; urban planning and landscape engineering services; related scientific and technical consulting services; technical testing and analysis services
13	Advertising services
14	Building-cleaning services and property management services
15	Publishing and printing services on a fee or contract basis
16	Sewage and refuse disposal services; sanitation and similar services
Category No ⁷	Subject
17	Hotel and restaurant services
18	Rail transport services
19	Water transport services
20	Supporting and auxiliary transport services
21	Legal services
22	Personnel placement and supply services ⁸
23	Investigation and security services, except armoured car services
24	Education and vocational education services
25	Health and social services
26	Recreational, cultural and sporting services ⁹
27	Other services

¹ Service categories within the meaning of Article 20, Annex IIA to Directive 2004/18/EC.

² Except for rail transport services covered by category 18.

³ Except for rail transport services covered by category 18.

⁴ Except financial services in connection with the issue, sale, purchase or transfer of securities or other financial instruments, and central bank services. Also excluded: services involving the acquisition or rental, by whatever financial procedures, of land, existing buildings, or other immovable property or concerning rights thereon; nevertheless, financial services supplied at the same time as, before or after the contract of acquisition or rental, in whatever form, shall be subject to this Directive.

⁵ Except research and development services other than those where the benefits accrue exclusively to the contracting authority for its use in the conduct of its own affairs on condition that the service provided is wholly remunerated by the contracting authority.

⁶ Except arbitration and conciliation services.

⁷ Services categories within the meaning of Article 21, Annex IIB to Directive 2004/18/EC.

⁸ Except employment contracts.

⁹ Except contracts for the acquisition, development, production or co-production of programme material by broadcasters and contracts for broadcasting time.

ANNEX D

JUSTIFICATION FOR THE AWARD OF THE CONTRACT WITHOUT PRIOR PUBLICATION OF A CONTRACT NOTICE IN THE OFFICIAL JOURNAL OF THE EUROPEAN UNION

Please provide hereunder a justification for the award of the contract without prior publication of a contract notice in the *Official Journal of the European Union*. This justification must be in accordance with the relevant Articles in Directive 2004/18/EC.

(In terms of Directive 89/665/EEC on Remedies, as amended by Directive 2007/66/EC, the time limit for application for review referred to in Article 2f(1)(a), first indent, can be reduced if the notice contains a justification of the contracting authority's decision to award the contract without prior publication of a contract notice in the Official Journal of the European Union. In order to benefit from this reduced time limit, please tick the relevant box(es) and provide the additional information below).

Justification for the choice of the negotiated procedure without prior publication of a contract notice in the OJEU in accordance with Article 31 of Directive 2004/18/EC

- a) No tenders or no suitable tenders in response to:
 - open procedure, ☐
 - restricted procedure. ☐
- b) The products involved are manufactured purely for the purpose of research, experiment, study or development under the conditions stated in the Directive *(for supplies only)*. ☐
- c) The *works/goods/services* can be provided only by a particular tenderer for reasons that are:
 - technical, ☐
 - artistic, ☐
 - connected with the protection of exclusive rights. ☐
- d) Extreme urgency brought about by events unforeseeable by the contracting authority and in accordance with the strict conditions stated in the Directive. ☐
- e) Additional *works/deliveries/services* are ordered under the strict conditions stated in the Directive. ☐
- f) New *works/services*, constituting a repetition of existing *works/services* and ordered in accordance with the strict conditions stated in the Directive. ☐
- g) *Service* contract awarded to the successful candidate or one of them after a design contest. ☐
- h) For supplies quoted and purchased on a commodity market. ☐
- i) For the purchase of supplies on particularly advantageous terms:
 - from a supplier which is definitely winding up its business activities, ☐
 - from the receivers or liquidators of a bankruptcy, an arrangement with creditors or a similar procedure. ☐
- j) All tenders submitted in reply to an open procedure, a restricted procedure or competitive dialogue were irregular or unacceptable. Only those tenderers were included in the negotiations which have satisfied the qualitative selection criteria. ☐

Other justification for the award of the contract without prior publication of a contract notice in the OJEU

- k) The contract has as its object services listed in Annex IIB to the Directive. ☐
- l) The contract falls outside the scope of application of the Directive. ☐

This image shows a single sheet of white paper with horizontal blue ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

ANNEX II



EUROPEAN UNION

Publication of Supplement to the *Official Journal of the European Union*

2, rue Mercier, 2985 Luxembourg, LUXEMBOURG

E-mail: ojs@publications.europa.eu

Fax +352 2929-42670

Info & on-line forms: <http://simap.europa.eu>

CONTRACT AWARD NOTICE – UTILITIES

SECTION I: CONTRACTING ENTITY

I.1) NAME, ADDRESSES AND CONTACT POINT(S)

Official name:		
Postal address:		
Town:	Postal code:	Country:
Contact point(s):	Telephone:	
For the attention of:		
E-mail (if applicable):	Fax:	
Internet address(es) (if applicable) General address of the contracting entity (URL): Address of the buyer profile (URL):		

I.2) MAIN ACTIVITY OR ACTIVITIES OF THE CONTRACTING ENTITY

<input type="checkbox"/> Production, transport and distribution of gas and heat	<input type="checkbox"/> Water
<input type="checkbox"/> Electricity	<input type="checkbox"/> Postal services
<input type="checkbox"/> Exploration and extraction of gas and oil	<input type="checkbox"/> Railway services
<input type="checkbox"/> Exploration and extraction of coal and other solid fuels	<input type="checkbox"/> Urban railway, tramway, trolleybus or bus services
	<input type="checkbox"/> Port-related activities
	<input type="checkbox"/> Airport-related activities

SECTION II: OBJECT OF THE CONTRACT

II.1) DESCRIPTION

II.1.1) Title attributed to the contract		
<hr/>		
II.1.2) Type of contract and location of works, place of delivery or of performance (Choose one category only — works, supplies or services — which corresponds most to the specific object of your contract or purchase(s))		
(a) Works <input type="checkbox"/> Execution <input type="checkbox"/> Design and execution <input type="checkbox"/> Realisation, by whatever means of work, corresponding to the requirements specified by the contracting entities <input type="checkbox"/>	(b) Supplies <input type="checkbox"/> Purchase <input type="checkbox"/> Lease <input type="checkbox"/> Rental <input type="checkbox"/> Hire purchase <input type="checkbox"/> A combination of these <input type="checkbox"/>	(c) Services <input type="checkbox"/> Service category: No <input type="checkbox"/> <input type="checkbox"/> In case of contract for service categories 17 to 27 (see Annex C), do you agree to the publication of this notice? yes <input type="checkbox"/> no <input type="checkbox"/>
Main site or location of works, place of delivery or of performance		
NUTS code <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>		
II.1.3) The notice involves (if applicable)		
The conclusion of a framework agreement <input type="checkbox"/> Contract(s) based on a dynamic purchasing system <input type="checkbox"/>		
II.1.4) Short description of the contract or purchase(s)		
<hr/>		
<hr/>		
II.1.5) Common Procurement Vocabulary (CPV)		
	Main vocabulary	Supplementary vocabulary (if applicable)
Main object	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/>
Additional object(s)	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> - <input type="text"/>
II.1.6) Contract covered by the Government Procurement Agreement (GPA) yes <input type="checkbox"/> no <input type="checkbox"/>		

II.2) TOTAL FINAL VALUE OF CONTRACT(S)

II.2.1) Total final value of contract(s) (give figures only) (Please give only total final value, including all contracts, lots and options; for information about individual contracts, please fill section V. Award of contract)	Excluding VAT	Including VAT	VAT rate (%)
Value [] [] [] [] [] [] [] [] Currency: _____ or Lowest offer [] [] [] [] [] [] [] [] and highest offer [] [] [] [] [] [] [] [] Currency: _____ taken into consideration	[] []	[] at [] at	[] []. [] [] []. []

SECTION IV: PROCEDURE

IV.1) TYPE OF PROCEDURE

IV.1.1) Type of procedure	
Open <input type="checkbox"/>	Negotiated with a call for competition <input type="checkbox"/>
Restricted <input type="checkbox"/>	Negotiated without a call for competition <input type="checkbox"/>
	Award of a contract without prior publication of a contract notice in the <i>Official Journal of the European Union</i> (in the cases listed in points k) and l) in Annex D) <input type="checkbox"/>
	Justification for the award of the contract without prior publication of a contract notice in the <i>Official Journal of the European Union</i>: please complete Annex D

IV.2) AWARD CRITERIA

IV.2.1) Award criteria (if appropriate) (Indicate the award criteria under heading V.2.6) if the information is not destined for publication)	
Lowest price <input type="checkbox"/>	
or	
The most economically advantageous tender <input type="checkbox"/>	
IV.2.2) An electronic auction has been used yes <input type="checkbox"/> no <input type="checkbox"/>	

IV.3) ADMINISTRATIVE INFORMATION

IV.3.1) File reference number attributed by the contracting entity (if applicable)	
IV.3.2) Previous publication(s) concerning the same contract yes <input type="checkbox"/> no <input type="checkbox"/>	
If yes (please fill in the appropriate boxes):	
Periodic indicative notice <input type="checkbox"/>	Notice on qualification system <input type="checkbox"/> Notice on a buyer profile <input type="checkbox"/>
Notice number in the OJEU: <input type="text"/> /S <input type="text"/> - <input type="text"/> of <input type="text"/> / <input type="text"/> / <input type="text"/> (dd/mm/yyyy)	
Contract notice <input type="checkbox"/>	Simplified contract notice (DPS) <input type="checkbox"/>
Notice number in the OJEU: <input type="text"/> /S <input type="text"/> - <input type="text"/> of <input type="text"/> / <input type="text"/> / <input type="text"/> (dd/mm/yyyy)	
Voluntary ex ante transparency notice <input type="checkbox"/>	
Notice number in the OJEU: <input type="text"/> /S <input type="text"/> - <input type="text"/> of <input type="text"/> / <input type="text"/> / <input type="text"/> (dd/mm/yyyy)	
Other previous publications <input type="checkbox"/>	
Notice number in the OJEU: <input type="text"/> /S <input type="text"/> - <input type="text"/> of <input type="text"/> / <input type="text"/> / <input type="text"/> (dd/mm/yyyy)	

SECTION V: AWARD OF CONTRACT

V.1) AWARD AND CONTRACT VALUE

CONTRACT NO

LOT NO

TITLE _____

(Please indicate the identity of successful economic operator(s) and contract value below or in section V.2) if the information is not intended for publication)

V.1.1) Date of contract award decision:					
V.1.2) Number of offers received:					
V.1.3) Name and address of economic operator in favour of whom a contract award decision has been taken					
Official name:					
Postal address:					
Town:			Postal code:		Country:
E-mail:			Telephone:		
Internet address (<i>URL</i>):			Fax:		
V.1.4) Information on value of contract (<i>give figures only</i>)					
			Excluding VAT	Including VAT	VAT rate (%)
Initial estimated total value of the contract (<i>if applicable</i>) Value: Currency: _____				at	
Total final value of the contract Value: <i>or</i> Lowest offer and highest offer taken into consideration Currency: _____				at	
If annual or monthly value, please give: number of years: or number of months:					
V.1.5) The contract is likely to be subcontracted (<i>if appropriate</i>) yes no					
If yes, value or proportion of the contract likely to be subcontracted to third parties (<i>give figures only</i>):					
Value excluding VAT:			Not known		
Currency: _____			Proportion: (%)		
Short description of the value/proportion of the contract to be subcontracted (<i>if known</i>)					
V.1.6) Price paid for bargain purchases (<i>if applicable</i>)					
Value excluding VAT (<i>give figures only</i>):			Currency: _____		

..... (Use this section as many times as needed)

V.2) AWARD AND CONTRACT VALUE – MANDATORY INFORMATION NOT INTENDED FOR PUBLICATION

The Commission will respect any sensitive commercial aspects which the contracting entities may point out when forwarding information provided under this section, concerning the number of tenders received, the identity of economic operators, or prices.

(Please complete the headings V.2.1), V.2.4) and V.2.6) for each contract awarded if the information required is not intended for publication and has not been supplied in the preceding sections)

CONTRACT NO LOT NO TITLE _____

V.2.1) Number of offers received: <input type="text"/> <input type="text"/> <input type="text"/>		
V.2.2) Number of contracts awarded: <input type="text"/> <input type="text"/> <input type="text"/>		
V.2.3) Name and address of economic operator in favour of whom a contract award decision has been taken		
Official name:		
Postal address:		
Town:	Postal code:	Country:
E-mail:	Telephone:	
Internet address (URL):	Fax:	
V.2.4) Total final value of the contract excluding VAT (give figures only)		
<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> Currency: _____		
V.2.5) Country of origin of the product or service		
Community origin <input type="checkbox"/>		
Non-Community origin <input type="checkbox"/> Country: _____		
V.2.6) Award criteria		
Lowest price <input type="checkbox"/>		
or		
The most economically advantageous tender <input type="checkbox"/>		
V.2.7) The contract was awarded to a tenderer who submitted a variant yes <input type="checkbox"/> no <input type="checkbox"/>		
V.2.8) Tenders were excluded on the ground that they were abnormally low yes <input type="checkbox"/> no <input type="checkbox"/>		

..... (Use this section as many times as needed)

SECTION VI: COMPLEMENTARY INFORMATION

VI.1) CONTRACT RELATED TO A PROJECT AND/OR PROGRAMME FINANCED BY COMMUNITY FUNDS		
yes <input type="checkbox"/> no <input type="checkbox"/>		
If yes , reference to project(s) and/or programme(s): <hr/> <hr/>		
VI.2) ADDITIONAL INFORMATION <i>(if applicable)</i> <hr/> <hr/>		
VI.3) PROCEDURES FOR APPEAL		
VI.3.1) Body responsible for appeal procedures		
Official name:		
Postal address:		
Town:	Postal code:	Country:
E-mail:	Telephone:	
Internet address (URL):	Fax:	
Body responsible for mediation procedures <i>(if applicable)</i>		
Official name:		
Postal address:		
Town:	Postal code:	Country:
E-mail:	Telephone:	
Internet address (URL):	Fax:	
VI.3.2) Lodging of appeals <i>(please fill heading VI.3.2 or, if need be, heading VI.3.3)</i> Precise information on deadline(s) for lodging appeals: <hr/> <hr/>		
VI.3.3) Service from which information about the lodging of appeals may be obtained		
Official name:		
Postal address:		
Town:	Postal code:	Country:
E-mail:	Telephone:	
Internet address (URL):	Fax:	
VI.4) DATE OF DISPATCH OF THIS NOTICE: <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> (dd/mm/yyyy)		

ANNEX C

SERVICE CATEGORIES REFERRED TO IN SECTION II: OBJECT OF THE CONTRACT

Category No ¹	Subject
1	Maintenance and repair services
2	Land transport services ² , including armoured car services, and courier services, except transport of mail
3	Air transport services of passengers and freight, except transport of mail
4	Transport of mail by land ³ and by air
5	Telecommunications services
6	Financial services: a) Insurances services b) Banking and investment services ⁴
7	Computer and related services
8	Research and development services ⁵
9	Accounting, auditing and bookkeeping services
10	Market research and public opinion polling services
11	Management consulting services ⁶ and related services
12	Architectural services; engineering services and integrated engineering services; urban planning and landscape engineering services; related scientific and technical consulting services; technical testing and analysis services
13	Advertising services
14	Building-cleaning services and property management services
15	Publishing and printing services on a fee or contract basis
16	Sewage and refuse disposal services; sanitation and similar services
Category No ⁷	Subject
17	Hotel and restaurant services
18	Rail transport services
19	Water transport services
20	Supporting and auxiliary transport services
21	Legal services
22	Personnel placement and supply services ⁸
23	Investigation and security services, except armoured car services
24	Education and vocational education services
25	Health and social services
26	Recreational, cultural and sporting services
27	Other services

¹ Service categories within the meaning of Article 31, Annex XVIIA to Directive 2004/17/EC.

² Except for rail transport services covered by category 18.

³ Except for rail transport services covered by category 18.

⁴ Except financial services in connection with the issue, sale, purchase or transfer of securities or other financial instruments, and central bank services. Also excluded: services involving the acquisition or rental, by whatever financial procedures, of land, existing buildings, or other immovable property or concerning rights thereon; nevertheless, financial services supplied at the same time as, before or after the contract of acquisition or rental, in whatever form, shall be subject to this Directive.

⁵ Except research and development services other than those where the benefits accrue exclusively to the contracting authority for its use in the conduct of its own affairs on condition that the service provided is wholly remunerated by the contracting authority.

⁶ Except arbitration and conciliation services.

⁷ Service categories within the meaning of Article 32, Annex XVIIIB to Directive 2004/17/EC.

⁸ Except employment contracts.

ANNEX D

JUSTIFICATION FOR THE AWARD OF THE CONTRACT WITHOUT PRIOR PUBLICATION OF A CONTRACT NOTICE IN THE OFFICIAL JOURNAL OF THE EUROPEAN UNION

Please provide hereunder a justification for the award of the contract without prior publication of a contract notice in the *Official Journal of the European Union*. This justification must be in accordance with the relevant Articles in Directive 2004/17/EC.

(In terms of Directive 92/13/EEC on Remedies, as amended by Directive 2007/66/EC, the time limit for application for review referred to in Article 2f(1)(a), first indent, can be reduced if the notice contains a justification of the contracting entity's decision to award the contract without prior publication of a contract notice in the Official Journal of the European Union. In order to benefit from this reduced time limit, please tick the relevant box(es) and provide the additional information below).

Justification for the choice of the negotiated procedure without prior publication of a contract notice in the OJEU in accordance with Article 40(3) of Directive 2004/17/EC

- | | |
|--|--------------------------|
| a) No tenders or no suitable tenders in response to: | <input type="checkbox"/> |
| — open procedure, | <input type="checkbox"/> |
| — restricted procedure, | <input type="checkbox"/> |
| — negotiated procedure with prior call for competition. | <input type="checkbox"/> |
| b) The contract involved is purely for the purpose of research, experiment, study or development under the conditions stated in the Directive. | <input type="checkbox"/> |
| c) The <i>works/goods/services</i> can be provided only by a particular tenderer for reasons that are: | |
| — technical, | <input type="checkbox"/> |
| — artistic, | <input type="checkbox"/> |
| — connected with the protection of exclusive rights. | <input type="checkbox"/> |
| d) Extreme urgency brought about by events unforeseeable by the contracting entity and in accordance with the strict conditions stated in the Directive. | <input type="checkbox"/> |
| e) Additional <i>works/deliveries/services</i> are ordered under the strict conditions stated in the Directive. | <input type="checkbox"/> |
| f) New <i>works/services</i> , constituting a repetition of existing <i>works/services</i> and ordered in accordance with the strict conditions stated in the Directive. | <input type="checkbox"/> |
| g) Service contract awarded to the successful candidate or one of them after a design contest. | <input type="checkbox"/> |
| h) For supplies quoted and purchased on a commodity market. | <input type="checkbox"/> |
| i) For the purchase of supplies on particularly advantageous terms: | |
| — from a supplier which is definitely winding up its business activities, | <input type="checkbox"/> |
| — from the receivers or liquidators of a bankruptcy, an arrangement with creditors or a similar procedure. | <input type="checkbox"/> |
| j) For contracts to be awarded on the basis of a framework agreement in conformity with the Directive | <input type="checkbox"/> |
| Other justification for the award of the contract without prior publication of a contract notice in the OJEU | |
| k) The contract has as its object services listed in Annex XVIIB to the Directive. | <input type="checkbox"/> |
| l) The contract falls outside the scope of application of the Directive. | <input type="checkbox"/> |

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and extend across the width of the page. There are no margins, text, or other markings on the paper.

ANNEX III



EUROPEAN UNION

Publication of Supplement to the Official Journal of the European Union

2, rue Mercier, 2985 Luxembourg, LUXEMBOURG

E-mail: ojs@publications.europa.eu

Fax +352 2929-42670

Info & on-line forms: <http://simap.europa.eu>

VOLUNTARY EX ANTE TRANSPARENCY NOTICE

This notice is published by a

contracting authority (covered by Directive 2004/18/EC) ☐

contracting entity (covered by Directive 2004/17/EC) ☐

This notice aims at providing voluntary prior transparency as referred to in Article 2d(4) of Directives 89/665/EEC and 92/13/EEC on Remedies, as amended by Directive 2007/66/EC (information on the award of the contract without prior publication of a contract notice in the Official Journal of the European Union). In order to use this mechanism, the following boxes must be filled in: I.1); II.1.1); II.1.2); II.1.4); II.1.5); V.3) and Annex D. The remaining boxes are optional and can be used to provide any other information deemed useful by the contracting authority.

SECTION I: CONTRACTING AUTHORITY/ENTITY

I.1) NAME, ADDRESSES AND CONTACT POINT(S)

Official name:		
Postal address:		
Town:	Postal code:	Country:
Contact point(s):	Telephone:	
For the attention of:		
E-mail (if applicable):	Fax	
Internet address(es) (if applicable) General address of the contracting authority/entity (URL): Address of the buyer profile (URL):		

I.2) TYPE OF THE CONTRACTING AUTHORITY AND MAIN ACTIVITY OR ACTIVITIES (in the case of a contracting authority covered by Directive 2004/18/EC)

<input type="checkbox"/> Ministry or any other national or federal authority, including their regional or local subdivisions <input type="checkbox"/> National or federal agency/office <input type="checkbox"/> Regional or local authority <input type="checkbox"/> Regional or local agency/office <input type="checkbox"/> Body governed by public law <input type="checkbox"/> European institution/agency or international organisation <input type="checkbox"/> Other (please specify): _____	<input type="checkbox"/> General public services <input type="checkbox"/> Defence <input type="checkbox"/> Public order and safety <input type="checkbox"/> Environment <input type="checkbox"/> Economic and financial affairs <input type="checkbox"/> Health <input type="checkbox"/> Housing and community amenities <input type="checkbox"/> Social protection <input type="checkbox"/> Recreation, culture and religion <input type="checkbox"/> Education <input type="checkbox"/> Other (please specify): _____
The contracting authority is purchasing on behalf of other contracting authorities yes <input type="checkbox"/> no <input type="checkbox"/>	

I.3) MAIN ACTIVITY OR ACTIVITIES OF THE CONTRACTING ENTITY (in the case of a contracting entity covered by Directive 2004/17/EC — 'Utilities')

<input type="checkbox"/> Production, transport and distribution of gas and heat <input type="checkbox"/> Electricity <input type="checkbox"/> Exploration and extraction of gas and oil <input type="checkbox"/> Exploration and extraction of coal and other solid fuels	<input type="checkbox"/> Water <input type="checkbox"/> Postal services <input type="checkbox"/> Railway services <input type="checkbox"/> Urban railway, tramway, trolleybus or bus services <input type="checkbox"/> Port-related activities <input type="checkbox"/> Airport-related activities
--	---

SECTION II: OBJECT OF THE CONTRACT

II.1) DESCRIPTION

II.1.1) Title attributed to the contract																	
II.1.2) Type of contract and location of works, place of delivery or of performance (Choose one category only — works, supplies or services — which corresponds most to the specific object of your contract or purchase(s))																	
a) Works <input type="checkbox"/> Execution <input type="checkbox"/> Design and execution <input type="checkbox"/> Realisation, by whatever means of work, corresponding to the requirements specified by the contracting authorities/entities <input type="checkbox"/>	b) Supplies <input type="checkbox"/> Purchase <input type="checkbox"/> Lease <input type="checkbox"/> Rental <input type="checkbox"/> Hire purchase <input type="checkbox"/> A combination of these <input type="checkbox"/>	c) Services <input type="checkbox"/> Service category: No <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>															
Main site or location of works, place of delivery or of performance																	
NUTS code <input type="text"/>																	
II.1.3) The notice involves (if applicable) The conclusion of a framework agreement <input type="checkbox"/> Contract(s) based on a dynamic purchasing system (DPS) <input type="checkbox"/>																	
II.1.4) Short description of the contract or purchase(s)																	
II.1.5) Common Procurement Vocabulary (CPV) <table border="1"> <thead> <tr> <th></th> <th>Main vocabulary</th> <th>Supplementary vocabulary (if applicable)</th> </tr> </thead> <tbody> <tr> <td>Main object</td> <td><input type="text"/></td> <td><input type="text"/> <input type="text"/></td> </tr> <tr> <td rowspan="4">Additional object(s)</td> <td><input type="text"/></td> <td><input type="text"/> <input type="text"/></td> </tr> <tr> <td><input type="text"/></td> <td><input type="text"/> <input type="text"/></td> </tr> <tr> <td><input type="text"/></td> <td><input type="text"/> <input type="text"/></td> </tr> <tr> <td><input type="text"/></td> <td><input type="text"/> <input type="text"/></td> </tr> </tbody> </table>				Main vocabulary	Supplementary vocabulary (if applicable)	Main object	<input type="text"/>	<input type="text"/> <input type="text"/>	Additional object(s)	<input type="text"/>	<input type="text"/> <input type="text"/>	<input type="text"/>	<input type="text"/> <input type="text"/>	<input type="text"/>	<input type="text"/> <input type="text"/>	<input type="text"/>	<input type="text"/> <input type="text"/>
	Main vocabulary	Supplementary vocabulary (if applicable)															
Main object	<input type="text"/>	<input type="text"/> <input type="text"/>															
Additional object(s)	<input type="text"/>	<input type="text"/> <input type="text"/>															
	<input type="text"/>	<input type="text"/> <input type="text"/>															
	<input type="text"/>	<input type="text"/> <input type="text"/>															
	<input type="text"/>	<input type="text"/> <input type="text"/>															
II.1.6) Contract covered by the Government Procurement Agreement (GPA) yes <input type="checkbox"/> no <input type="checkbox"/>																	

II.2) TOTAL FINAL VALUE OF CONTRACT(S)

II.2.1) Total final value of contract(s) <i>(give figures only)</i> <i>(Please give only total final value, including all contracts, lots and options; for information about individual contracts, please fill section V. Award of contract)</i>	Excluding VAT	Including VAT	VAT rate (%)
Value <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> Currency: _____ or Lowest offer <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> and highest offer <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> Currency: _____ taken into consideration	<input type="checkbox"/>	<input type="checkbox"/> at	<input type="text"/> <input type="text"/> .
	<input type="checkbox"/>	<input type="checkbox"/> at	<input type="text"/> <input type="text"/> .

SECTION IV: PROCEDURE

IV.1) TYPE OF PROCEDURE

IV.1.1) Type of procedure	
Negotiated without a call for competition	<input type="checkbox"/>
Award of a contract without prior publication of a contract notice in the <i>Official Journal of the European Union</i> (in the cases listed in points l) and m) in Annex D)	<input type="checkbox"/>
Justification for the award of the contract without prior publication of a contract notice in the Official Journal of the European Union : please complete Annex D in full	

IV.2) AWARD CRITERIA

IV.2.1) Award criteria (please tick the relevant box)			
Lowest price		<input type="checkbox"/>	
or			
The most economically advantageous tender in terms of		<input type="checkbox"/>	
Criteria (for contracting authorities)	Weighting	Criteria (for contracting authorities)	Weighting
1. _____	_____	6. _____	_____
2. _____	_____	7. _____	_____
3. _____	_____	8. _____	_____
4. _____	_____	9. _____	_____
5. _____	_____	10. _____	_____
IV.2.2) An electronic auction has been used			yes <input type="checkbox"/> no <input type="checkbox"/>

IV.3) ADMINISTRATIVE INFORMATION

IV.3.1) File reference number attributed by the contracting authority/entity (if applicable)	

IV.3.2) Previous publication(s) concerning the same contract yes <input type="checkbox"/> no <input type="checkbox"/>	
If yes (please fill in the appropriate boxes):	
Periodic indicative notice <input type="checkbox"/>	Notice on qualification systems <input type="checkbox"/>
Prior information notice <input type="checkbox"/>	Notice on a buyer profile <input type="checkbox"/>
Notice number in the OJEU: □□□□/S□□□□-□□□□□□□□ of □□/□□/□□□□ (dd/mm/yyyy)	
Contract notice <input type="checkbox"/>	Simplified contract notice (DPS) <input type="checkbox"/>
Notice number in the OJEU: □□□□/S□□□□-□□□□□□□□ of □□/□□/□□□□ (dd/mm/yyyy)	
Other previous publications <input type="checkbox"/>	
Notice number in the OJEU: □□□□/S□□□□-□□□□□□□□ of □□/□□/□□□□ (dd/mm/yyyy)	

CONTRACT NO LOT NO TITLE _____

..... (Use this section as many times as needed)

SECTION VI: COMPLEMENTARY INFORMATION

VI.1) CONTRACT RELATED TO A PROJECT AND/OR PROGRAMME FINANCED BY COMMUNITY FUNDS		
If yes , reference to project(s) and/or programme(s): yes <input type="checkbox"/> no <input type="checkbox"/>		
<hr/> <hr/>		
VI.2) ADDITIONAL INFORMATION <i>(if applicable)</i>		
<hr/> <hr/>		
VI.3) PROCEDURES FOR APPEAL		
VI.3.1) Body responsible for appeal procedures		
Official name:		
Postal address:		
Town:	Postal code:	Country:
E-mail:	Telephone:	
Internet address (URL):	Fax	
Body responsible for mediation procedures <i>(if applicable)</i>		
Official name:		
Postal address:		
Town:	Postal code:	Country:
E-mail:	Telephone:	
Internet address (URL):	Fax	
VI.3.2) Lodging of appeals <i>(please fill heading VI.3.2 or, if need be, heading VI.3.3)</i>		
Precise information on deadline(s) for lodging appeals:		
<hr/> <hr/>		
VI.3.3) Service from which information about the lodging of appeals may be obtained		
Official name:		
Postal address:		
Town:	Postal code:	Country:
E-mail:	Telephone:	
Internet address (URL):	Fax	
VI.4) DATE OF DISPATCH OF THIS NOTICE: <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> (dd/mm/yyyy)		

ANNEX C

SERVICE CATEGORIES REFERRED TO IN SECTION II: OBJECT OF THE CONTRACT

Category No ¹	Subject
1	Maintenance and repair services
2	Land transport services ² , including armoured car services, and courier services, except transport of mail
3	Air transport services of passengers and freight, except transport of mail
4	Transport of mail by land ³ and by air
5	Telecommunications services
6	Financial services: a) Insurances services b) Banking and investment services ⁴
7	Computer and related services
8	Research and development services ⁵
9	Accounting, auditing and bookkeeping services
10	Market research and public opinion polling services
11	Management consulting services ⁶ and related services
12	Architectural services; engineering services and integrated engineering services; urban planning and landscape engineering services; related scientific and technical consulting services; technical testing and analysis services
13	Advertising services
14	Building-cleaning services and property management services
15	Publishing and printing services on a fee or contract basis
16	Sewage and refuse disposal services; sanitation and similar services
Category No ⁷	Subject
17	Hotel and restaurant services
18	Rail transport services
19	Water transport services
20	Supporting and auxiliary transport services
21	Legal services
22	Personnel placement and supply services ⁸
23	Investigation and security services, except armoured car services
24	Education and vocational education services
25	Health and social services
26	Recreational, cultural and sporting services ⁹
27	Other services

¹ Service categories within the meaning of Article 31, Annex XVII A to Directive 2004/17/EC and/or Article 20, Annex IIA to Directive 2004/18/EC.

² Except for rail transport services covered by category 18.

³ Except for rail transport services covered by category 18.

⁴ Except financial services in connection with the issue, sale, purchase or transfer of securities or other financial instruments, and central bank services. Also excluded: services involving the acquisition or rental, by whatever financial procedures, of land, existing buildings, or other immovable property or concerning rights thereon; nevertheless, financial services supplied at the same time as, before or after the contract of acquisition or rental, in whatever form, shall be subject to the relevant directive.

⁵ Except research and development services other than those where the benefits accrue exclusively to the contracting authority for its use in the conduct of its own affairs on condition that the service provided is wholly remunerated by the contracting authority.

⁶ Except arbitration and conciliation services.

⁷ Service categories within the meaning of Article 32, Annex VII B to Directive 2004/17/EC and/or Article 21, Annex IIB to Directive 2004/18/EC.

⁸ Except employment contracts.

⁹ Except contracts for the acquisition, development, production or co-production of programme material by broadcasters and contracts for broadcasting time (for contracting authorities).

ANNEX D

JUSTIFICATION FOR THE AWARD OF THE CONTRACT WITHOUT PRIOR PUBLICATION OF A CONTRACT NOTICE IN THE OFFICIAL JOURNAL OF THE EUROPEAN UNION

Please provide hereunder a justification for the award of the contract without prior publication of a contract notice in the *Official Journal of the European Union*. This justification must be in accordance with the relevant articles in Directive 2004/18/EC for contracting authorities or in Directive 2004/17/EC for contracting entities

(please tick the relevant box(es) and provide the additional information below).

Justification for the choice of the negotiated procedure without prior publication of a contract notice in the OJEU in accordance with Directive 2004/18/EC or 2004/17/EC respectively

- | | |
|--|--------------------------|
| a) No tenders or no suitable tenders in response to: | <input type="checkbox"/> |
| — open procedure, | <input type="checkbox"/> |
| — restricted procedure, | <input type="checkbox"/> |
| — negotiated procedure with prior call for competition (<i>for utilities only</i>). | <input type="checkbox"/> |
| b) The contract involved is purely for the purpose of research, experiment, study or development under the conditions stated in the relevant Directive (<i>for supplies only under Directive 2004/18/EC</i>). | <input type="checkbox"/> |
| c) The <i>works/goods/services</i> can be provided only by a particular tenderer for reasons that are: | |
| — technical, | <input type="checkbox"/> |
| — artistic, | <input type="checkbox"/> |
| — connected with the protection of exclusive rights. | <input type="checkbox"/> |
| d) Extreme urgency brought about by events unforeseeable by the contracting authority/entity and in accordance with the strict conditions stated in the relevant Directive. | <input type="checkbox"/> |
| e) Additional <i>works/deliveries/services</i> are ordered under the strict conditions stated in the relevant Directive. | <input type="checkbox"/> |
| f) New <i>works/services</i> , constituting a repetition of existing <i>works/services</i> and ordered in accordance with the strict conditions stated in the relevant Directive. | <input type="checkbox"/> |
| g) <i>Service</i> contract awarded to the successful candidate or one of them after a design contest. | <input type="checkbox"/> |
| h) For supplies quoted and purchased on a commodity market. | <input type="checkbox"/> |
| i) For the purchase of supplies on particularly advantageous terms: | |
| — from a supplier which is definitely winding up its business activities, | <input type="checkbox"/> |
| — from the receivers or liquidators of a bankruptcy, an arrangement with creditors or a similar procedure. | <input type="checkbox"/> |
| j) All tenders submitted in reply to an open procedure, a restricted procedure or competitive dialogue were irregular or unacceptable. Only those tenderers were included in the negotiations which have satisfied the qualitative selection criteria (<i>for contracting authorities only</i>). | <input type="checkbox"/> |
| k) For contracts to be awarded on the basis of a framework agreement in conformity with the relevant Directive (<i>for utilities only</i>). | <input type="checkbox"/> |
| Other justification for the award of the contract without prior publication of a contract notice in the OJEU | |
| l) The contract has as its object services listed in Annex IIB to Directive 2004/18/EC or in Annex XVIIIB to Directive 2004/17/EC. | <input type="checkbox"/> |
| m) The contract falls outside the scope of application of the relevant Directive. | <input type="checkbox"/> |

[illegible]

COMMISSION REGULATION (EC) No 1151/2009**of 27 November 2009****imposing special conditions governing the import of sunflower oil originating in or consigned from Ukraine due to contamination risks by mineral oil and repealing Decision 2008/433/EC****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety⁽¹⁾, and in particular Article 53(1)(b)(ii) thereof,

Whereas:

- (1) Commission Decision 2008/433/EC of 10 June 2008 imposing special conditions governing the import of sunflower oil originating in or consigned from Ukraine due to contamination risks by mineral oil⁽²⁾ has been adopted to protect public health following the findings in April 2008 of high levels of mineral paraffin in sunflower oil from Ukraine.
- (2) The Ukrainian authorities have informed the Commission services of the establishment of an appropriate control system designed to ensure that all consignments of sunflower oil to be exported to the Community are certified as not containing levels of mineral oil making the sunflower oil unfit for human consumption.
- (3) The details of this control and certification system have been assessed by the Commission services and the Member States and discussed during the meeting of the Standing Committee on the Food Chain and Animal Health held on 20 June 2008. It was concluded that this control and certification system could be accepted.
- (4) The Food and Veterinary Office of the European Commission carried out an inspection mission in Ukraine from 16 to 24 September 2008 in order to assess the control systems in place to prevent the

contamination with mineral oil of sunflower oil intended for export to the Community⁽³⁾. The inspection team concluded that the Ukrainian authorities have implemented the new official control system to prevent the presence of mineral oil in sunflower oil destined for the Community and that the control system provided sufficient guarantees for that purpose. However, these findings showed that the investigation carried out by the Ukrainian authorities had not revealed the source of the contamination due to the lack of official sampling and subsequent follow-up.

- (5) Given the level of risk and in accordance with Article 1(4) of Decision 2008/433/EC, Member States have controlled all consignments of sunflower oil originating from Ukraine in order to verify that these consignments do not contain an unacceptable level of mineral oil and that the information in the required certificate is accurate. The results of those controls demonstrate the accuracy and reliability of the control and certification system put in place by the Ukrainian authorities. All analytical results have confirmed the correctness of mineral oil levels declared in the certificate.
- (6) It is appropriate to provide that the sampling of consignments of sunflower oil for the presence of mineral oil has to be performed in accordance with the provisions on sampling laid down in Commission Regulation (EC) No 333/2007 of 28 March 2007 laying down the methods of sampling and analysis for the official control of the levels of lead, cadmium, mercury, inorganic tin, 3-MCPD and benzo(a)pyrene in foodstuffs⁽⁴⁾ and the international standard ISO 5555:2003 on sampling of animal and vegetable fats and oils.
- (7) Consequently, it is appropriate to review the current measures. Given that the amendments are substantial, the provisions have a direct application and are binding in their entirety, Decision 2008/433/EC should be replaced by this Regulation, which could be reviewed at a later stage on the basis of the results of the controls carried out by the Member States.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

⁽¹⁾ OJ L 31, 1.2.2002, p. 1.

⁽²⁾ OJ L 151, 11.6.2008, p. 55.

⁽³⁾ http://ec.europa.eu/food/fvo/rep_details_en.cfm?rep_id=2080

⁽⁴⁾ OJ L 88, 29.3.2007, p. 29.

HAS ADOPTED THIS REGULATION:

Article 1

Scope

This Regulation shall apply to crude and refined sunflower seed oil, falling within CN code 1512 11 91 or TARIC Code 1512 19 90 10 (hereafter referred to as sunflower oil), originating in or consigned from Ukraine.

Article 2

Definitions

For the purpose of this Regulation, 'mineral paraffin' means saturated hydrocarbons in the range C10-C56 from external sources minus the alkanes C27, C29 and C31 which are considered to be of endogenous origin for sunflower oil.

Article 3

Certification and prior notification

1. Sunflower oil imported into the Community shall not contain more than 50 mg/kg mineral paraffin.

2. Each consignment of sunflower oil presented for import shall be accompanied by a certificate as laid down in Annex, certifying that the product does not contain more than 50 mg/kg mineral paraffin and by an analytical report, issued by a laboratory accredited according to EN ISO/IEC 17025 for the analysis of mineral oil in sunflower oil, indicating the results of sampling and analysis for the presence of mineral oil, the measurement uncertainty of the analytical result, as well as the limit of detection (LOD) and the limit of quantification (LOQ) of the analytical method.

3. The certificate accompanied by the analytical report shall be signed by an authorised representative of the Ministry of Health of Ukraine.

4. Each consignment of sunflower oil shall be identified by means of a code which shall be indicated on the health certificate, on the analytical report containing the results of sampling and analysis, and on the commercial documents accompanying the consignment.

5. The analysis referred to in paragraph 2 must be performed on a sample, taken in accordance with the provisions of Regulation (EC) No 333/2007 and the international standard ISO 5555:2003.

6. Feed and food business operators or their representatives shall give prior notification to the first point of entry of the

estimated date and time of physical arrival of the consignment at least one working day prior to the physical arrival of the consignment.

Article 4

Official control

1. The competent authorities of a Member State shall check that each consignment of sunflower oil presented for import is accompanied by a certificate and an analytical report as provided for in Article 3(2).

Member States shall sample and analyse for the presence of mineral paraffin certain, selected on a random basis, consignments of sunflower oil presented for import into the Community, in order to ensure that the consignment does not contain more than 50 mg/kg mineral paraffin.

Member States shall inform the Commission through the rapid alert system for food and feed of all consignments which are found to contain mineral paraffin above 50 mg/kg taking into account the measurement uncertainty.

2. All official controls before the acceptance for release for free circulation into the Community shall be performed within 15 working days from the moment the consignment is offered for import and physically available for sampling.

Article 5

Splitting of a consignment

Consignments shall not be split until the official controls by the competent authority as provided for in Article 4 have been completed.

In the case of subsequent splitting of the consignment, a copy of the official documents provided for in Article 3(2), to be authenticated by the competent authority of the Member State on whose territory the splitting has taken place, shall accompany each part of the consignment until it is released for free circulation.

Article 6

Non-compliance measures

Measures in respect of non-compliant consignments of sunflower oil shall be taken in accordance with Article 19 of Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official control performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules ⁽¹⁾.

⁽¹⁾ OJ L 165, 30.4.2004, p. 1.

*Article 7***Costs**

All costs resulting from the official controls including sampling, analysis, storage and any measures taken following non-compliance, shall be borne by the feed and food business operator.

*Article 8***Repeal**

Decision 2008/433/EC is hereby repealed.

References to the repealed Decision shall be construed as references to this Regulation.

*Article 9***Transitional measures**

By way of derogation from Article 3(2), Member States shall authorise the imports of consignments of sunflower oil originating in or consigned from Ukraine which left Ukraine prior to 1 January 2010, accompanied by the certificate provided for in Article 1 of Decision 2008/433/EC.

*Article 10***Entry into force**

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 2010.

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

Done at Brussels, 27 November 2009.

For the Commission

Androulla VASSILOU

Member of the Commission

ANNEX

Health Certificate for the importation into the European Community of sunflower oil originating in or consigned from Ukraine

Consignment Code Certificate Number

1. Description of the consignment

Name and nature of the product:

Quantity (in appropriate units):

Batch identifier or date coding:

Produced in
(Identity and, as appropriate, the location of the production establishment)**2. Description of the consignee**

Name and contact details of the importer or consignee:

.....

3. Description of the consignor

Name and contact details of the exporter or consignor:

.....

4. Means of transportation

Country of dispatch:

Country of destination:

Relevant transport and handling requirements, including appropriate temperature controls:

5. Certification

I, the undersigned, declare that the above mentioned shipment has been tested in laboratory in accordance with the provision laid down in Commission Regulation (EC) No XXX/2009 imposing special conditions governing the import of sunflower oil originating in or consigned from Ukraine due to contamination risks by mineral oil and repealing Decision 2008/433/EC. The test results show no presence of mineral paraffin exceeding 50 mg/kg and are accompanied by the identified fraction of paraffin hydrocarbons. The results, the performance criteria and the relevant chromatograms of these tests are joined to the current certificate.

Done at on

Stamp and signature of authorised representative of
Ministry of Health of Ukraine

.....

.....
Institution of sanitary epidemiology service

Signature

.....

.....

Post

Initials and surname

COMMISSION REGULATION (EC) No 1152/2009**of 27 November 2009****imposing special conditions governing the import of certain foodstuffs from certain third countries
due to contamination risk by aflatoxins and repealing Decision 2006/504/EC****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety ⁽¹⁾, and in particular Article 53(1)(b)(ii) thereof,

Whereas:

(1) Commission Decision 2006/504/EC of 12 July 2006 on special conditions governing certain foodstuffs imported from certain third countries due to contamination risks of these products by aflatoxins ⁽²⁾, has been amended substantially several times. It is necessary to amend again certain provisions substantially to take into account particularly developments as regards aflatoxin contamination of certain products covered by that Decision. At the same time, the provisions should have a direct application and be binding in their entirety, therefore Decision 2006/504/EC should be replaced by this Regulation.

(2) Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs ⁽³⁾ lays down permitted maximum levels of aflatoxins in foodstuffs for the protection of public health. It can be observed that these maximum levels of aflatoxins are frequently exceeded in certain foodstuffs from certain countries. Such contamination constitutes a serious threat to public health within the Community and it is therefore appropriate to adopt special conditions at the Community level.

(3) For the protection of public health it is important that compound foodstuffs containing to a significant amount

the foodstuffs covered by this Regulation are also within the scope of this Regulation. To facilitate the enforcement of controls of processed and compound foodstuffs whilst maintaining a high level of effectiveness of controls, it is appropriate to increase the threshold for control of compound products. For the same reason, the limit of 5 kg for consignments falling out of scope should be increased to 20 kg. Competent authorities may control at random for the presence of aflatoxins the compound foodstuffs containing less than 20 % of foodstuffs covered by this Regulation. When monitoring data indicate that compound foodstuffs containing less than 20 % of foodstuffs covered by this Regulation have been found in several cases to be non-compliant with the Community legislation on maximum levels for aflatoxins, these thresholds should be reviewed.

(4) The Combined Nomenclature (CN) code has changed for certain food categories covered by this Regulation. It is appropriate to change the CN codes in this Regulation accordingly.

(5) Experience has shown that the additional conditions for non-compliant shipments of unshelled Brazil nuts imported from Brazil are no longer necessary, since such shipments can be handled in accordance with the general provisions for non-compliant shipments and those additional conditions should therefore be repealed. As regards the imports of foodstuffs from the United States of America, since the transitional provisions for non-USDA approved laboratories for aflatoxin analysis are no longer needed, those transitional provisions should be repealed.

(6) Commission Regulation (EC) 669/2009 of 24 July 2009 implementing Regulation (EC) No 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin and amending Decision 2006/504/EC ⁽⁴⁾ provides for the use of a Common Entry Document for prior notification of arrival of consignments and information on the official checks performed. It is appropriate to provide for the use of that document and to lay down specific guidance notes for the completion thereof in application of this Regulation.

⁽¹⁾ OJ L 31, 1.2.2002, p. 1.

⁽²⁾ OJ L 199, 21.7.2006, p. 21.

⁽³⁾ OJ L 364, 20.12.2006, p. 5.

⁽⁴⁾ OJ L 194, 25.7.2009, p. 11.

- (7) In the light of the number and nature of notifications in the Rapid Alert System for Food and Feed, trade volumes, the outcome of inspections of the Food and Veterinary Office and the outcome of controls, the existing control frequencies should be reviewed.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

Scope

1. This Regulation shall apply to the import of the following foodstuffs and of the foodstuffs processed and compound thereof:

- (a) The following foodstuffs originating in or consigned from Brazil:
- (i) Brazil nuts in shell falling within category CN code 0801 21 00;
 - (ii) mixtures of nuts or dried fruits falling within CN code 0813 50 and containing Brazil nuts in shell;
- (b) The following foodstuffs originating in or consigned from China:
- (i) groundnuts falling within CN code 1202 10 90 or 1202 20 00;
 - (ii) groundnuts falling within CN code 2008 11 91 (in immediate packings of a net content exceeding 1 kg) or 2008 11 98 (in immediate packings of a net content not exceeding 1 kg);
 - (iii) roasted groundnuts falling within CN codes 2008 11 91 (in immediate packings of a net content exceeding 1 kg) or 2008 11 96 (in immediate packings of a net content not exceeding 1 kg);
- (c) The following foodstuffs originating in or consigned from Egypt:
- (i) groundnuts falling within CN code 1202 10 90 or 1202 20 00;
 - (ii) groundnuts falling within CN code 2008 11 91 (in immediate packings of a net content exceeding 1 kg) or 2008 11 98 (in immediate packings of a net content not exceeding 1 kg);
 - (iii) roasted groundnuts falling within CN codes 2008 11 91 (in immediate packings of a net content exceeding 1 kg) or 2008 11 96 (in immediate packings of a net content not exceeding 1 kg);
- (d) The following foodstuffs originating in or consigned from Iran:
- (i) pistachios falling within CN code 0802 50 00;
 - (ii) roasted pistachios falling within CN codes 2008 19 13 (in immediate packings of a net content exceeding 1 kg) and 2008 19 93 (in immediate packings of a net content not exceeding 1 kg);
- (e) The following foodstuffs originating in or consigned from Turkey:
- (i) dried figs falling within CN code 0804 20 90;
 - (ii) hazelnuts (*Corylus* spp.) in shell or shelled falling within CN code 0802 21 00 or 0802 22 00;
 - (iii) pistachios falling within CN code 0802 50 00;
 - (iv) mixtures of nuts or dried fruits falling within CN code 0813 50 and containing figs, hazelnuts or pistachios;
 - (v) fig paste, pistachio paste and hazelnut paste falling within CN codes 1106 30 90, 2007 10 or 2007 99;
 - (vi) hazelnuts, figs and pistachios, prepared or preserved, including mixtures falling within CN code 2008 19;
 - (vii) flour, meal and powder of hazelnuts, figs and pistachios falling within CN code 1106 30 90;
 - (viii) cut, sliced and broken hazelnuts falling within CN 0802 22 00 and 2008 19;

(f) The following foodstuffs originating in or consigned from the United States of America, which are covered by the Voluntary Aflatoxin Sampling Plan set up by the Almond Board of California in May 2006 (the Voluntary Aflatoxin Sampling Plan):

(i) almonds in shell or shelled falling within CN code 0802 11 or 0802 12;

(ii) roasted almonds falling within CN codes 2008 19 13 (in immediate packings of a net content exceeding 1 kg) and 2008 19 93 (in immediate packings of a net content not exceeding 1 kg);

(iii) mixtures of nuts or dried fruits falling within CN code 0813 50 and containing almonds;

(g) The following foodstuffs imported from the United States of America, which are not covered by the Voluntary Aflatoxin Sampling Plan:

(i) almonds in shell or shelled falling within CN code 0802 11 or 0802 12;

(ii) roasted almonds falling within CN codes 2008 19 13 (in immediate packings of a net content exceeding 1 kg) and 2008 19 93 (in immediate packings of a net content not exceeding 1 kg);

(iii) mixtures of nuts or dried fruits falling within CN code 0813 50 and containing almonds.

2. Paragraph 1 shall not apply to consignments of foodstuffs of a gross weight not exceeding 20 kg, or to processed or compound foodstuffs containing the foodstuffs referred to in points (b) to (g) of paragraph 1 in a quantity below 20 %.

Article 2

Definitions

For the purposes of this Regulation, the definitions laid down in Articles 2 and 3 of Regulation (EC) No 178/2002 and in Article 2 of Regulation (EC) No 882/2004 of the European Parliament and of the Council ⁽¹⁾ shall apply.

⁽¹⁾ OJ L 165, 30.4.2004, p. 1.

In addition, the following definitions shall apply:

(a) 'designated points of import' means any point designated by the competent authority, through which the foodstuffs referred to in Article 1 may be imported into the Community;

(b) 'first point of introduction' means the point of first physical introduction of a consignment into the Community.

Article 3

Import into the Community

Consignments of foodstuffs referred to in Article 1 (hereafter referred to as foodstuffs), may only be imported into the Community in accordance with the procedures laid down in this Regulation.

Article 4

Health certificate and results of sampling and analysis

1. Foodstuffs presented for import into the Community shall be accompanied by the results of sampling and analysis and a health certificate in accordance with the model set out in Annex I, completed, signed and verified by an authorised representative of:

(a) the Ministério da Agricultura, Pecuária e Abastecimento (MAPA) for foodstuffs from Brazil;

(b) the State Administration for Entry-Exit inspection and Quarantine of the People's Republic of China for foodstuffs from China;

(c) the Egyptian Ministry of Agriculture for foodstuffs from Egypt;

(d) the Iranian Ministry of Health for foodstuffs from Iran;

(e) the General Directorate of protection and Control of the Ministry of Agriculture and Rural Affairs of the Republic of Turkey for foodstuffs from Turkey;

(f) the United States Department of Agriculture (USDA) for foodstuffs from the United States of America.

2. The health certificates shall be drawn up in an official language of the exporting country and in an official language of the importing Member State.

The competent authorities concerned may decide to use any other language understandable for certifying officers or control officials concerned.

3. The health certificate provided for in paragraph 1 shall only be valid for imports of foodstuffs into the Community not later than four months from the date of issue.

4. The sampling and the analysis referred to in paragraph 1 must be performed in accordance with Commission Regulation (EC) No 401/2006 ⁽¹⁾ or equivalent.

5. Each consignment of foodstuffs shall be identified with a code which corresponds to the code on the results of the sampling and analysis and the health certificate referred to in paragraph 1. Each individual bag, or other packaging form, of the consignment shall be identified with that code.

6. By way of derogation from paragraphs 1 to 5, consignments of foodstuffs referred to in Article 1(1)(g) may be imported into the Community without being accompanied by the results of sampling and analysis and a health certificate.

Article 5

Prior notification of consignments

Food business operators or their representatives shall give prior notification of the estimated date and time of physical arrival of the consignment at the first point of introduction and of the nature of the consignment.

For that purpose, they shall complete Part I of the common entry document (CED) referred to in Article 3 (a) of Commission Regulation (EC) 669/2009 and transmit that document to the competent authority at the first point of introduction, at least one working day prior to the physical arrival of the consignment.

For the completion of the CED in application of this Regulation, food business operators shall take into account the notes for guidance laid down in Annex II.

⁽¹⁾ OJ L 70, 9.3.2006, p. 12.

Article 6

Designated points of import

1. The competent authorities in Member States shall ensure that the designated points of import comply with following requirements:

- (a) the presence of trained staff to perform official controls on consignments of foodstuffs;
- (b) the availability of detailed instructions regarding sampling and the sending of the samples to the laboratory, in accordance with provisions in Annex I to Regulation (EC) No 401/2006;
- (c) the possibility to perform the unloading and the sampling in a sheltered place at the designated point of import; it must be possible to place the consignment of the foodstuffs under the official control of the competent authority from the designated point of import onwards in cases where the consignment has to be transported in order to perform the sampling;
- (d) the availability of storage rooms, warehouses to store detained consignments of foodstuffs in good conditions while awaiting the results of analysis;
- (e) the availability of unloading equipment and appropriate sampling equipment;
- (f) the availability of an official laboratory for aflatoxin analysis, situated at a place to which the samples can be transported within a short period of time and which is able to perform the analysis within a due time-limit.

2. The Member States shall maintain and make publicly available an up-to-date list of the designated points of import. The Member States shall communicate them to the Commission.

3. Food business operators shall ensure the unloading of the consignment of foodstuffs necessary for representative sampling to take place.

In the case of special transport or specific packaging forms, the operator shall make available to the official inspector the appropriate sampling equipment in so far as the sampling cannot be representatively performed with the usual sampling equipment.

*Article 7***Official controls**

1. All official controls before the acceptance for release for free circulation into the Community and completion of the common entry document shall be performed within 15 working days from the moment the consignment is offered for import and physically available for sampling at the designated point of import.

2. The competent authority at the first point of introduction shall ensure that the foodstuffs intended for import into the Community are subject to documentary checks to ensure that the requirements for the results of sampling and analysis and the health certificate provided for in Article 4 are complied with.

Where a consignment of foodstuffs is not accompanied by the results of sampling and analysis and the health certificate provided for in Article 4(1), the consignment may not enter the Community for import into the Community and must be re-dispatched to the country of origin or destroyed.

3. The competent authority at the first point of introduction shall authorise transfer of the consignment to a designated point of import after favourable completion of the checks referred to in paragraph 2. The original certificate shall accompany the consignment during transfer.

4. The competent authority at the designated point of import shall take a sample for analysis of aflatoxin B1 and total aflatoxin contamination on certain consignments with a frequency indicated in paragraph 5 and in accordance with Annex I to Regulation (EC) No 401/2006 before release for free circulation into the Community.

5. The sampling for analysis referred to in paragraph 4 shall be carried out on:

- (a) 100 % of the consignments of foodstuffs from Brazil;
- (b) approximately 20 % of the consignments of foodstuffs from China;
- (c) approximately 20 % of the consignments of foodstuffs from Egypt;
- (d) approximately 50 % of the consignments of foodstuffs from Iran;

(e) approximately 10 % of the consignments for each category of hazelnuts and derived products from Turkey referred to in Article 1(1)(e)(ii) and (iv) to (viii), approximately 20 % of the consignments for each category of dried figs and derived products from Turkey referred to in Article 1(1)(e)(i) and (iv) to (vii) and approximately 50 % of the consignments for each category of pistachios and derived products from Turkey referred to in Article 1(1)(e)(iii) to (vii);

(f) a random basis for consignments of foodstuffs from the United States of America, referred to in Article 1(1)(f);

(g) each consignment of foodstuffs from the United States of America referred to in Article 1(1)(g).

6. After completion of the checks, the competent authorities shall, for checks carried out by them:

- (a) complete the relevant part of Part II of the common entry document (CED);
- (b) join the results of sampling and analysis;
- (c) stamp and sign the original of the CED;
- (d) make and retain a copy of the signed and stamped CED.

For the completion of the CED in application of this Regulation, the competent authority shall take into account the notes for guidance laid down in Annex II.

7. The original of the CED shall accompany the consignment during its transfer until it is released for free circulation.

8. The release for free circulation of consignments shall be subject to the presentation by the food business operator or their representative to the custom authorities of a common entry document or its electronic equivalent duly completed by the competent authority once all official controls have been carried out and favourable results from physical checks, where such checks are required, are known.

9. Member States shall submit to the Commission every three months a report of all analytical results of official controls on consignments of foodstuffs. That report shall be submitted during the month following each quarter.

*Article 8***Splitting of a consignment**

Consignments shall not be split until all official controls have been completed, and the CED has been fully completed by the competent authorities as provided for in Article 7.

In the case of subsequent splitting of the consignment, an authenticated copy of the CED shall accompany each part of the consignment until it is released for free circulation.

*Article 9***Additional conditions as regards imports of foodstuffs from the United States of America**

1. As regards imports from the United States of America, the analysis referred to in Article 4(1) must be performed by an USDA approved laboratory for aflatoxin analysis.

2. The health certificate referred to in Article 4(1) accompanying consignments of foodstuffs referred to in Article 1(1)(f) shall make a reference to the Voluntary Aflatoxin Sampling Plan.

*Article 10***Costs**

All costs resulting from the official controls including sampling, analysis, storage and any measures taken following non-compliance, shall be borne by the food business operator.

*Article 11***Repeal**

Decision 2006/504/EC is hereby repealed.

References to the repealed Decision shall be construed as references to this Regulation.

*Article 12***Transitional provisions**

By way of derogation from Article 4(1), Member States shall authorise the imports of consignments of foodstuffs referred to in Article 1(1) which left the country of origin prior to 1 July 2010 accompanied by a health certificate as provided for by Decision 2006/504/EC.

*Article 13***Entry into force**

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 2010.

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

Done at Brussels, 27 November 2009.

For the Commission

Androulla VASSILIOU

Member of the Commission

ANNEX I

Health Certificate for the importation into the European Community of

..... (*)

Consignment Code: **Certificate Number:**

According to the provisions of Commission Regulation (EC) NNN/2009 imposing special conditions governing the import of certain foodstuffs from certain third countries due to contamination risk by aflatoxins and repealing Decision 2006/504/EC, the

.....

..... (competent authority referred to in Article 4(1))

CERTIFIES that the

..... (insert foodstuffs referred to in Article 1)

of this consignment composed of:

.....

..... (description of consignment, product, number and type of packages, gross or net weight)

embarked at (embarkation place)

by (identification of transporter)

going to (place and country of destination)

which comes from the establishment

..... (name and address of establishment)

have been produced, sorted, handled, processed, packaged and transported in line with good hygiene practices.

From this consignment, samples were taken in accordance with Commission Regulation (EC) No 401/2006 on ... (date),
subjected to laboratory analysis on (date)

in the (name of laboratory),

to determine the level of aflatoxin B1 and level of total aflatoxin contamination. The details of sampling, methods of analysis used and all results are attached.

This certificate is valid until

Done at: on

Stamp and signature of authorised representative of competent authority referred to in Article 4(1)

(*) Product and country of origin.

ANNEX II

Notes for guidance for the CED in application of this Regulation in case of imports of foodstuffs from certain third countries, due to contamination risk of these products by aflatoxins

General: For the use of the CED in application of this Regulation, whenever 'DPE' is mentioned, this should be read as 'first point of introduction' or 'designated point of import' as stipulated in the specific notes for each box. Whenever 'control point' is mentioned, this should be read as 'designated point of import'.

Complete the document in capital letters. Notes are shown against the relevant box number.

Part I **This section is to be completed by the food business operator or their representative, unless otherwise indicated**

Box I.1. Consignor: name and full address of the natural or legal person (food business operator) dispatching the consignment. Information on telephone and fax numbers or email address is recommended.

Box I.2. All three fields in this box are to be filled in by the authorities of the designated point of import as defined in Article 2. Attribute a CED reference number in the first box. Indicate the name of the designated point of import and its number respectively in the second and third box.

Box I.3. Consignee: indicate name and full address of the natural or legal person (food business operator) to whom the consignment is destined. Information on telephone and fax numbers or email address is recommended.

Box I.4. Person responsible for the consignment: (also agent, declarant or food business operator) indicate name and full address of the person who is in charge of the consignment when presented to the first point of introduction and makes the necessary declarations to the competent authorities on behalf of the importer. Information on telephone and fax numbers or email address is recommended.

Box I.5. Country of origin: indicate the country where the commodity is originating from, grown, harvested or produced.

Box I.6. Country from where consigned: indicate the country where the consignment was placed aboard the means of final transport for the journey to the Community.

Box I.7. Importer: indicate name and full address. Information on telephone and fax numbers or email address is recommended.

Box I.8. Place of destination: indicate delivery address in the Community. Information on telephone and fax numbers or email address is recommended.

Box I.9. Arrival at the DPE (estimated date): give the estimated date on which the consignment is expected to arrive at the first point of introduction.

Box I.10. Documents: indicate the date of issue and the number of official documents accompanying the consignment, as appropriate.

Box I.11. Means of transport: tick the box to indicate the means of arrival transport.

Identification: give full details of the means of transport. For aircraft, indicate the flight number. For vessels, indicate the ship's name. For road vehicles: indicate the registration number plate with trailer number if appropriate. For railway transport: indicate the train identity and wagon number.

Documentary references: number of airway bill, bill of lading or commercial number for railway or truck.

Box I.12. Description of the commodity: provide a detailed description of the commodity using the terminology in Article 1.

Box I.13. Commodity code (HS code): use the Harmonised System of the World Customs Organisation.

- Box I.14. Gross weight: specify overall weight in kg or tonnes. This is defined as the aggregate mass of the products and of the immediate containers and all their packaging, but excluding transport containers and other transport equipment.
- Net weight: specify weight of actual product in kg or tonnes, excluding packaging. This is defined as the mass of the products themselves without immediate containers or any packaging.
- Box I.15. Number of packages: specify the number of packages in the consignment.
- Box I.16. Temperature: tick the appropriate mode of transport/storage temperature.
- Box I.17. Type of packaging: identify the type of packaging of products.
- Box I.18. Commodity intended for: tick the appropriate box depending on whether the commodity is destined for human consumption without prior sorting or other physical treatment (in this case tick 'human consumption') or is intended for human consumption after such treatment (tick 'further process' in this case), or is intended for use as 'feedingstuff' (in this case tick 'feedingstuffs'). In the latter case the provisions of this Regulation do not apply.
- Box I.19. Seal number and container number: give all seal and container identification numbers where relevant.
- Box I.20. For transfer to Control Point: in case the consignment is intended for import (cf. Box I.22), tick the box and identify the designated point of import.
- Box I.21. Not applicable.
- Box I.22. For import: tick the box in case the consignment is intended for import.
- Box I.23. Not applicable.
- Box I.24. Means of transport to Control Point: tick the appropriate means of transport used for transfer to the designated point of import.

Part II This section is to be completed by the competent authority

- General: Box II.1 is to be completed by the competent authority of the designated point of import. Boxes II.2 till II.9 are to be completed by the authorities responsible for the documentary control. Boxes II.10. till II.21 are to be completed by the competent authorities of the designated point of import.
- Box II.1. CED Reference number: use the same CED reference number as in Box I.2.
- Box II.2. Customs Document Reference: for use by customs services if necessary.
- Box II.3. Documentary Check: to be completed for all consignments.
- Box II.4. Consignments selected for physical checks: not applicable in the framework of this Regulation.
- Box II.5. ACCEPTABLE for transfer: in case the consignment is acceptable for transfer to a designated point of import following a satisfactory documentary check, the competent authority at the first point of introduction shall tick the box and indicate to which designated point of import the consignment shall be transferred for a possible physical check (following information given in Box I.20).
- Box II.6. NOT ACCEPTABLE: in case the consignment is not acceptable for transfer to a designated point of import due to the unsatisfactory outcome of the documentary checks, the competent authority at the first point of introduction shall tick the box and indicate clearly the action to be carried out in case of rejection of the consignment. The address of the destination establishment in case of 'Re-dispatching', 'Destruction', 'Transformation' and 'Use for other purpose' should be entered in Box II.7.
- Box II.7. Details of Controlled Destinations (II.6): indicate as appropriate approval number and address (or ship's name and port) for all destinations where further control of the consignment is required, for example for Box II.6, 'Re-dispatching', 'Destruction', 'Transformation' or 'Use for other purpose'.
- Box II.8. Full identification of DPE and official stamp: indicate here the full identification of the first point of introduction and the official stamp of the competent authority at this point.

- Box II.9. Official inspector: signature of the official responsible of the competent authority at the first point of introduction.
- Box II.10. Not applicable.
- Box II.11. Identity Check: tick the boxes to indicate whether the identity checks have been performed and with which results.
- Box II.12. Physical Check: indicate here the results of the physical checks.
- Box II.13. Laboratory tests: tick the box to indicate whether the consignment has been selected for sampling and analysis.
- Tested for: indicate for which substances (aflatoxin B1 and/or total) and by which analytical method a laboratory test is carried out.
- Results: indicate the results of the laboratory test and tick the appropriate box.
- Box II.14. ACCEPTABLE for release for free circulation: tick the box in case the consignment is to be released for free circulation within the Community.
- Tick one of the boxes ('Human consumption', 'Further process', 'Feedingstuff' or 'Other') to indicate the further use.
- Box II.15. Not applicable.
- Box II.16. NOT ACCEPTABLE: tick the box in case of rejection of the consignment due to the unsatisfactory outcome of the identity or physical checks.
- Indicate clearly the action to be carried out in such case by ticking one of the boxes ('Re-dispatching', 'Destruction', 'Transformation' or 'Use for other purpose'). The address of the establishment of destination shall be entered in Box II.18.
- Box II.17. Reasons for refusal: tick the appropriate box. Use as appropriate to add relevant information.
- Box II.18. Details of controlled destinations (II.16): give as appropriate approval number and address (or ship's name and port) for all destinations where further control of the consignment is required following information indicated in Box II.16.
- Box II.19. Consignment resealed: use this box when the original seal recorded on a consignment is destroyed on opening the container. A consolidated list of all seals that have been used for this purpose must be kept.
- Box II.20. Full identification of DPE/Control Point and official stamp: put here the full identification of the designated point of import and the official stamp of the competent authority at the designated point of import.
- Box II.21. Official Inspector: put name (in capital letters), date of issuing and signature of the official responsible of the competent authority at the designated point of import.

Part III This section is to be completed by the competent authority

- Box III.1. Details on re-dispatching: the competent authority at the first point of introduction entry or at the designated point of import indicates the means of transport used, its identification, the country of destination and the date of re-dispatching, as soon as they are known.
- Box III.2. Follow-up: indicate the local competent authority unit responsible, as appropriate, for the supervision in case of 'Destruction', 'Transformation' or 'Use for other purpose' of the consignment. This competent authority shall report here the result of the arrival of the consignment and the correspondence.
- Box III.3. Official Inspector: signature of the official responsible for the competent authority at the DPI in case of 'Re-dispatching'. Signature of the official responsible for the local competent authority in case of 'Destruction', 'Transformation' or 'Use for other purpose'.

COMMISSION REGULATION (EC) No 1153/2009

of 24 November 2009

amending Regulation (EC) No 1384/2007 laying down detailed rules for the application of Council Regulation (EC) No 2398/96 as regards opening and providing for the administration of certain quotas for imports into the Community of poultrymeat products originating in Israel and derogating from that Regulation

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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 Article 144(1) in conjunction with Article 4 thereof,

Having regard to Council Regulation (EC) No 2398/96 of 12 December 1996 opening the tariff quota for turkey meat originating in and coming from Israel as provided for in the Association Agreement and the Interim Agreement between the European Community and the State of Israel ⁽²⁾, and in particular Article 2 thereof,

Having regard to Council Decision 2009/855/EC of 20 October 2009 on the signing and conclusion of the Agreement in the form of an Exchange of Letters between the European Community and the State of Israel on reciprocal liberalisation measures concerning agricultural products, processed agricultural products, fish and fishery products, on the replacement of Protocols 1 and 2 and of the Annex to Protocol 1 and the Annex to Protocol 2 and on amendments to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, on the one hand, and the State of Israel, on the other ⁽³⁾, and in particular Article 2(1) thereof,

Whereas:

- (1) The tariff quota IL 1 provided for in Annex I to Commission Regulation (EC) No 1384/2007 ⁽⁴⁾, bearing the order number 09.4092 and falling under CN codes 0207 25, 0207 27 10, 0207 27 30, 0207 27 40, 0207 27 50, 0207 27 60 and 0207 27 70 (turkey

meat), provides for a 100 % reduction in customs duties for an annual quantity of 1 568 tonnes.

- (2) The tariff quota IL 2 provided for in Annex I to Regulation (EC) No 1384/2007, bearing the order number 09.4091 and falling under CN codes 0207 32, 0207 33, 0207 35 and 0207 36 (duck meat), provides for a 100 % reduction in customs duties for an annual quantity of 560 tonnes.
- (3) By virtue of the Agreement in the form of an Exchange of Letters between the European Community and the State of Israel approved by Decision 2009/855/EC (hereinafter referred to as 'the Agreement') the quantities and the CN codes currently provided for in quotas IL 1 and IL 2 must be amended. The Agreement will enter into force on 1 January 2010.
- (4) Regulation (EC) No 1384/2007 should be amended accordingly.
- (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

Annex I to Regulation (EC) No 1384/2007 is replaced by the text set out in the Annex to this Regulation.

Article 2

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

It shall apply from the 2010 quota year.

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

Done at Brussels, 24 November 2009.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 327, 18.12.1996, p. 7.

⁽³⁾ See page 81 of this Official Journal.

⁽⁴⁾ OJ L 309, 27.11.2007, p. 40.

ANNEX

'ANNEX I

Group number	Order number	CN code	Description of goods ⁽¹⁾	Reduction of the MFN customs duty (%)	Annual quantities (tonnes)
IL 1	09.4092	0207 27 10	Boneless turkey cuts, frozen	100	4 000
		0207 27 30	Turkey cuts with bone in, frozen		
		0207 27 40			
		0207 27 50			
		0207 27 60			
		0207 27 70			
IL 2	09.4091	ex 0207 33	Meat of ducks and geese, not cut in pieces, frozen	100	560
		ex 0207 35	Other meat and edible offal of ducks and geese, fresh or chilled		
		ex 0207 36	Other meat and edible offal of ducks and geese, frozen		

⁽¹⁾ Notwithstanding the rules governing the interpretation of the combined nomenclature, the wording of the product descriptions must be considered as having indicative value only, since the applicability of the preferential scheme is determined, in the context of this Annex, by the scope of the CN codes. Where ex CN codes are indicated, the applicability of the preferential scheme shall be determined on the basis of the CN code and the corresponding description, taken together.'

COMMISSION REGULATION (EC) No 1154/2009**of 27 November 2009****amending Council Regulation (EC) No 747/2001 as regards Community tariff quotas for certain agricultural and processed agricultural products originating in Israel**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 747/2001 of 9 April 2001 providing for the management of Community tariff quotas and of reference quantities for products eligible for preferences by virtue of agreements with certain Mediterranean countries and repealing Regulations (EC) No 1981/94 and (EC) No 934/95 ⁽¹⁾ and in particular Article 5(1)(b) thereof,

Whereas:

- (1) In 2008 an Agreement was concluded in the form of an Exchange of Letters between the European Community and the State of Israel concerning reciprocal liberalisation measures on agricultural products, processed agricultural products and fish and fishery products, the replacement of Protocols 1 and 2 and their annexes and amendments to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the State of Israel, of the other part, hereinafter referred to as 'the Agreement', which was approved by Council Decision 2009/855/EC ⁽²⁾.
- (2) The Agreement provides for new tariff quotas for agricultural and processed agricultural products originating in Israel and changes to the existing tariff quotas laid down for such products in Regulation (EC) No 747/2001. In addition, it no longer provides for any tariff concessions granted within reference quantities.

- (3) To implement the provisions on the new tariff quotas, the changes to the existing tariff quotas and the ending of reference quantities, Regulation (EC) No 747/2001 should be amended accordingly.

- (4) For the purpose of calculating the tariff quotas for the first year of application, provision should be made, in accordance with the Agreement, for the volumes of the tariff quotas for which the quota period starts before the date of entry into force of the Agreement to be reduced by the proportion of that period which has elapsed before that date.

- (5) Since the Agreement enters into force on 1 January 2010, this Regulation should apply from that date.

- (6) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Annex VII to Regulation (EC) No 747/2001 is replaced by the text set out in the Annex to this Regulation.

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 January 2010.

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

Done at Brussels, 27 November 2009.

For the Commission

László KOVÁCS

Member of the Commission

⁽¹⁾ OJ L 109, 19.4.2001, p. 2.

⁽²⁾ See page 81 of this Official Journal.

ANNEX

'ANNEX VII

ISRAEL

Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the CN codes as they exist at the time of adoption of this Regulation. Where ex CN codes are indicated, the preferential scheme is to be determined by application of the CN code and corresponding description taken together.

Tariff quotas

Order No	CN code	TARIC subdivision	Description of goods	Quota period	Quota volume (in tonnes net weight, unless otherwise indicated)	Quota duty
09.1361	0105 12 00		Live turkeys, weighing not more than 185 g	From 1.1 to 31.12	129 920 items	Exemption
09.1302	0404 10		Whey and modified whey, whether or not concentrated or containing added sugar or other sweetening matter	From 1.1 to 31.12	1 300	Exemption
09.1306	0603 11 00 0603 12 00 0603 13 00 0603 14 00 0603 19 10 0603 19 90		Fresh cut flowers and flower buds of a kind suitable for bouquets or for ornamental purposes	From 1.1 to 31.12	22 196	Exemption
09.1341	0603 19 90		Other fresh cut flowers and flower buds of a kind suitable for bouquets or for ornamental purposes	From 1.11 to 15.4	7 840	Exemption
09.1300	0701 90 50		New potatoes, fresh or chilled	From 1.1 to 30.6	33 936	Exemption
09.1304	ex 0702 00 00	07	Cherry tomatoes, fresh or chilled	From 1.1 to 31.12	28 000	Exemption ⁽¹⁾
09.1342	ex 0702 00 00	99	Tomatoes, fresh or chilled, other than cherry tomatoes	From 1.1 to 31.12	5 000	Exemption ⁽¹⁾
09.1368	0707 00 05		Cucumbers, fresh or chilled	From 1.1 to 31.12	1 000	Exemption ⁽¹⁾
09.1303	0709 60 10		Sweet peppers, fresh or chilled	From 1.1 to 31.12	17 248	Exemption

Order No	CN code	TARIC subdivision	Description of goods	Quota period	Quota volume (in tonnes net weight, unless otherwise indicated)	Quota duty
09.1353	0710 40 00 2004 90 10		Sweetcorn, frozen	From 1.1 to 31.12	10 600	70 % of the specific duty
09.1354	0711 90 30 2001 90 30 2005 80 00		Sweetcorn, not frozen	From 1.1 to 31.12	5 400	70 % of the specific duty
09.1369	0712 90 30		Dried tomatoes, whole, cut, sliced, broken or in powder, but not further prepared	From 1.1 to 31.12	1 200	Exemption
09.1323	0805 10 20 ex 0805 10 80	10	Oranges, fresh	From 1.1 to 31.12	224 000	Exemption ⁽¹⁾ ⁽²⁾
09.1370	ex 0805 20 10 ex 0805 20 50	05 07, 37	Clementines, mandarins and wilkings, fresh	From 1.1 to 31.12	40 000	Exemption ⁽¹⁾
09.1371	ex 0805 20 10 ex 0805 20 50	05 07, 37	Clementines, mandarins and wilkings, fresh	From 15.3 to 30.9	15 680	Exemption ⁽¹⁾
09.1397	0807 19 00		Melons fresh, other than watermelons	From 1.1 to 31.5.2010 For each period thereafter from 1.8 to 31.5	15 000 30 000	Exemption
09.1398	0810 10 00		Strawberries, fresh	From 1.1 to 30.4.2010 For each period thereafter from 1.11 to 30.4	3 333 5 000	Exemption
09.1372	1602 31 19 1602 31 30		Prepared or preserved meat, meat offal or blood of turkeys, containing 57 % or more by weight of poultry meat or offal, other than exclusively uncooked turkey meat Prepared or preserved meat, meat offal or blood of turkeys, containing 25 % or more but less than 57 % by weight of poultry meat or offal	From 1.1 to 31.12	5 000	Exemption

Order No	CN code	TARIC subdivision	Description of goods	Quota period	Quota volume (in tonnes net weight, unless otherwise indicated)	Quota duty
09.1373	1602 32 19		Prepared or preserved meat, meat offal or blood of fowls of the species <i>Gallus domesticus</i> , containing 57 % or more by weight of poultry meat or offal, other than uncooked	From 1.1 to 31.12	2 000	Exemption
	1602 32 30		Prepared or preserved meat, meat offal or blood of fowls of the species <i>Gallus domesticus</i> , containing 25 % or more but less than 57 % by weight of poultry meat or offal			
09.1374	1704 10 90		Chewing gum whether or not sugar-coated, not containing cocoa, containing 60 % or more by weight of sucrose (including invert sugar expressed as sucrose)	From 1.1 to 31.12	100	Exemption
09.1375	1806 10 20		Cocoa powder containing 5 % or more by weight of sucrose (including invert sugar expressed as sucrose) or isoglucose expressed as sucrose	From 1.1 to 31.12	2 500	85 % of the specific duty or of the agricultural component
	1806 10 30 1806 10 90 1806 20		Other food preparations containing cocoa in blocks, slabs or bars weighing more than 2 kg or in liquid, paste, powder, granular or other bulk form in containers or immediate packings, of a content exceeding 2 kg			
09.1376	1905 20 30		Gingerbread and the like, containing by weight 30 % or more of sucrose (including invert sugar expressed as sucrose)	From 1.1 to 31.12	3 200	70 % of the specific duty
	1905 20 90					
09.1377	2002 90 91		Tomatoes, prepared or preserved otherwise than by vinegar or acetic acid, with a dry matter content of more than 30 % by weight	From 1.1 to 31.12	784	Exemption
	2002 90 99					
09.1378	ex 2008 70 71	10	Slices of peaches, fried in oil, not containing added spirit, with a sugar content exceeding 15 % by weight, in immediate packings of a net content not exceeding 1 kg	From 1.1 to 31.12	112	Exemption
09.1331	2009 11		Orange juice of which:	From 1.1 to 31.12	35 000	Exemption
	2009 12 00 2009 19					

Order No	CN code	TARIC subdivision	Description of goods	Quota period	Quota volume (in tonnes net weight, unless otherwise indicated)	Quota duty
09.1333	ex 2009 11 11	10	Orange juice, in containers of 2 litres or less	From 1.1 to 31.12	21 280	Exemption
	ex 2009 11 19	10				
	ex 2009 11 91	10				
	ex 2009 11 99	11, 19				
		92, 94				
	ex 2009 12 00	10				
	ex 2009 19 11	11, 19				
	ex 2009 19 19	11, 19				
	ex 2009 19 91	11, 19				
	ex 2009 19 98	11, 19				
09.1379	ex 2009 90 21	40	Mixtures of citrus juices	From 1.1 to 31.12	19 656	Exemption
	ex 2009 90 29	20				
	ex 2009 90 51	30				
	ex 2009 90 59	39				
	ex 2009 90 94	20				
	ex 2009 90 96	20				
	ex 2009 90 98	20				
09.1380	2204		Wine of fresh grapes, including fortified wines; grape must other than that of heading 2009	From 1.1 to 31.12	6 212 hl	Exemption ⁽³⁾
09.1399	3505 20		Glues based on starches, or on dextrins or other modified starches	From 1.1 to 31.12	250	Exemption

⁽¹⁾ The exemption applies only to the ad valorem duty.

⁽²⁾ Within this tariff quota, the specific duty provided in the Community's list of concessions to the WTO is reduced to zero for the period from 1 December to 31 May, if the entry price is not less than EUR 264/tonne, being the entry price agreed between the European Community and Israel. If the entry price for a consignment is 2, 4, 6 or 8 % lower than the agreed entry price, the specific customs quota duty shall be equal respectively to 2, 4, 6 or 8 % of this agreed entry price. If the entry price of a consignment is less than 92 % of the agreed entry price, the specific customs duty bound within the WTO shall apply.

⁽³⁾ For grape must under CN codes 2204 30 92, 2204 30 94, 2204 30 96 and 2204 30 98, the exemption applies only to the ad valorem duty.'

COMMISSION REGULATION (EC) No 1155/2009**of 27 November 2009****entering a name in the register of protected designations of origin and protected geographical indications (Truskawka kaszubska/kaszëbskô malëna (PGI))**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽¹⁾, and in particular the first subparagraph of Article 7(4) thereof,

Whereas:

- (1) Pursuant to the first subparagraph of Article 6(2) of Regulation (EC) No 510/2006, Poland's application to register the name 'Truskawka kaszubska'/kaszëbskô malëna' was published in the *Official Journal of the European Union* ⁽²⁾.

- (2) As no statement of objection under Article 7 of Regulation (EC) No 510/2006 has been received by the Commission, that name should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name contained in the Annex to this Regulation is hereby entered in the Register.

Article 2

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

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

Done at Brussels, 27 November 2009.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 93, 31.3.2006, p. 12.

⁽²⁾ OJ C 89, 18.4.2009, p. 4.

ANNEX

Agricultural products intended for human consumption listed in Annex I to the Treaty:

Class 1.6. Fruit, vegetables and cereals, fresh or processed

POLAND

Truskawka kaszubska/kaszëbskô malëna (PGI)

COMMISSION REGULATION (EC) No 1156/2009**of 27 November 2009****amending Regulation (EC) No 1266/2007 as regards the conditions for exempting certain animals of susceptible species from the exit ban provided for in Council Directive 2000/75/EC****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2000/75/EC of 20 November 2000 laying down specific provisions for the control and eradication of bluetongue ⁽¹⁾, and in particular Article 9(1)(c), and Articles 11 and 12 and the third paragraph of Article 19 thereof,

Whereas:

- (1) Commission Regulation (EC) No 1266/2007 ⁽²⁾ lays down rules for the control, monitoring, surveillance and restrictions on movements of animals, in relation to bluetongue, in and from the restricted zones.
- (2) Article 8(1) of that Regulation provides that movements of animals, their semen, ova and embryos, from a holding or semen collection or storage centre located in a restricted zone to another holding or semen collection or storage centre are to be exempted from the exit ban provided for in Directive 2000/75/EC, subject to the requirement that the animals, their semen, ova and embryos comply with certain conditions set out in that Article.
- (3) In addition, as a transitional measure, Article 9a of Regulation (EC) No 1266/2007 provides that, until 31 December 2009, Member States of destination may require that the movement of certain animals which are covered by the exemption provided for in Article 8(1) of that Regulation be subjected to additional conditions, on the basis of a risk assessment taking into account the entomological and epidemiological conditions in which animals are being introduced.

(4) The overall disease situation in the Community as regards bluetongue has improved considerably in 2009. However the virus is still present in parts of the Community.

(5) In addition, the effectiveness of the measures laid down in Regulation (EC) No 1266/2007 is influenced by a combination of factors. Those factors include the vector species, climate conditions and the type of husbandry of the susceptible ruminants.

(6) It is therefore appropriate to continue to apply the transitional measure set out in Article 9a of Regulation (EC) No 1266/2007, taking into account that the disease situation is not stable and still evolving. Regulation (EC) No 1266/2007 should therefore be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

In the introductory phrase of paragraph 1 of Article 9a of Regulation (EC) No 1266/2007, the date '31 December 2009' is replaced by '31 December 2010'.

Article 2

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

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

Done at Brussels, 27 November 2009.

For the Commission

Androulla VASSILIOU

Member of the Commission

⁽¹⁾ OJ L 327, 22.12.2000, p. 74.

⁽²⁾ OJ L 283, 27.10.2007, p. 37.

COMMISSION REGULATION (EC) No 1157/2009

of 27 November 2009

derogating from Regulations (EC) Nos 2402/96, 2058/2096, 2305/2003, 955/2005, 969/2006, 1918/2006, 1964/2006, 1002/2007, 27/2008, 1067/2008 and 828/2009 as regards the dates for lodging applications and the issuing of import licences in 2010 under the tariff quotas for sweet potatoes, manioc starch, manioc, cereals, rice, sugar and olive oil and derogating from Regulations (EC) Nos 382/2008, 1518/2003, 596/2004 and 633/2004 as regards the dates of issuing of export licences in 2010 in the beef and veal, pigmeat, eggs and poultrymeat sectors

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 96/317/EC of 13 May 1996 concerning the conclusion of the results of consultations with Thailand under GATT Article XXIII ⁽¹⁾,

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 ⁽²⁾, and in particular Article 1(1) thereof,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products ('Single CMO' Regulation) ⁽³⁾, and in particular Articles 144(1), 148, 156 and 161(3), in conjunction with Article 4, thereof,

Having regard to Council Regulation (EC) No 1528/2007 of 20 December 2007 applying the arrangements for products originating in certain states which are part of the African, Caribbean and Pacific (ACP) Group of States provided for in agreements establishing, or leading to the establishment of, Economic Partnership Agreements ⁽⁴⁾, and in particular Article 9(5) thereof,

Having regard to Council Regulation (EC) No 732/2008 of 22 July 2008 applying a scheme of generalised tariff preferences for the period from 1 January 2009 to 31 December 2011 and amending Regulations (EC) No 552/97, (EC) No 1933/2006 and Commission Regulations (EC) No 1100/2006 and (EC) No 964/2007 ⁽⁵⁾, and in particular Article 11(7) thereof,

Whereas:

(1) Commission Regulation (EC) No 2402/96 of 17 December 1996 opening and setting administrative rules for certain annual tariff quotas for sweet potatoes

and manioc starch ⁽⁶⁾ lays down specific provisions for lodging import licence applications and issuing import licences for sweet potatoes under quotas 09.4013 and 09.4014 and for manioc starch under quotas 09.4064 and 09.4065.

(2) Commission Regulation (EC) No 27/2008 of 15 January 2008 opening and providing for the administration of certain annual tariff quotas for products covered by CN codes 0714 10 91, 0714 10 99, 0714 90 11 and 0714 90 19 originating in certain third countries other than Thailand ⁽⁷⁾ lays down specific provisions for lodging import licence applications and issuing import licences, for the products concerned, under quotas 09.4009, 09.4010, 09.4011, 09.4012 and 09.4021.

(3) Commission Regulation (EC) No 1067/2008 of 30 October 2008 opening and providing for the administration of Community tariff quotas for common wheat of a quality other than high quality from third countries and derogating from Council Regulation (EC) No 1234/2007 ⁽⁸⁾, Commission Regulation (EC) No 2305/2003 of 29 December 2003 opening and providing for the administration of a Community tariff quota for imports of barley from third countries ⁽⁹⁾ and Commission Regulation (EC) No 969/2006 of 29 June 2006 opening and providing for the administration of a Community tariff quota for imports of maize from third countries ⁽¹⁰⁾ lay down specific provisions for lodging import licence applications and issuing import licences for common wheat of a quality other than high quality under quotas 09.4123, 09.4124 and 09.4125, for barley under quota 09.4126 and for maize under quota 09.4131.

(4) Commission Regulation (EC) No 2058/96 of 28 October 1996 opening and providing for the management of a tariff quota for broken rice of CN code 1006 40 00 for production of food preparations of CN code 1901 10 ⁽¹¹⁾, Commission Regulation (EC) No 1964/2006 of 22 December 2006 laying down detailed rules for the opening and administration of an import quota for rice originating in Bangladesh, pursuant

⁽¹⁾ OJ L 122, 22.5.1996, p. 15.

⁽²⁾ OJ L 146, 20.6.1996, p. 1.

⁽³⁾ OJ L 299, 16.11.2007, p. 1.

⁽⁴⁾ OJ L 348, 31.12.2007, p. 1.

⁽⁵⁾ OJ L 211, 6.8.2008, p. 1.

⁽⁶⁾ OJ L 327, 18.12.1996, p. 14.

⁽⁷⁾ OJ L 13, 16.1.2008, p. 3.

⁽⁸⁾ OJ L 290, 31.10.2008, p. 3.

⁽⁹⁾ OJ L 342, 30.12.2003, p. 7.

⁽¹⁰⁾ OJ L 176, 30.6.2006, p. 44.

⁽¹¹⁾ OJ L 276, 29.10.1996, p. 7.

to Council Regulation (EEC) No 3491/90 ⁽¹⁾, Commission Regulation (EC) No 1002/2007 of 29 August 2007 laying down detailed rules for the application of Council Regulation (EC) No 2184/96 concerning imports into the Community of rice originating in and coming from Egypt ⁽²⁾, and Commission Regulation (EC) No 955/2005 of 23 June 2005 opening a Community import quota for rice originating in Egypt ⁽³⁾ lay down specific provisions for lodging import licence applications and issuing import licences for broken rice under quota 09.4079, for rice originating in Bangladesh under quota 09.4517, for rice originating and coming from Egypt under quota 09.4094 and for rice originating in Egypt under quota 09.4097.

(5) Commission Regulation (EC) No 828/2009 of 10 September 2009 laying down detailed rules of application for the marketing years 2009/2010 to 2014/2015 for the import and refining of sugar products of tariff heading 1701 under preferential agreements ⁽⁴⁾ lays down specific provisions for lodging import licence applications and issuing import licences under quotas 09.4221, 09.4231, and 09.4241 to 09.4247.

(6) Commission Regulation (EC) No 1918/2006 of 20 December 2006 opening and providing for the administration of tariff quota for olive oil originating in Tunisia ⁽⁵⁾ lays down specific provisions for lodging import licence applications and issuing import licences for olive oil under quota 09.4032.

(7) In view of the public holidays in 2010, derogations should be made, at certain times, from Regulations (EC) Nos 2402/96, 2058/2096, 2305/2003, 955/2005, 969/2006, 1918/2006, 1964/2006, 1002/2007, 1067/2008 and 828/2009 as regards the dates for lodging import licence applications and issuing import licences in order to ensure compliance with the quota volumes in question.

(8) The second subparagraph of Article 12(1) of Commission Regulation (EC) No 382/2008 of 21 April 2008 on rules of application for import and export licences in the beef and veal sector ⁽⁶⁾, Article 3(3) of Commission Regulation (EC) No 1518/2003 of 28 August 2003 laying down detailed rules for implementing the system of export licences in the pigmeat sector ⁽⁷⁾, Article 3(3) of Commission Regulation (EC) No 596/2004 of 30 March 2004 laying down detailed rules for implementing the system of export licences in the egg sector ⁽⁸⁾ and Article 3(3) of Commission Regulation (EC) No

633/2004 of 30 March 2004 laying down detailed rules for implementing the system of export licences in the poultrymeat sector ⁽⁹⁾ provide that export licences are to be issued on the Wednesday following the week in which the licence applications are lodged, provided that the Commission has not taken any particular measure in the meantime.

(9) In view of the public holidays in 2010 and the resulting impact on the publication of the *Official Journal of the European Union*, the period between the lodging of applications and the day on which the licences are to be issued will be too short to ensure proper management of the market. That period should therefore be extended.

(10) 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

Sweet potatoes

1. By way of derogation from Article 3 of Regulation (EC) No 2402/96, applications for import licences for sweet potatoes under quotas 09.4013 and 09.4014 for 2010 may not be lodged before Tuesday 5 January 2010 or after Tuesday 14 December 2010.

2. By way of derogation from Article 8(1) of Regulation (EC) No 2402/96, import licences for sweet potatoes applied for on the date indicated in Annex I hereto under quotas 09.4013 and 09.4014 shall be issued on the date indicated in Annex I, subject to the measures adopted pursuant to Article 7(2) of Commission Regulation (EC) No 1301/2006 ⁽¹⁰⁾.

Article 2

Manioc starch

1. By way of derogation from the first subparagraph of Article 9 of Regulation (EC) No 2402/96, applications for import licences for manioc starch under quotas 09.4064 and 09.4065 for 2010 may not be lodged before Tuesday 5 January 2010 or after Tuesday 14 December 2010.

2. By way of derogation from Article 13(1) of Regulation (EC) No 2402/96, import licences for manioc starch applied for on the date indicated in Annex II hereto under quotas 09.4064 and 09.4065 shall be issued on the date indicated in Annex II, subject to the measures adopted pursuant to Article 7(2) of Commission Regulation (EC) No 1301/2006.

⁽¹⁾ OJ L 408, 30.12.2006, p. 18.

⁽²⁾ OJ L 226, 30.8.2007, p. 15.

⁽³⁾ OJ L 164, 24.6.2005, p. 5.

⁽⁴⁾ OJ L 240, 11.9.2009, p. 14.

⁽⁵⁾ OJ L 365, 21.12.2006, p. 84.

⁽⁶⁾ OJ L 115, 29.4.2008, p. 10.

⁽⁷⁾ OJ L 217, 29.8.2003, p. 35.

⁽⁸⁾ OJ L 94, 31.3.2004, p. 33.

⁽⁹⁾ OJ L 100, 6.4.2004, p. 8.

⁽¹⁰⁾ OJ L 238, 1.9.2006, p. 13.

*Article 3***Manioc**

1. By way of derogation from the first subparagraph of Article 8 of Regulation (EC) No 27/2008, applications for import licences for manioc under quotas 09.4009, 09.4010, 09.4011, 09.4012 and 09.4021 for 2010 may not be lodged before Monday 4 January 2010 or after 13:00 (Brussels time) on Wednesday 15 December 2010.

2. By way of derogation from Article 8(4) of Regulation (EC) No 27/2008, import licences for manioc applied for on the dates indicated in Annex III hereto, under quotas 09.4009, 09.4010, 09.4011, 09.4012 and 09.4021 shall be issued on the date indicated in Annex III, subject to the measures adopted pursuant to Article 7(2) of Regulation (EC) No 1301/2006.

*Article 4***Cereals**

1. By way of derogation from the second subparagraph of Article 4(1) of Regulation (EC) No 1067/2008, the first period for lodging applications for import licences for common wheat of a quality other than high quality under quotas 09.4123, 09.4124 and 09.4125 for 2010 shall not start until 1 January 2010, 13:00 (Brussels time). Such applications may not be lodged after 13:00 (Brussels time) on Friday 17 December 2010.

2. By way of derogation from the second subparagraph of Article 3(1) of Regulation (EC) No 2305/2003, the first period for lodging applications for import licences for barley under quota 09.4126 for 2010 shall not start until 1 January 2010, 13:00 (Brussels time). Such applications may not be lodged after 13:00 (Brussels time) on Friday 17 December 2010.

3. By way of derogation from the second subparagraph of Article 4(1) of Regulation (EC) No 969/2006, the first period for lodging applications for import licences for maize under quota 09.4131 for 2010 shall not start until 1 January 2010, 13:00 (Brussels time). Such applications may not be lodged after 13:00 (Brussels time) on Friday 17 December 2010.

*Article 5***Rice**

1. By way of derogation from the third subparagraph of Article 2(1) of Regulation (EC) No 2058/96, the first period for lodging applications for import licences for broken rice under quota 09.4079 for 2010 shall not start until 13:00 (Brussels time) on 1 January 2010. Such applications may not be lodged after 13:00 (Brussels time) on Friday 10 December 2010.

2. By way of derogation from the first subparagraph of Article 4(3) of Regulation (EC) No 1964/2006, the first period for lodging applications for import licences for rice originating in Bangladesh under quota 09.4517 for 2010

shall not start until 13:00 (Brussels time) on 1 January 2010. Such applications may not be lodged after 13:00 (Brussels time) on Friday 10 December 2010.

3. By way of derogation from Article 2(3) of Regulation (EC) No 1002/2007, the first period for lodging applications for import licences for rice originating in and coming from Egypt under quota 09.4094 for 2010 shall not start until 13:00 (Brussels time) on 1 January 2010. Such applications may not be lodged after 13:00 (Brussels time) on Friday 10 December 2010.

4. By way of derogation from Article 4(1) of Regulation (EC) No 955/2005, the first period for lodging applications for import licences for rice originating in and coming from Egypt under quota 09.4097 for 2010 shall not start until 13:00 (Brussels time) on 1 January 2010. Such applications may not be lodged after 13:00 (Brussels time) on Friday 10 December 2010.

*Article 6***Sugar**

By way of derogation from Article 4(1) of Regulation (EC) No 828/2009, applications for import licences for sugar products under quotas 09.4221, 09.4231 and 09.4241 to 09.4247 may not be lodged from 13:00 (Brussels time) on Friday 17 December 2010 until 13:00 (Brussels time) on Friday 31 December 2010.

*Article 7***Olive oil**

By way of derogation from Article 3(3) of Regulation (EC) No 1918/2006, import licences for olive oil applied for on Monday 29 or Tuesday 30 March 2010 under quota 09.4032 shall be issued on Friday 9 April 2010, subject to the measures adopted pursuant to Article 7(2) of Regulation (EC) No 1301/2006.

*Article 8***Licences for exports of beef and veal, pigmeat, eggs and poultrymeat attracting refunds**

By way of derogation from the second subparagraph of Article 12(1) of Regulation (EC) No 382/2008, Article 3(3) of Regulation (EC) No 1518/2003, Article 3(3) of Regulation (EC) No 596/2004 and Article 3(3) of Regulation (EC) No 633/2004, export licences applied for during the periods referred to in Annex IV hereto shall be issued on the corresponding dates set out therein.

This derogation shall apply only where none of the specific measures provided for in Article 12(2) and (3) of Regulation (EC) No 382/2008, Article 3(4) and (4a) of Regulation (EC) No 1518/2003, Article 3(4) and (4a) of Regulation (EC) No 596/2004 and Article 3(4) and (4a) of Regulation (EC) No 633/2004 is taken before those dates of issue.

*Article 9***Entry into force**

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

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

Done at Brussels, 27 November 2009.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

ANNEX I

Import licences for sweet potatoes to be issued under quotas 09.4013 and 09.4014 for certain periods of 2010

Dates for lodging applications	Dates of issue of licences
Tuesday 30 March 2010	Friday 9 April 2010

ANNEX II

Import licences for manioc starch to be issued under quotas 09.4064 and 09.4065 for certain periods of 2010

Dates for lodging applications	Dates of issue of licences
Tuesday 30 March 2010	Friday 9 April 2010

ANNEX III

Import licences for manioc to be issued under quotas 09.4009, 09.4010, 09.4011, 09.4012 and 09.4021 for certain periods of 2010

Dates for lodging applications	Dates of issue of licences
Monday 29, Tuesday 30 and Wednesday 31 March 2010	Friday 9 April 2010

ANNEX IV

Periods for lodging export licence applications for beef and veal, pigmeat, eggs and poultrymeat	Dates of issue
29 March to 2 April 2010	8 April 2010
17 to 21 May 2010	27 May 2010
25 to 29 October 2010	5 November 2010

DIRECTIVES

COMMISSION DIRECTIVE 2009/149/EC

of 27 November 2009

amending Directive 2004/49/EC of the European Parliament and of the Council as regards Common Safety Indicators and common methods to calculate accident costs

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

initiatives that ensure an efficient allocation of resources, it becomes necessary to prioritise across the different actions.

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2004/49/EC of the European Parliament and of the Council of 29 April 2004 on safety of the Community's railways and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification (Railway Safety Directive) ⁽¹⁾, and in particular Article 5(2) thereof,

Having regard to the recommendation of the European Railway Agency (ERA/REC/SAF/02-2008) of 29 September 2008,

Whereas:

(1) Article 5(2) of Directive 2004/49/EC, as corrected, provides for the possibility to revise Annex I to the said Directive in order to include common definitions of the Common Safety Indicators (CSIs) and methods to calculate accident costs.

(2) In accordance with Article 5(1) of Directive 2004/49/EC information on CSIs is to be collected to facilitate the assessment of the achievement of the Common Safety Targets (CSTs). In conformity with Article 7(3) of the said Directive, the CSTs should be accompanied by an assessment of the economic impact in terms of societal acceptance of risk. The main purpose of CSIs should be to measure safety performance and to facilitate the economic impact assessment of CSTs. Therefore, it is necessary to move from indicators related to costs of all accidents borne by railways to indicators related to the economic impact of accidents on society.

(3) Attributing monetary values to improved safety should be seen in the context of limited budget resources of public policy actions. Therefore, in order to select

(4) Article 9 of Regulation (EC) No 881/2004 of the European Parliament and of the Council of 29 April 2004 establishing a European Railway Agency (Agency Regulation) ⁽²⁾ mandates the Agency to set up a network with the national authorities responsible for safety and the national authorities responsible for the investigations in order to define the content of the CSIs listed in Annex I to Directive 2004/49/EC. In response to this mandate, on 29 September 2008 the Agency delivered its recommendation on the revision of Annex I to Directive 2004/49/EC: common definitions for the CSIs and methods to calculate the economic impact of accidents (ERA/REC/SAF/02-2008).

(5) Annex I to Directive 2004/49/EC should therefore be amended.

(6) The measures provided for in this Directive are in accordance with the opinion of the Committee set up by Article 21 of Directive 96/48/EC,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 2004/49/EC is replaced by the text in the Annex to this Directive.

Article 2

1. Member States shall adopt and publish, by 18 June 2010 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

⁽¹⁾ OJ L 164, 30.4.2004, p. 44.

⁽²⁾ OJ L 164, 30.4.2004, p. 1.

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

Article 4

This Directive is addressed to the Member States.

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

Done at Brussels, 27 November 2009.

Article 3

This Directive shall enter into force 20 days after its publication in the *Official Journal of the European Union*.

For the Commission

Antonio TAJANI

Vice-President

ANNEX

‘ANNEX I

COMMON SAFETY INDICATORS

Common safety indicators shall be reported annually by the safety authorities. The first reporting period shall be 2010.

Indicators relating to activities referred to in Article 2(2), (a) and (b), should be accounted for separately, if they are submitted.

If new facts or errors are discovered after the submission of the report the indicators for one particular year shall be amended or corrected by the safety authority at the first convenient opportunity and at the latest in the next annual report.

For indicators relating to accidents under heading 1, Regulation (EC) No 91/2003 of the European Parliament and of the Council of 16 December 2002 on rail transport statistics ⁽¹⁾ shall be applied as far as the information is available.

1. Indicators relating to accidents

1.1. Total and relative (to train-kilometres) number of significant accidents and a break-down on the following types of accidents:

- collisions of trains, including collisions with obstacles within the clearance gauge,
- derailments of trains,
- level crossing accidents, including accidents involving pedestrians at level crossings,
- accidents to persons caused by rolling stock in motion, with the exception of suicides,
- fires in rolling stock,
- others.

Each significant accident shall be reported under the type of the primary accident, even if the consequences of the secondary accident are more severe, e.g. a fire following a derailment.

1.2. Total and relative (to train-kilometres) number of persons seriously injured and killed by type of accident divided into the following categories:

- passengers (also in relation to total number of passenger-kilometres and passenger train-kilometres),
- employees including the staff of contractors,
- level crossing users,
- unauthorised persons on railway premises,
- others.

2. Indicators relating to dangerous goods

Total and relative (to train-kilometres) number of accidents involving the transport of dangerous goods divided into the following categories:

- accidents involving at least one railway vehicle transporting dangerous goods, as defined by the Appendix,
- number of such accidents in which dangerous goods are released.

⁽¹⁾ OJ L 14, 21.1.2003, p. 1.

3. Indicators relating to suicides

Total and relative (to train-kilometres) number of suicides.

4. Indicators relating to precursors of accidents

Total and relative (to train-kilometres) number of:

- broken rails,
- track buckles,
- wrong-side signalling failures,
- signals passed at danger,
- broken wheels and axles on rolling stock in service.

All precursors are to be reported, both resulting and not resulting in accidents. Precursors resulting in an accident shall be reported under the CSIs on precursors; the accidents that occurred, if significant, shall be reported under the CSIs on accidents referred to in heading 1.

5. Indicators to calculate the economic impact of accidents

Total in euro and relative (to train-kilometres):

- number of deaths and serious injuries multiplied by the Value of Preventing a Casualty (VPC),
- cost of damages to environment,
- cost of material damages to rolling stock or infrastructure,
- cost of delays as a consequence of accidents.

Safety authorities shall report either the economic impact of all accidents, or the economic impact of significant accidents only. This choice shall be clearly indicated in the annual report referred to in Article 18.

The VPC is the value society attributes to the prevention of a casualty and as such shall not form a reference for compensation between parties involved in accidents.

6. Indicators relating to technical safety of infrastructure and its implementation

6.1. Percentage of tracks with Automatic Train Protection (ATP) in operation, percentage of train-kilometres using operational ATP systems.

6.2. Number of level crossings (total, per line kilometre and track kilometre) by the following eight types:

(a) active level crossings with:

- (i) automatic user-side warning,
- (ii) automatic user-side protection,
- (iii) automatic user-side protection and warning,
- (iv) automatic user-side protection and warning, and rail-side protection,
- (v) manual user-side warning,
- (vi) manual user-side protection,
- (vii) manual user-side protection and warning.

(b) passive level crossings.

7. **Indicators relating to the management of safety**

Internal audits accomplished by infrastructure managers and railway undertakings as set out in the documentation of the safety management system. Total number of audits accomplished and the number as a percentage of audits required (and/or planned).

8. **Definitions**

Common definitions for the CSIs and methods to calculate the economic impact of accidents are laid down in the Appendix.

*Appendix***Common definitions for the CSIs and methods to calculate the economic impact of accidents****1. Indicators relating to accidents**

- 1.1. "significant accident" means any accident involving at least one rail vehicle in motion, resulting in at least one killed or seriously injured person, or in significant damage to stock, track, other installations or environment, or extensive disruptions to traffic. Accidents in workshops, warehouses and depots are excluded.
- 1.2. "significant damage to stock, track, other installations or environment" means damage that is equivalent to EUR 150 000 or more.
- 1.3. "extensive disruptions to traffic" means that train services on a main railway line are suspended for six hours or more.
- 1.4. "train" means one or more railway vehicles hauled by one or more locomotives or railcars, or one railcar travelling alone, running under a given number or specific designation from an initial fixed point to a terminal fixed point. A light engine, i.e. a locomotive travelling on its own, is considered to be a train.
- 1.5. "collision of trains, including collisions with obstacles within the clearance gauge" means a front to front, front to end or a side collision between a part of a train and a part of another train, or with:
 - (i) shunting rolling stock,
 - (ii) objects fixed or temporarily present on or near the track (except at level crossings if lost by a crossing vehicle or user).
- 1.6. "train derailment" means any case in which at least one wheel of a train leaves the rails.
- 1.7. "level crossing accidents" means accidents at level crossings involving at least one railway vehicle and one or more crossing vehicles, other crossing users such as pedestrians or other objects temporarily present on or near the track if lost by a crossing vehicle/user.
- 1.8. "accidents to persons caused by rolling stock in motion" means accidents to one or more persons who are either hit by a railway vehicle or by an object attached to, or that has become detached from, the vehicle. Persons who fall from railway vehicles are included, as well as persons who fall or are hit by loose objects when travelling on board vehicles.
- 1.9. "fires in rolling stock" means fires and explosions that occur in railway vehicles (including their load) when they are running between the departure station and the destination, including when stopped at the departure station, the destination or intermediate stops, as well as during re-marshalling operations.
- 1.10. "other types of accidents" means all accidents other than those already mentioned (train collisions, train derailments, at level crossing, to persons caused by rolling stock in motion and fires in rolling stock).
- 1.11. "passenger" means any person, excluding members of the train crew, who makes a trip by rail. For accident statistics, passengers trying to embark/disembark onto/from a moving train are included.
- 1.12. "employees (staff of contractors and self-employed contractors are included)" means any person whose employment is in connection with a railway and is at work at the time of the accident. It includes the crew of the train and persons handling rolling stock and infrastructure installations.
- 1.13. "level crossing users" means all persons using a level crossing to cross the railway line by any mean of transport or by foot.
- 1.14. "unauthorised persons on railway premises" means any person present on railway premises where such presence is forbidden, with the exception of level crossing users.

1.15. "others (third parties)" means all persons not defined as "passengers", "employees including the staff of contractors", "level crossing users" or "unauthorised persons on railway premises".

1.16. "deaths (killed person)" means any person killed immediately or dying within 30 days as a result of an accident, excluding suicides.

1.17. "injuries (seriously injured person)" means any person injured who was hospitalised for more than 24 hours as a result of an accident, excluding attempted suicides.

2. Indicators relating to dangerous goods

2.1. "accident involving the transport of dangerous goods" means any accident or incident that is subject to reporting in accordance with RID ⁽¹⁾/ADR section 1.8.5.

2.2. "dangerous goods" means those substances and articles the carriage of which is prohibited by RID, or authorised only under the conditions prescribed therein.

3. Indicators relating to suicides

3.1. "suicide" means an act to deliberately injure oneself resulting in death, as recorded and classified by the competent national authority.

4. Indicators relating to precursors of accidents

4.1. "broken rails" means any rail which is separated in two or more pieces, or any rail from which a piece of metal becomes detached, causing a gap of more than 50 mm in length and more than 10 mm in depth on the running surface.

4.2. "track buckles" means faults related to the continuum and the geometry of track, requiring track obstruction or immediate reduction of permitted speed to maintain safety.

4.3. "wrong side signalling failure" means any failure of a signalling system (either to infrastructure or to rolling stock), resulting in signalling information less restrictive than that demanded.

4.4. "Signal Passed at Danger (SPAD)" means any occasion when any part of a train proceeds beyond its authorised movement.

Unauthorised movement means to pass:

— a trackside colour light signal or semaphore at danger, order to STOP, where an Automatic Train Control System (ATCS) or ATP system is not operational,

— the end of a safety related movement authority provided in an ATCS or ATP system,

— a point communicated by verbal or written authorisation laid down in regulations,

— stop boards (buffer stops are not included) or hand signals.

Cases in which vehicles without any traction unit attached or a train that is unattended run away past a signal at danger are not included. Cases in which, for any reason, the signal is not turned to danger in time to allow the driver to stop the train before the signal are not included.

National Safety Authorities may report separately on the four indexes and shall report at least an aggregate indicator containing data on all four items.

4.5. "broken wheels and broken axles" means a break affecting the essential parts of the wheel or the axle and creating a risk of accident (derailment or collision).

⁽¹⁾ RID, Regulations concerning the International Carriage of Dangerous Goods by Rail, as adopted under Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods (OJ L 260, 30.9.2008, p. 13).

5. Common methodologies to calculate the economic impact of accidents

5.1. The Value of Preventing a Casualty (VPC) is composed of:

1. Value of safety *per se*: Willingness to Pay (WTP) values based on stated preference studies carried out in the Member State for which they are applied.
2. Direct and indirect economic costs: cost values appraised in the Member State, composed of:
 - medical and rehabilitation cost,
 - legal court cost, cost for police, private crash investigations, the emergency service and administrative costs of insurance,
 - production losses: value to society of goods and services that could have been produced by the person if the accident had not occurred.

5.2. Common principles to appraise the value of safety *per se* and direct/indirect economic costs:

For the value of safety *per se*, the assessment of whether available estimates are appropriate or not shall be based on the following considerations:

- estimates shall relate to a system for valuation of mortality risk reduction in the transport sector and follow a WTP approach according to stated preference methods,
- the respondent sample used for the values shall be representative of the population concerned. In particular, the sample has to reflect the age/income distribution along with other relevant socio-economic/demographic characteristics of the population,
- method for eliciting WTP values: survey design shall be such that questions are clear/meaningful to respondents.

Direct and indirect economic costs shall be appraised on the basis of the real costs borne by society.

- 5.3. "Cost of damage to environment" means costs that are to be met by Railway Undertakings/Infrastructure Managers, appraised on the basis of their experience, in order to restore the damaged area to its state before the railway accident.
- 5.4. "Cost of material damage to rolling stock or infrastructure" means the cost of providing new rolling stock or infrastructure, with the same functionalities and technical parameters as that damaged beyond repair, and the cost of restoring repairable rolling stock or infrastructure to its state before the accident. Both are to be estimated by Railway Undertakings/Infrastructure Managers on the basis of their experience. Also includes costs related to leasing rolling stock, as a consequence of non availability due to damaged vehicles.
- 5.5. "Cost of delays as a consequence of accidents" means the monetary value of delays incurred by users of rail transport (passengers and freight customers) as a consequence of accidents, calculated by the following model:

VT = monetary value of travel time savings

Value of time for a passenger of a train (an hour)

$$VT_P = [VT \text{ of work passengers}] \times [\text{Average percentage of work passengers per year}] + [VT \text{ of non-work passengers}] \times [\text{Average percentage of non-work passengers per year}]$$

VT measured in EUR per passenger per hour

Value of time for a freight train (an hour)

$$VT_F = [VT \text{ of freight trains}] \times [(\text{Tonne-Km})/(\text{Train-Km})]$$

VT is measured in EUR per freight tonne per hour

Average tonnes of goods transported per train in one year = (Tonne-Km)/(Train-Km)

C_M = Cost of 1 minute of delay of a train

Passenger train

$$C_{MP} = K_1 \times (VT_P/60) \times [(\text{Passenger-Km})/(\text{Train-Km})]$$

Average number of passengers per train in one year = (Passenger-Km)/(Train-Km)

Freight train

$$C_{MF} = K_2 * (VT_F/60)$$

Factors K_1 and K_2 are between the value of time and the value of delay, as estimated by stated preference studies, to take into account that the time lost as a result of delays is perceived significantly more negatively than normal travel time.

Cost of delays of an accident = $C_{MP} * (\text{Minutes of delay of passenger trains}) + C_{MF} * (\text{Minutes of delay of freight trains})$

Scope of the model

Cost of delays is to be calculated for all accidents, both significant and non-significant.

Delays are to be calculated as follows:

- real delays on the railway lines where accidents occurred,
- real delays or, if not possible, estimated delays on the other affected lines.

6. Indicators relating to technical safety of infrastructure and its implementation

- 6.1. "Automatic Train Protection (ATP)" means a system that enforces obedience to signals and speed restrictions by speed supervision, including automatic stop at signals.
- 6.2. "level crossing" means any level intersection between the railway and a passage, as recognised by the infrastructure manager and open to public or private users. Passages between platforms within stations are excluded, as well as passages over tracks for the sole use of employees.
- 6.3. "passage" means any public or private road, street or highway, including footpaths and bicycle paths, or other route provided for the passage of people, animals, vehicles or machinery.
- 6.4. "active level crossing" means a level crossing where the crossing users are protected from or warned of the approaching train by the activation of devices when it is unsafe for the user to traverse the crossing.
 - Protection by the use of physical devices:
 - half or full barriers,
 - gates.
 - Warning by the use of fixed equipment at level crossings:
 - visible devices: lights,
 - audible devices: bells, horns, klaxons, etc.,
 - physical devices, e.g. vibration due to road bumps.

Active level crossings are classified as:

1. "Level crossing with crossing-user-side automatic protection and/or warning" means a level crossing where the crossing protection and/or warning are activated by the approaching train.

These level crossings are classified as:

- (i) automatic user-side warning,
- (ii) automatic user-side protection,
- (iii) automatic user-side protection and warning,
- (iv) automatic user-side protection and warning, and rail-side protection.

"Rail-side protection" means a signal or other train protection system that only permits a train to proceed if the level crossing is user-side protected and free from incursion; the latter by means of surveillance and/or obstacle detection.

2. "Level crossing with crossing-user-side manual protection and/or warning" means a level crossing where protection and/or warning is manually activated and there is not an interlocked railway signal showing, to the train, a running aspect only when protection and/or warning of level crossing are activated.

These level crossings are classified as:

- (v) manual user-side warning,
 - (vi) manual user-side protection,
 - (vii) manual user-side protection and warning.
- 6.5. "Passive level crossing" means a level crossing without any form of warning system and/or protection activated when it is unsafe for the user to traverse the crossing.
7. **Indicators relating to the management of safety**
- 7.1. "audit" means a systematic, independent and documented process for obtaining audit evidence and evaluating it objectively to determine the extent to which audit criteria are fulfilled.
8. **Definitions of the scaling bases**
- 8.1. "train-km" means the unit of measure representing the movement of a train over one kilometre. The distance used is the distance actually run, if available, otherwise the standard network distance between the origin and destination shall be used. Only the distance on the national territory of the reporting country shall be taken into account.
- 8.2. "passenger-km" means the unit of measure representing the transport of one passenger by rail over a distance of one kilometre. Only the distance on the national territory of the reporting country shall be taken into account.
- 8.3. "line km" means the length measured in kilometres of the railway network in Member States, whose scope is laid down in Article 2. For multiple-track railway lines, only the distance between origin and destination is to be counted.
- 8.4. "track km" means the length measured in kilometres of the railway network in Member States, whose scope is laid down in Article 2. Each track of a multiple-track railway line is to be counted.'
-

COMMISSION DIRECTIVE 2009/150/EC**of 27 November 2009****amending Directive 98/8/EC of the European Parliament and of the Council to include flocoumafen as an active substance in Annex I thereto****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market ⁽¹⁾, and in particular the second subparagraph of Article 16(2) thereof,

Whereas:

(1) Commission Regulation (EC) No 1451/2007 of 4 December 2007 on the second phase of the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market ⁽²⁾ establishes a list of active substances to be assessed, with a view to their possible inclusion in Annex I, IA or IB to Directive 98/8/EC. That list includes flocoumafen.

(2) Pursuant to Regulation (EC) No 1451/2007, flocoumafen has been evaluated in accordance with Article 11(2) of Directive 98/8/EC for use in product-type 14, rodenticides, as defined in Annex V to Directive 98/8/EC.

(3) The Netherlands was designated as Rapporteur Member State and submitted the competent authority report, together with a recommendation, to the Commission on 4 October 2007 in accordance with Article 14(4) and (6) of Regulation (EC) No 1451/2007.

(4) The competent authority report was reviewed by the Member States and the Commission. In accordance with Article 15(4) of Regulation (EC) No 1451/2007, the findings of the review were incorporated, within the Standing Committee on Biocidal Products on 15 May 2009, in an assessment report.

(5) It appears from the examinations made that biocidal products used as rodenticides and containing flocoumafen may be expected not to present a risk to humans except for accidental incidents with children. A risk has been identified regarding non-target animals. However, flocoumafen is for the time being considered essential for reasons of public health and hygiene. It is

therefore justified to include flocoumafen in Annex I, in order to ensure that in all Member States authorisations for biocidal products used as rodenticides and containing flocoumafen can be granted, modified, or cancelled in accordance with Article 16(3) of Directive 98/8/EC.

(6) In the light of the findings of the assessment report, it is appropriate to require that specific risk mitigation measures are applied at product authorisation level to products containing flocoumafen and used as rodenticides. Such measures should be aimed at limiting the risk of primary and secondary exposure of humans and non-target animals as well as the long-term effects of the substance on the environment. To this end, certain constraints such as the maximum concentration, the prohibition on marketing the active substance in products which are not ready to use and the use of aversive agents should be imposed across the board, while other conditions should be imposed by the Member States on a case-by-case basis.

(7) In view of the identified risks and its characteristics, which render it potentially persistent, liable to bioaccumulate and toxic, or very persistent and very liable to bioaccumulate, flocoumafen should be included in Annex I for five years only and should be made subject to a comparative risk assessment in accordance with the second subparagraph of Article 10(5)(i) of Directive 98/8/EC before its inclusion in Annex I is renewed.

(8) It is important that the provisions of this Directive be applied simultaneously in all the Member States in order to ensure equal treatment of biocidal products on the market containing the active substance flocoumafen and also to facilitate the proper operation of the biocidal products market in general.

(9) A reasonable period should be allowed to elapse before an active substance is included in Annex I in order to permit Member States and the interested parties to prepare themselves to meet the new requirements entailed and to ensure that applicants who have prepared dossiers can benefit fully from the 10-year period of data protection, which, in accordance with Article 12(1)(c)(ii) of Directive 98/8/EC, starts from the date of inclusion.

(10) After inclusion, Member States should be allowed a reasonable period to implement Article 16(3) of Directive 98/8/EC, and in particular, to grant, modify or cancel authorisations of biocidal products in product-type 14 containing flocoumafen to ensure that they comply with Directive 98/8/EC.

⁽¹⁾ OJ L 123, 24.4.1998, p. 1.

⁽²⁾ OJ L 325, 11.12.2007, p. 3.

- (11) Directive 98/8/EC should therefore be amended accordingly.
- (12) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Biocidal Products,

reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

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

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 98/8/EC is amended in accordance with the Annex to this Directive.

Article 2

1. Member States shall adopt and publish, by 30 September 2010 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive.

They shall apply those provisions from 1 October 2011.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 27 November 2009.

For the Commission

Stavros DIMAS

Member of the Commission

ANNEX

The following entry 'No 31' is inserted in Annex I to Directive 98/8/EC:

No	Common name	IUPAC name Identification numbers	Minimum purity of the active substance in the biocidal product as placed on the market	Date of inclusion	Deadline for compliance with Article 16(3) (except for products containing more than one active substance, for which the deadline to comply with Article 16(3) shall be the one set out in the last of the inclusion decisions relating to its active substances)	Expiry date of inclusion	Product type	Specific provisions (*)
'31	Flocoumafen	4-hydroxy-3- [(1RS,3RS;1RS,3RS)- 1,2,3,4-tetrahydro-3- [4-(4-trifluoromethyl- benzyloxy)phenyl]-1- naphthyl]coumarin EC No 421-960-0 CAS No 90035-08-8	955 g/kg	1 October 2011	30 September 2013	30 September 2016	14	<p>In view of the fact that the active substance characteristics render it potentially persistent, liable to bioaccumulate and toxic, or very persistent and very liable to bioaccumulate, the active substance is to be subject to a comparative risk assessment in accordance with the second subparagraph of Article 10(5)(i) of Directive 98/8/EC before its inclusion in this Annex is renewed.</p> <p>Member States shall ensure that authorisations are subject to the following conditions:</p> <ol style="list-style-type: none"> 1. The nominal concentration of the active substance in products shall not exceed 50 mg/kg and only ready-for-use products shall be authorised. 2. Products shall contain an aversive agent and, where appropriate, a dye. 3. Products shall not be used as tracking powder. 4. Primary as well as secondary exposure of humans, non-target animals and the environment are minimised, by considering and applying all appropriate and available risk mitigation measures. Those include, amongst others, the restriction to professional use only, setting an upper limit to the package size and laying down obligations to use tamper resistant and secured bait boxes.'

(*) For the implementation of the common principles of Annex VI, the content and conclusions of assessment reports are available on the Commission website: <http://ec.europa.eu/comm/environment/biocides/index.htm>

COMMISSION DIRECTIVE 2009/151/EC
of 27 November 2009
amending Directive 98/8/EC of the European Parliament and of the Council to include tolylfluanid
as an active substance in Annex I thereto

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

the findings of the review were incorporated, within the Standing Committee on Biocidal Products on 15 May 2009, in an assessment report.

Having regard to the Treaty establishing the European Community,

Having regard to Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market ⁽¹⁾, and in particular the second subparagraph of Article 16(2) thereof,

Whereas:

(1) Commission Regulation (EC) No 1451/2007 of 4 December 2007 on the second phase of the 10-year work programme referred to in Article 16(2) of Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market ⁽²⁾ establishes a list of active substances to be assessed, with a view to their possible inclusion in Annex I, IA or IB to Directive 98/8/EC. That list includes tolylfluanid.

(2) Pursuant to Regulation (EC) No 1451/2007, tolylfluanid has been evaluated in accordance with Article 11(2) of Directive 98/8/EC for use in product-type 8, wood preservatives, as defined in Annex V to Directive 98/8/EC.

(3) Finland was designated as Rapporteur Member State and submitted the competent authority report, together with a recommendation, to the Commission on 24 April 2006 in accordance with Article 14(4) and (6) of Regulation (EC) No 1451/2007.

(4) The competent authority report was reviewed by the Member States and the Commission. In accordance with Article 15(4) of Regulation (EC) No 1451/2007,

(5) It appears from the examinations made that biocidal products used as wood preservatives and containing tolylfluanid may be expected to satisfy the requirements laid down in Article 5 of Directive 98/8/EC. It is therefore appropriate to include tolylfluanid in Annex I, in order to ensure that in all Member States authorisations for biocidal products used as wood preservatives and containing tolylfluanid can be granted, modified, or cancelled in accordance with Article 16(3) of Directive 98/8/EC.

(6) However, unacceptable risks were identified for the *in situ* treatment of wood outdoors and for treated wood exposed to weathering. Therefore, products containing tolylfluanid and used as wood preservatives should not be authorised for those uses.

(7) In the light of the findings of the assessment report, it is appropriate to require that risk mitigation measures are applied at product authorisation level to products containing tolylfluanid and used as wood preservatives to ensure that risks are reduced to an acceptable level in accordance with Article 5 of Directive 98/8/EC and Annex VI thereto. In particular, it is appropriate to require that products intended for industrial or professional use be used with appropriate protective equipment unless it can be demonstrated that risks for industrial or professional users can be reduced by other means. Appropriate measures should be taken to protect the soil and aquatic compartments since unacceptable risks to these compartments have been identified during the evaluation. Instructions should therefore be provided to indicate that treated timber must be stored after treatment under shelter and/or on impermeable hard standing and that any losses must be collected for reuse or disposal.

(8) It is important that the provisions of this Directive be applied simultaneously in all the Member States in order to ensure equal treatment of biocidal products on the market containing the active substance tolylfluanid and also to facilitate the proper operation of the biocidal products market in general.

⁽¹⁾ OJ L 123, 24.4.1998, p. 1.

⁽²⁾ OJ L 325, 11.12.2007, p. 3.

- (9) A reasonable period should be allowed to elapse before an active substance is included in Annex I in order to permit Member States and the interested parties to prepare themselves to meet the new requirements entailed and to ensure that applicants who have prepared dossiers can benefit fully from the 10-year period of data protection, which, in accordance with Article 12(1)(c)(ii) of Directive 98/8/EC, starts from the date of inclusion.
- (10) After inclusion, Member States should be allowed a reasonable period to implement Article 16(3) of Directive 98/8/EC, and in particular, to grant, modify or cancel authorisations of biocidal products in product-type 8 containing tolylfluanid to ensure that they comply with Directive 98/8/EC.
- (11) Directive 98/8/EC should therefore be amended accordingly.
- (12) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Biocidal Products,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 98/8/EC is amended in accordance with the Annex to this Directive.

Article 2

1. Member States shall adopt and publish, by 30 September 2010 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive.

They shall apply those provisions from 1 October 2011.

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

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

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 27 November 2009.

For the Commission

Stavros DIMAS

Member of the Commission

ANNEX

The following entry 'No 29' is inserted in Annex I to Directive 98/8/EC:

No	Common name	IUPAC name Identification numbers	Minimum purity of the active substance in the biocidal product as placed on the market	Date of inclusion	Deadline for compliance with Article 16(3) (except for products containing more than one active substance, for which the deadline to comply with Article 16(3) shall be the one set out in the last of the inclusion decisions relating to its active substances)	Expiry date of inclusion	Product type	Specific provisions (*)
'29	tolyfluanid	Dichloro-N- [(dimethylamino)sulphonyl]fluoro-N-(p-tolyl)methanesulphonamide EC No: 211-986-9 CAS No: 731-27-1	960 g/kg	1 October 2011	30 September 2013	30 September 2021	8	<p>Products shall not be authorised for the <i>in situ</i> treatment of wood outdoors or for wood that will be exposed to weathering.</p> <p>Member States shall ensure that authorisations are subject to the following conditions:</p> <ol style="list-style-type: none"> 1. In view of the assumptions made during the risk assessment, products authorised for industrial or professional use must be used with appropriate personal protective equipment, unless it can be demonstrated in the application for product authorisation that risks to industrial or professional users can be reduced to an acceptable level by other means. 2. In view of the risks identified for the soil and aquatic compartments, appropriate risk mitigation measures must be taken to protect those compartments. In particular, labels and/or safety-data sheets of products authorised for industrial or professional use shall indicate that freshly treated timber must be stored after treatment under shelter and/or on impermeable hard standing to prevent direct losses to soil or water and that any losses must be collected for reuse or disposal.'

(*) For the implementation of the common principles of Annex VI, the content and conclusions of assessment reports are available on the Commission website: <http://ec.europa.eu/comm/environment/biocides/index.htm>

II

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is not obligatory)

DECISIONS

COUNCIL

COUNCIL DECISION

of 20 October 2009

on the signing and conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the State of Israel concerning reciprocal liberalisation measures on agricultural products, processed agricultural products and fish and fishery products, the replacement of Protocols 1 and 2 and their Annexes and amendments to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the State of Israel, of the other part

(2009/855/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133, in conjunction with the first sentence of the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) Articles 14 and 15 of the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the State of Israel, of the other part ⁽¹⁾ (the 'Association Agreement'), in force since 1 June 2000, provide that the Community and Israel shall progressively implement greater liberalisation of their reciprocal trade in agricultural and fisheries products. Article 9(4) of the Association Agreement foresees the possibility for further mutual tariff concessions in processed agricultural products listed in Annexes II to VI to that agreement.

(2) On 11 April 2005, the EU-Israel Association Council adopted an Action Plan of the European Neighbourhood Policy that includes a specific provision for the further liberalisation of trade in agricultural products, processed agricultural products and fish and fishery products.

(3) On 14 November 2005, the Council authorised the Commission to conduct negotiations within the framework of the Association Agreement, in order to achieve a greater liberalisation of reciprocal trade in agricultural products, processed agricultural products and fish and fishery products.

(4) On 18 July 2008, the Commission concluded negotiations on behalf of the Community on an Agreement in the form of an Exchange of Letters with a view to amending the Association Agreement.

(5) The measures necessary for the implementation of this Decision should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽²⁾.

(6) The Agreement in the form of an Exchange of Letters should be approved,

⁽¹⁾ OJ L 147, 21.6.2000, p. 3.

⁽²⁾ OJ L 184, 17.7.1999, p. 23.

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an Exchange of Letters between the European Community and the State of Israel concerning reciprocal liberalisation measures on agricultural products, processed agricultural products and fish and fishery products, which amends the Association Agreement and, in particular, replaces Protocols 1 and 2 of that Agreement, as well as their annexes, is hereby approved on behalf of the Community.

The text of the Agreement in the form of an Exchange of Letters is attached to this Decision.

Article 2

1. The Commission shall adopt the necessary implementing measures for Protocols 1 and 2 in accordance with Decision 1999/468/EC.

2. The Commission shall be assisted in this task by the Management Committee for the Common Organisation of Agricultural Markets, established by Article 195 of 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⁾, by the Management Committee for Fisheries Products, established by Article 38 of Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products⁽²⁾, or by the Management Committee on horizontal questions concerning trade in Processed Agricultural Products not listed in Annex 1 to the Treaty, established by Article 16 of Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products⁽³⁾ or, where appropriate, by the committees established by the corresponding provisions of other regulations on the common organisation of markets or by the Customs Code Committee established by Article 248a of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽⁴⁾.

Article 3

Where the Community needs to take a safeguard measure concerning agricultural products and fish and fishery products, as provided for in the Association Agreement, that measure shall be adopted in accordance with the procedure provided for in Article 159(2) of Council Regulation (EC) No 1234/2007 or in Article 30 of Council Regulation (EC) No 104/2000. In the case of processed agricultural products, such safeguard measures shall, provided that the conditions laid down in the relevant provisions of the Association Agreement are met, be adopted in accordance with the relevant provisions of Regulation (EEC) No 2783/75 of the Council of 29 October 1975 on the common system of trade for ovalbumin and lactalbumin⁽⁵⁾, Council Regulation (EC) No 3448/93 and Council Regulation (EC) No 1667/2006 of 7 November 2006 on glucose and lactose⁽⁶⁾.

Article 4

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement in order to bind the Community.

Article 5

This Decision shall be published in the *Official Journal of the European Union*.

Done at Luxembourg, 20 October 2009.

For the Council
The President
A. BORG

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 17, 21.1.2000, p. 22.

⁽³⁾ OJ L 318, 20.12.1993, p. 18.

⁽⁴⁾ OJ L 302, 19.10.1992, p. 1.

⁽⁵⁾ OJ L 282, 1.11.1975, p. 104.

⁽⁶⁾ OJ L 312, 11.11.2006, p. 1.

AGREEMENT

in the form of an Exchange of Letters between the European Community and the State of Israel concerning reciprocal liberalisation measures on agricultural products, processed agricultural products and fish and fishery products, the replacement of protocols 1 and 2 and their annexes and amendments to the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the State of Israel, of the other part

A. Letter from the European Community

Sir/Madam,

I have the honour of referring to the negotiations which took place under Articles 9(4), 14 and 15 of the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the State of Israel, of the other part (the 'Association Agreement'), in force since 1 June 2000, which foresees the possibility for additional mutual tariff concessions on processed agricultural products and provides that the Community and the State of Israel shall progressively establish a greater liberalisation of their trade in agricultural products and fish and fishery products.

On the conclusion of the negotiations, the two Parties agreed upon the following amendments to the Association Agreement:

1. Article 7 shall be replaced by the following:

'The provisions of this Chapter shall apply to products originating in the Community and in Israel other than those listed in chapters 1 to 24 of the Combined Nomenclature (CN) and of the Israeli customs tariff, and those listed in Annex 1(1)(ii) to the Agreement on Agriculture of the GATT.'

2. Article 9 shall be deleted.

3. The title of Chapter 3 shall be replaced by the following:

'AGRICULTURAL PRODUCTS, PROCESSED AGRICULTURAL PRODUCTS AND FISH AND FISHERY PRODUCTS'.

4. Article 10 shall be replaced by the following:

'The provisions of this Chapter shall apply to products originating in the Community and in Israel listed in Chapters 1 to 24 of the Combined Nomenclature (CN) and of the Israeli customs tariff, and in Annex 1(1)(ii) to the Agreement on Agriculture of the GATT.'

5. Article 12 shall be replaced by the following:

'Agricultural products, processed agricultural products and fish and fishery products originating in Israel, on importation into the Community, shall be subject to the arrangements set out in Protocols 1 and 3.'

6. Article 13 shall be replaced by the following:

'Agricultural products, processed agricultural products and fish and fishery products originating in the Community, on importation into Israel, shall be subject to the arrangements set out in Protocols 2 and 3.'

7. Article 14 shall be replaced by the following:

'The European Community and Israel shall meet three years from the date of entry into force of the Agreement in the form of an Exchange of Letters signed at Brussels on 4 November 2009, which corresponds to the seventeenth day of Heshvan 5770 in the Hebrew calendar, to consider the possibility of granting each other further concessions of trade in agricultural products, processed agricultural products and fish and fishery products.'

8. Article 15 shall be deleted.

9. Annexes I to VI shall be deleted.

10. Protocols 1 and 2 and their annexes shall be replaced by those appearing in Annexes I and II to this Agreement in the form of an Exchange of Letters.

11. A Common Declaration on geographical indications, appearing in Annex III to this Exchange of Letters, shall be added.

This Agreement in the form of an Exchange of Letters shall enter into force on the first day of the second month following the date of deposit of the last instrument of approval.

I would be grateful if you could confirm the agreement of your Government to the above.

Please accept, Sir, the assurance of my highest consideration.

Съставено в Брюксел на
 Hecho en Bruselas, el
 V Bruselu dne
 Udfærdiget i Bruxelles, den
 Geschehen zu Brüssel am
 Brüssel,
 Έγινε στις Βρυξέλλες, στις
 Done at Brussels,
 Fait à Bruxelles, le
 Fatto a Bruxelles, addì
 Briselē,
 Priimta Briuselyje
 Kelt Brüsszelben,
 Maghmula fi Brussel,
 Gedaan te Brussel,
 Sporządzono w Brukseli dnia
 Feito em Bruxelas,
 Adoptat la Bruxelles,
 V Bruseli
 V Bruslju,
 Tehty Brysselissä
 Utfärdat i Bryssel den

0 4 -11- 2009

נעשה בבדליסל, בתאריך י"ז בחשוון בשנה ה'תש"ע לפי הלוח העברי שהוא יום 4 בנובמבר 2009

За Европейската общност
 Por la Comunidad Europea
 Za Evropské společenství
 For Det Europæiske Fællesskab
 Für die Europäische Gemeinschaft
 Euroopa Ühenduse nimel
 Για την Ευρωπαϊκή Κοινότητα
 For the European Community
 Pour la Communauté européenne
 Per la Comunità europea
 Eiropas Kopienas vārdā
 Europos bendrijos vardu
 Az Európai Közösség részéről
 Għall-Komunità Ewropea
 Voor de Europese Gemeenschap
 W imieniu Wspólnoty Europejskiej
 Pela Comunidade Europeia
 Pentru Comunitatea Europeană
 Za Európske spoločenstvo
 Za Evropsko skupnost
 Euroopan yhteisön puolesta
 För Europeiska gemenskapen

בשם הקהילה האירופית

ANNEX I

PROTOCOL 1

concerning the arrangements applicable to imports into the European Community of agricultural products, processed agricultural products and fish and fishery products originating in the State of Israel

1. The products listed in the Annex, originating in Israel, shall be admitted for import into the Community, subject to the conditions contained hereinafter and in the Annex.
2. From the date of entry into force of the Agreement in the form of an Exchange of Letters signed at Brussels on 4 November 2009, which corresponds to the seventeenth day of Heshvan 5770 in the Hebrew calendar, (hereinafter 'the Agreement in the form of an Exchange of Letters'), customs duties and charges having equivalent effect (including their agriculture component), which are applicable on the import into the European Community of agricultural products, processed agricultural products and fish and fishery products originating in Israel shall be eliminated, except as otherwise provided for in Table 1 of the Annex.
3. For those products originating in Israel listed in Table 2 of the Annex, customs duties shall be eliminated or reduced within the limit of the tariff quotas listed in column 'b'.

Customs duties in respect of the quantities in excess of the quotas shall be reduced by the percentage listed in column 'c'.

For the first year after the date of entry into force of the Agreement in the form of an Exchange of Letters, the volume of tariff quotas shall be calculated as a pro rata of the basic volume, taking into account the part of the period elapsed before the date of entry into force of that Agreement.

4. Notwithstanding the conditions under point 2 of this Protocol, for the products to which an entry price applies in accordance with Article 140a of Council Regulation (EC) No 1234/2007 ⁽¹⁾, and for which the Common Customs Tariff provides for the application of ad valorem customs duties and a specific customs duty, the elimination applies only to the ad valorem part of the duty.
5. For those products originating in Israel listed in Table 3, customs duties shall be bound to the current applied duties listed in columns 'a' and 'b'.

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

ANNEX TO PROTOCOL 1

Table 1

Products not included in the table below are duty free. A preferential treatment for some of the products listed below is indicated in Tables 2 and 3.

CN Code ⁽¹⁾	Description ⁽²⁾
0105 12 00	Live turkeys weighing not more than 185 g
0207 27	Turkey cuts and offal, frozen
0207 33	Meat of ducks, geese or guinea fowls
0207 34	
0207 35	
0207 36	
ex 0302 69 99 ex 0303 79 98 ex 0304 19 99 ex 0304 29 99 ex 0305 30 90	Bogue (<i>Boops boops</i>); fresh or chilled; frozen; fillets, frozen, and other fish meat, fresh or chilled; fillets, dried, salted or in brine, but not smoked
ex 0301 99 80 0302 69 61 0302 69 95 0303 79 71 ex 0303 79 98 ex 0304 19 39 ex 0304 19 99 ex 0304 29 99 ex 0304 99 99 ex 0305 10 00 ex 0305 30 90 ex 0305 49 80 ex 0305 59 80 ex 0305 69 80	Sea bream (<i>Dentex dentex</i> and <i>Pagellus</i> spp.) and gilt-head sea breams (<i>Sparus aurata</i>); live; fresh or chilled; frozen; fish fillets and other fish meat, fresh, chilled or frozen; dried, salted or in brine; smoked; flours, meals and pellets, fit for human consumption
ex 0301 99 80 0302 69 94 ex 0303 77 00 ex 0304 19 39 ex 0304 19 99 ex 0304 29 99 ex 0304 99 99 ex 0305 10 00 ex 0305 30 90 ex 0305 49 80 ex 0305 59 80 ex 0305 69 80	Sea bass (<i>Dicentrarchus labrax</i>); live; fresh or chilled; frozen; fish fillets and other fish meat, fresh, chilled or frozen; dried, salted or in brine, smoked; flours, meals and pellets, fit for human consumption
0404 10	Whey and modified whey, whether or not concentrated or containing added sugar or other sweetening matter
0408 11 80	Egg yolks, dried, for human consumption, whether or not containing added sugar or other sweetening matter
0408 19 89	Egg yolks (other than liquid), frozen or otherwise preserved, suitable for human consumption, whether or not containing added sugar or other sweetening matter (excl. dried)
0408 91 80	Dried bird's eggs, not in shell, whether or not containing added sugar or other sweetening matter, suitable for human consumption (excl. egg yolks)
0409 00 00	Natural honey
0603 11 00 0603 12 00 0603 13 00 0603 14 00 0603 19 10 0603 19 90	Cut flowers and flower buds, fresh

CN Code ⁽¹⁾	Description ⁽²⁾
0701 90 50	New potatoes, from 1 January to 30 June, fresh or chilled
0702 00 00	Tomatoes, fresh or chilled
0703 20 00	Garlic, fresh or chilled
0707 00	Cucumbers and gherkins, fresh or chilled
0709 60 10	Sweet peppers, fresh or chilled
0709 90 70	Courgettes, fresh or chilled
0710 40 00	Sweet corn (uncooked or cooked by steaming or boiling in water), frozen
0710 90 00	Mixtures of vegetables(uncooked or cooked by steaming or boiling in water), frozen
0711 90 30	Sweet corn, provisionally preserved (for example by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption
0712 90 30	Dried tomatoes, whole, cut, sliced, broken or in powder, but not further prepared
0805 10	Oranges, fresh or dried
0805 20 10	Clementines, fresh or dried
0805 20 50	Mandarins and wilkings, fresh or dried
0806 10 10	Table grapes, fresh
0807 19 00	Melons, fresh, other than watermelons
0810 10 00	Fresh strawberries
1509 10	Virgin olive oil
1602	Prepared or preserved meat, meat offal or blood (excl. sausages and similar products, and meat extracts and juices)
1604 13	Prepared or preserved sardines, sardinella and brisling or sprats, whole or in pieces, but not minced
1604 14	Prepared or preserved tunas, skipjack and bonito (<i>Sarda</i> spp.), whole or in pieces, but not minced
1604 15	Prepared or preserved mackerel, whole or in pieces, but not minced
1604 19 31	Fillets known as 'loins' of fish of the genus <i>Euthynnus</i> , other than skipjack (<i>Euthynnus</i> (<i>Katsuwonus</i>) <i>pelamis</i>), prepared or preserved, whole or in pieces, but not minced
1604 19 39	Prepared or preserved fish of the genus <i>Euthynnus</i> , other than skipjack (<i>Euthynnus</i> (<i>Katsuwonus</i>) <i>pelamis</i>), whole or in pieces, but not minced, other than fillets known as 'loins'
1604 20 50	Prepared or preserved sardines, bonito, mackerel of species <i>Scomber scombrus</i> and <i>Scomber japonicus</i> and fish of the species <i>Orcynopsis unicolor</i>
1604 20 70	Prepared or preserved tunas, skipjack or other fish of genus <i>Euthynnus</i>
1701	Cane or beet sugar chemically pure sucrose, in solid form
ex 1702	Other sugars, including chemically pure lactose, maltose, and glucose, in solid form; sugar syrups not containing added flavouring or colouring matter; artificial honey, whether or not mixed with natural honey, caramel, with the exception of chemically pure fructose of CN code 1702 50 00.
1704 10 90	Chewing gum whether or not sugar-coated, containing 60 % or more by weight of sucrose (including invert sugar expressed as sucrose)

CN Code ⁽¹⁾	Description ⁽²⁾
ex 1704 90	Other sugar confectionery, not containing cocoa; with the exception of: <ul style="list-style-type: none"> — liquorice extract containing more than 10 % by weight of sucrose but not containing other added substances, falling within the CN code 1704 90 10; — white chocolate falling within the CN code 1704 90 30; — pastes including marzipan, in immediate packagings of a net content of 1 kg or more falling within the CN code 1704 90 51
1806 10 20	Cocoa powder containing 5 % or more but less than 65 % by weight of sucrose (including invert sugar expressed as sucrose) or isoglucose expressed as sucrose
1806 10 30	Cocoa powder containing 65 % or more but less than 80 % by weight of sucrose (including invert sugar expressed as sucrose) or isoglucose expressed as sucrose
1806 10 90	Cocoa powder containing 80 % or more by weight of sucrose (including invert sugar expressed as sucrose) or isoglucose expressed as sucrose
1806 20	Other food preparations containing cocoa in block, slabs or bars weighing more than 2 kg or in liquid, paste, powder, granular or other bulk form in containers or immediate packagings, of a content exceeding 2 kg
ex 1901 90 99	Other food preparations of flour, groats, meal, starch or malt extract, not containing cocoa or containing less than 40 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included; food preparations of goods of headings 0401 to 0404, not containing cocoa or containing less than 5 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included, containing 60 % or more by weight of sucrose (including invert sugar expressed as sucrose) or isoglucose expressed as sucrose
1905 20 30 1905 20 90	Gingerbread and the like, containing by weight 30 % or more of sucrose (including invert sugar expressed as sucrose)
2001 90 30	Sweet corn (<i>Zea mays</i> var. <i>saccharata</i>), prepared or preserved by vinegar or acetic acid
2002 90 91 2002 90 99	Tomatoes, prepared or preserved otherwise than by vinegar or acetic acid, with a dry matter content of more than 30 % by weight
2004 90 10	Sweet corn (<i>Zea mays</i> var. <i>saccharata</i>), prepared or preserved otherwise than by vinegar or acetic acid, frozen
2005 80 00	Sweet corn (<i>Zea mays</i> var. <i>saccharata</i>), prepared or preserved otherwise than by vinegar or acetic acid, not frozen
ex 2005 99 excluding 2005 99 50 and 2005 99 90	Other vegetables
2008 70	Canned peaches, including nectarines
2009 11 2009 12 00 2009 19	Orange juice
ex 2009 90	Mixtures of citrus juices
2101 12 98 2101 20 98	Preparations with a basis of coffee, tea or maté
ex 2106 90 98	Other food preparations not elsewhere specified or included (excluding protein concentrates and textured protein substances), containing 60 % or more by weight of sucrose (including invert sugar expressed as sucrose) or isoglucose expressed as sucrose
2204	Wine of fresh grapes, including fortified wines; grape must other than that of heading 2009
2905 43 00 2905 44	Mannitol and D-glucitol (sorbitol)
3302 10 29	Preparations containing all flavouring agents characterizing a beverage, containing by weight, 1,5 % or more of milk fat, 5 % or more of sucrose or isoglucose, 5 % or more of glucose or starch

CN Code ⁽¹⁾	Description ⁽²⁾
3501 10 50 3501 10 90 3501 90 90	Casein, other than for the manufacture of regenerated textile fibres, caseinates and other casein derivatives
3502 11 90	Dried egg albumin, for human consumption
3502 19 90	Other egg albumin, for human consumption
3502 20 91	Dried milk albumin, for human consumption
3502 20 99	Other milk albumin, for human consumption
3505 10 3505 20	Dextrins, other modified starches, and glues based on starches or on dextrins or other modified starches
3809 10	Finishing agents, dye carriers to accelerate the dyeing or fixing of dyestuffs and other products and preparations (for example, dressings and mordants), of a kind used in the textile, paper, leather or like industries, not elsewhere specified or included, with a basis of amylaceous substances
3824 60	Sorbitol other than that of subheading 2905 44

⁽¹⁾ CN codes corresponding to Regulation (EC) No 1214/2007 (OJ L 286, 31.10.2007, p. 1).

⁽²⁾ Notwithstanding the rules for the interpretation of the combined nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the CN codes. Where 'ex' CN codes are indicated, the preferential scheme is to be determined by the application of the CN codes and corresponding description taken together.

Table 2

For the following products a preferential treatment is provided in the form of tariff quotas and calendars as listed below:

CN Code ⁽¹⁾	Description ⁽²⁾	a	b	c
		Reduction of the MFN customs duty (%)	Tariff quota (Tonnes net weight), unless otherwise indicated	Reduction of the MFN customs duty beyond current tariff quota (%)
0105 12 00	Live turkeys weighing not more than 185 g	100	129 920 pieces	—
0207 27 10	Boneless turkeys cuts, frozen	100	4 000	—
0207 27 30 0207 27 40 0207 27 50 0207 27 60 0207 27 70	Turkeys cuts with bone in, frozen			
ex 0207 33	Meat of ducks and geese, not cut in pieces, frozen	100	560	—
ex 0207 35	Other meat and edible offal of ducks and geese, fresh or chilled			
ex 0207 36	Other meat and edible offal of ducks and geese, frozen			
0404 10	Whey and modified whey, whether or not concentrated or containing added sugar or other sweetening matter	100	1 300	—
0603 11 00 0603 12 00 0603 13 00 0603 14 00 0603 19 10 0603 19 90	Cut flowers and flower buds, fresh	100	22 196	—

CN Code ⁽¹⁾	Description ⁽²⁾	a	b	c
		Reduction of the MFN customs duty (%)	Tariff quota (Tonnes net weight), unless otherwise indicated	Reduction of the MFN customs duty beyond current tariff quota (%)
0603 19 90	Other fresh cut flowers and buds from 1 November to 15 April	100	7 840	—
0701 90 50	New potatoes, from 1 January to 30 June, fresh or chilled	100	33 936	—
ex 0702 00 00	Cherry tomatoes, fresh or chilled ⁽³⁾	100	28 000	—
ex 0702 00 00	Tomatoes, fresh or chilled, other than cherry tomatoes	100	5 000	—
0707 00 05	Cucumbers, fresh or chilled	100	1 000	—
0709 60 10	Sweet peppers, fresh or chilled	100	17 248	40
0709 90 70	Courgettes, fresh or chilled, from 1 December to end February	100	—	—
0710 40 00 2004 90 10	Sweet corn, frozen	100 % of the ad valorem part of the duty + 30 % of the agricultural component ^(*)	10 600	(**)
0711 90 30 2001 90 30 2005 80 00	Sweet corn, not frozen	100 % of the ad valorem part of the duty + 30 % of the agricultural component ^(*)	5 400	(**)
0712 90 30	Dried tomatoes, whole, cut, sliced, broken or in powder, but not further prepared	100	1 200	—
ex 0805 10	Oranges, fresh	100	224 000 ⁽⁴⁾	60
ex 0805 20 10 ex 0805 20 50	Clementines, mandarins and wilkings, fresh	100	40 000	60
ex 0805 20 10 ex 0805 20 50	Clementines, mandarins and wilkings, fresh from 15 March to 30 September	100	15 680	60
0806 10 10	Table grapes, fresh from 1 April to 31 July	100	—	—
0807 19 00	Other fresh melons (excl. watermelons), from 1 August to 31 May	100	30 000	50
0810 10 00	Strawberries fresh, from 1 November to 30 April	100	5 000	60
1602 31 19	Prepared or preserved meat, meat offal or blood of turkeys, containing 57 % or more by weight of poultry meat or offal, other than exclusively uncooked turkey meat	100	5 000	—
1602 31 30	Prepared or preserved meat, meat offal or blood of turkeys, containing 25 % or more but less than 57 % by weight of poultry meat or offal			

CN Code ⁽¹⁾	Description ⁽²⁾	a	b	c
		Reduction of the MFN customs duty (%)	Tariff quota (Tonnes net weight), unless otherwise indicated)	Reduction of the MFN customs duty beyond current tariff quota (%)
1602 32 19	Prepared or preserved meat, meat offal or blood of fowls of the species <i>Gallus domesticus</i> , containing 57 % or more by weight of poultry meat or offal, other than uncooked	100	2 000	—
1602 32 30	Prepared or preserved meat, meat offal or blood of fowls of the species <i>Gallus domesticus</i> , containing 25 % or more but less than 57 % by weight of poultry meat or offal			
1704 10 90	Chewing gum whether or not sugar-coated, not containing cocoa, containing 60 % or more by weight of sucrose (including invert sugar expressed as sucrose)	100	100	(**)
ex 1704 90 99	Marshmallows, being other sugar confectionery, not containing cocoa, containing 45 % or less by weight of sugar (including invert sugar expressed as sucrose)	100	—	—
1806 10 20 1806 10 30 1806 10 90	Cocoa powder containing 5 % or more by weight of sucrose (including invert sugar expressed as sucrose) or isoglucose expressed as sucrose	100 % of the ad valorem part of the duty + 15 % of the agricultural component (*)	2 500	(**)
1806 20	Other food preparations containing cocoa in block, slabs or bars weighing more than 2 kg or in liquid, paste, powder, granular or other bulk form in containers or immediate packagings, of a content exceeding 2 kg			
1905 20 30 1905 20 90	Gingerbread and the like, containing by weight 30 % or more of sucrose (including invert sugar expressed as sucrose)	100 % of the ad valorem part of the duty + 30 % of the agricultural component (*)	3 200	(**)
2002 90 91 2002 90 99	Tomatoes, prepared or preserved otherwise than by vinegar or acetic acid, with a dry matter content of more than 30 % by weight	100	784	—
ex 2008 70 71	Slices of peaches, fried in oil	100	112	—
2009 11 2009 12 00 2009 19	Orange juice	100	35 000 of which, in packs of 2 l or less not more than 21 280	70
ex 2009 90	Mixtures of citrus juices	100	19 656	—

CN Code ⁽¹⁾	Description ⁽²⁾	a	b	c
		Reduction of the MFN customs duty (%)	Tariff quota (Tonnes net weight), unless otherwise indicated)	Reduction of the MFN customs duty beyond current tariff quota (%)
2204	Wine of fresh grapes, including fortified wines; grape must other than that of heading 2009	100	6 212 hl	—
3505 20	Glues based on starches, or on dextrans or other modified starches	100	250	(**)

⁽¹⁾ CN codes corresponding to Regulation (EC) No 1214/2007 (OJ L 286, 31.10.2007, p. 1).

⁽²⁾ Notwithstanding the rules for the interpretation of the combined nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the CN codes. Where 'ex' CN codes are indicated, the preferential scheme is to be determined by the application of the CN codes and corresponding description taken together.

⁽³⁾ Entry under this subheading is subject to the conditions laid down in the relevant Community provisions (Regulation (EC) No 790/2000, OJ L 95, 15.4.2000, p. 24) and subsequent amendments.

⁽⁴⁾ Within this tariff quota the specific duty provided in the Community's list of concessions to the WTO is reduced to zero for the period from 1 December to 31 May, if the entry price is not less than EUR 264/tonne, being the entry price agreed between the European Commission and Israel. If the entry price for a consignment is 2, 4, 6 or 8 % lower than the agreed entry price, the specific customs quota duty shall be equal respectively to 2, 4, 6 or 8 % of this agreed entry price. If the entry price of a consignment is less than 92 % of the agreed entry price, the specific customs duty bound within the WTO shall apply.

^(*) In this respect, 'agricultural component' is the specific part of the duty established in Regulation (EC) No 1214/2007 (OJ L 286, 31.10.2007, p. 1).

^(**) For those products the applicable duty beyond the tariff quota is established in Table 3 of this Annex.

Table 3

For the following products customs duties shall be bound as listed below:

CN Code ⁽¹⁾	Description ⁽²⁾	a	b ⁽³⁾
		Ad valorem component of the duty (%)	Specific component of the duty
0710 40 00	Sweet corn, uncooked or cooked by steaming or boiling in water, frozen	0	EUR 9,4/100 kg net eda
0711 90 30	Sweet corn, provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption	0	EUR 9,4/100 kg net eda
1704 10 90	Chewing gum whether or not sugar-coated, containing 60 % or more by weight of sucrose (including invert sugar expressed as sucrose).	0	EUR 30,90/100 kg net MAX 18,20 %
ex 1704 90	Other sugar confectionery, not containing cocoa; with the exception of: — liquorice extract containing more than 10 % by weight of sucrose but not containing other added substances, falling within the CN code 1704 90 10; — white chocolate falling within the CN code 1704 90 30; — pastes including marzipan, in immediate packagings of a net content of 1 kg or more falling within the CN code 1704 90 51.	0	EA MAX 18,7 % + AD S/Z
1806 10 20	Cocoa powder containing 5 % or more but less than 65 % by weight of sucrose (including invert sugar expressed as sucrose) or isoglucose expressed as sucrose.	0	EUR 25,2/100 kg net

CN Code ⁽¹⁾	Description ⁽²⁾	a	b ⁽³⁾
		Ad valorem component of the duty (%)	Specific component of the duty
1806 10 30	Cocoa powder containing 65 % or more but less than 80 % by weight of sucrose (including invert sugar expressed as sucrose) or isoglucose expressed as sucrose.	0	EUR 31,4/100 kg net
1806 10 90	Cocoa powder containing 80 % or more by weight of sucrose (including invert sugar expressed as sucrose) or isoglucose expressed as sucrose	0	EUR 41,9/100 kg net
ex 1806 20	Other food preparations containing cocoa in blocks, slabs or bars weighing more than 2 kg or in liquid, paste, powder, granular or other bulk form in containers or immediate packagings, of a content exceeding 2 kg; with the exception of chocolate milk crumb falling within the CN code 1806 20 70	0	EA MAX 18,7 % + AD S/Z
1806 20 70	Chocolate milk crumb	0	EA
ex 1901 90 99	Other food preparations of flour, groats, meal, starch or malt extract, not containing cocoa or containing less than 40 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included; food preparations of goods of headings 0401 to 0404, not containing cocoa or containing less than 5 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included, containing 60 % or more by weight of sucrose (including invert sugar expressed as sucrose) or isoglucose expressed as sucrose	0	EA
1905 20 30	Gingerbread and the like, containing by weight 30 % or more but less than 50 % of sucrose (including invert sugar expressed as sucrose)	0	EUR 24,6/100 kg net
1905 20 90	Gingerbread and the like, containing by weight 50 % or more of sucrose (including invert sugar expressed as sucrose)	0	EUR 31,4/100 kg net
2001 90 30	Sweet corn (<i>Zea mays var. saccharata</i>), prepared or preserved by vinegar or acetic acid	0	EUR 9,4/100 kg, net eda
2004 90 10	Sweet corn, (<i>Zea mays var. saccharata</i>) prepared or preserved otherwise than by vinegar or acetic acid, frozen	0	EUR 9,4/100 kg, net eda
2005 80 00	Sweet corn (<i>Zea mays var. saccharata</i>), prepared or preserved otherwise than by vinegar or acetic acid, not frozen	0	EUR 9,4/100 kg, net eda
2101 12 98	Preparations with a basis of coffee	0	EA
2101 20 98	Preparations with a basis of tea or maté	0	EA
ex 2106 90 98	Other food preparations not elsewhere specified or included (excluding protein concentrates and textured protein substances), containing 60 % or more by weight of sucrose (including invert sugar expressed as sucrose) or isoglucose expressed as sucrose	0	EA

CN Code ⁽¹⁾	Description ⁽²⁾	a	b ⁽³⁾
		Ad valorem component of the duty (%)	Specific component of the duty
2905 43 00	Mannitol	0	EUR 125,8/100 kg net
2905 44 11	D-glucitol (sorbitol) in aqueous solution, containing 2 % or less by weight of D-mannitol, calculated on the D-glucitol content	0	EUR 16,1/100 kg net
2905 44 19	D-glucitol (sorbitol) in aqueous solution, containing more than 2 % by weight of D-mannitol, calculated on the D-glucitol content	0	EUR 37,8/100 kg net
2905 44 91	D-glucitol (sorbitol) other than in aqueous solution, containing 2 % or less by weight of D-mannitol, calculated on the D-glucitol content	0	EUR 23/100 kg net
2905 44 99	D-glucitol (sorbitol) other than in aqueous solution, containing more than 2 % by weight of D-mannitol, calculated on the D-glucitol content	0	EUR 53,7/100 kg net
3302 10 29	Preparations containing all flavouring agents characterising a beverage, containing by weight, 1,5 % or more of milk fat, 5 % or more of sucrose or isoglucose, 5 % or more of glucose or starch	0	EA
3501 10 50	Casein, for industrial uses other than the manufacture of foodstuffs or fodder and other than for the manufacture of regenerated textile fibres	3 %	—
3501 10 90	Other casein	9 %	—
3501 90 90	Caseinates and other casein derivates (other than casein glues).	6,4 %	—
3505 10 10	Dextrins	0	EUR 17,7/100 kg net
3505 10 90	Other modified starches, other than esterified or etherified.	0	EUR 17,7/100 kg net
3505 20 10	Glues based on starches, or on dextrins or other modified starches, containing, by weight, less than 25 % of starches or dextrins or other modified starches	0	EUR 4,5/100 kg net MAX 11,5 %
3505 20 30	Glues based on starches, or on dextrins or other modified starches, containing, by weight, 25 % or more but less than 55 % of starches or dextrins or other modified starches	0	EUR 8,9/100 kg net MAX 11,5 %
3505 20 50	Glues based on starches, or on dextrins or other modified starches, containing, by weight, 55 % or more but less than 80 % of starches or dextrins or other modified starches	0	EUR 14,2/100 kg net MAX 11,5 %
3505 20 90	Glues based on starches, or on dextrins or other modified starches, containing by weight 80 % or more of starches or dextrins or other modified starches	0	EUR 17,7/100 kg net MAX 11,5 %
	Finishing agents, dye carriers to accelerate the dyeing or fixing of dyestuffs and other products and preparations (for example, dressings and mordants), of a kind used in the textile, paper, leather or like industries, not elsewhere specified or included, with a basis of amylaceous substances:		

CN Code ⁽¹⁾	Description ⁽²⁾	a	b ⁽³⁾
		Ad valorem component of the duty (%)	Specific component of the duty
3809 10 10	– Containing by weight of such substances less than 55 %	0	EUR 8,9/100 kg net MAX 12,8 %
3809 10 30	– Containing by weight of such substances 55 % or more but less than 70 %	0	EUR 12,4/100 kg net MAX 12,8 %
3809 10 50	– Containing by weight of such substances 70 % or more but less than 83 %	0	EUR 15,1/100 kg net MAX 12,8 %
3809 10 90	– Containing by weight of such substances 83 % or more	0	EUR 17,7/100 kg net MAX 12,8 %
	Sorbitol other than that of subheading 2905 44:		
3824 60 11	– in aqueous solution: -- Containing 2 % or less by weight of D-mannitol, calculated on the D-glucitol content	0	EUR 16,1/100 kg net
3824 60 19	– in aqueous solution: -- Containing more than 2 % by weight of D-mannitol, calculated on the D-glucitol content	0	EUR 37,8/100 kg net
3824 60 91	– Other than in aqueous solution: -- Containing 2 % or less by weight of D-mannitol, calculated on the D-glucitol content	0	EUR 23/100 kg net
3824 60 99	– Other than in aqueous solution: -- Containing more than 2 % by weight of D-mannitol, calculated on the D-glucitol content	0	EUR 53,7/100 kg net

⁽¹⁾ CN codes corresponding to Regulation (EC) No 1214/2007 (OJ L 286, 31.10.2007, p. 1).

⁽²⁾ Notwithstanding the rules for the interpretation of the combined nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the CN codes. Where 'ex' CN codes are indicated, the preferential scheme is to be determined by the application of the CN codes and corresponding description taken together.

⁽³⁾ Where indicated, 'EA' and 'AD S/Z' refer to the agricultural component and additional duties for sugar, which amounts are fixed in annex 1 to Regulation (EC) No 1214/2007 (OJ L 286, 31.10.2007, p. 1).

ANNEX II

PROTOCOL 2

concerning the arrangements applicable to imports into the State of Israel of agricultural products, processed agricultural products and fish and fishery products originating in the European Community

1. The products listed in the Annex originating in the Community shall be admitted for import into Israel subject to the conditions contained hereinafter and in the Annex.
2. From the date of entry into force of the Agreement in the form of an Exchange of Letters signed at Brussels on 4 November 2009, which corresponds to the seventeenth day of Heshvan 5770 in the Hebrew calendar, (hereinafter the 'Agreement in the form of an Exchange of Letters') customs duties and charges having equivalent effect (including their agriculture component), which are applicable on the import into the State of Israel of agricultural products, processed agricultural products, fish and fishery products originating in the European Community shall be eliminated, except for those products listed in Table 1 of the Annex.
3. For those products originating in the European Community listed in Table 2 of the Annex, customs duties shall be eliminated or reduced within the limits of the tariff quotas listed in column 'b'.

Customs duties in respect of the quantities in excess of the quotas shall be reduced by the percentage listed in column 'c'.

For the first year after the date of entry into force of the Agreement in the form of an Exchange of Letters, the volume of tariff quotas shall be calculated as a pro rata of the basic volume, taking into account the part of the period elapsed before the date of entry into force of that Agreement.

4. For those products originating in the European Community listed in Table 3, applied ad valorem customs duties shall be bound within the limit listed in column 'a' and applied specific duties shall be bound within the limits listed in column 'b'.

ANNEX TO PROTOCOL 2

Table 1

Products not included in the table below are duty free. A preferential treatment for some of the products listed below is indicated in Tables 2 and 3.

HS or Israeli Code ⁽¹⁾	Description ⁽²⁾
ex 0102 90	Live calves for slaughter
0104 10	Live sheep:
0104 10 20	– Within the framework of the Fifth Addition
0104 10 90	– Other
0104 20	Live goats:
0104 20 90	– Other
0105 12	Live turkeys, weighing not more than 185 g:
0105 12 10	– Whose value does not exceed NIS 12 each
0105 12 80	– Within the framework of the Fifth Addition
0105 19	Live ducks, geese and guinea fowls, weighing not more than 185 g:
0105 19 10	– Whose value does not exceed NIS 12 each
0105 19 80	– Within the framework of the Fifth Addition
	Other:
0105 94	– Fowls of the species <i>Gallus domesticus</i>
0105 99	– Other
0106 32 90	Live psittaciformes (including parrots, parakeets, macaws and cockatoos)
0106 39	Live birds, other than birds of prey and psittaciformes:
0106 39 19	– Ornamental birds, song birds and pet birds
0201	Meat of bovine animals, fresh or chilled
0204	Meat of sheep or goats, fresh, chilled or frozen
0206 10	Edible offal of bovine animals, fresh or chilled
0206 80 00	Edible offal of sheep, goats, horses, asses, mules or hinnies, fresh or chilled
0207	Meat and edible offal, of the poultry of heading 0105, fresh, chilled or frozen
0210 20 00	Meat of bovine animals, salted, in brine, dried or smoked
0210 91	Of primates, salted, in brine, dried or smoked:
0210 91 10	– Meat and meat offal
0301 excluding: 0301 10 10 0301 91 10 0301 92 10 0301 92 90 0301 93 10 0301 94 10 0301 94 90 0301 95 10 0301 95 90 0301 99 10	Live fish

HS or Israeli Code ⁽¹⁾	Description ⁽²⁾
0302 excluding: 0302 40 20 0302 50 20 0302 62 20 0302 63 20 0302 64 10 0302 65 20 0302 66 10 0302 68 10 0302 70 10	Fish, fresh or chilled, excluding fish fillets and other fish meat of heading 0304
0303 excluding: 0303 11 10 0303 19 10 0303 22 10 0303 29 10 0303 43 30 0303 51 10 0303 52 10 0303 71 30 0303 72 10 0303 73 10 0303 74 10 0303 75 10 0303 76 10 0303 78 10 0303 79 30 0303 79 51 0303 80 10	Fish, frozen, excluding fish fillets and other fish meat of heading 0304
0304 excluding: 0304 11 10 0304 12 10 0304 19 22 0304 19 92 0304 22 00 0304 29 22 0304 29 42 0304 29 92 0304 91 10 0304 92 10 0304 99 20	Fish fillets and other fish meat (whether or not minced), fresh, chilled or frozen
0305 41 00	Pacific salmon (<i>Oncorhynchus nerka</i> , <i>Oncorhynchus gorbuscha</i> , <i>Oncorhynchus keta</i> , <i>Oncorhynchus tshawytscha</i> , <i>Oncorhynchus kisutch</i> , <i>Oncorhynchus masou</i> and <i>Oncorhynchus rhodurus</i>), Atlantic salmon (<i>Salmo salar</i>) and Danube salmon (<i>Hucho hucho</i>), smoked including fillets
0305 49 00	Other smoked fish, including fillets, other than Pacific salmon (<i>Oncorhynchus nerka</i> , <i>Oncorhynchus gorbuscha</i> , <i>Oncorhynchus keta</i> , <i>Oncorhynchus tshawytscha</i> , <i>Oncorhynchus kisutch</i> , <i>Oncorhynchus masou</i> and <i>Oncorhynchus rhodurus</i>), Atlantic salmon (<i>Salmo salar</i>), Danube salmon (<i>Hucho hucho</i>) and Herrings (<i>Clupea harengus</i> , <i>Clupea pallasii</i>)
0306 excluding: 0306 11 10 0306 12 10 0306 14 20 0306 19 20 0306 21 10 0306 22 10 0306 24 20 0306 29 10 0306 29 92	Crustaceans, whether in shell or not, live, fresh, chilled, frozen, dried, salted or in brine; crustaceans, in shell, cooked by steaming or by boil water, whether or not chilled, frozen, dried, salted or in brine; flours, meals and pellets of crustaceans, fit for human consumption

HS or Israeli Code ⁽¹⁾	Description ⁽²⁾
0307 excluding: 0307 10 20 0307 21 20 0307 29 20 0307 31 20 0307 39 20 0307 60 10 0307 60 92 0307 91 20 0307 99 20	Molluscs, whether in shell or not, live, fresh, chilled, frozen, dried, salted or in brine; aquatic invertebrates other than crustaceans and molluscs, live, fresh, chilled, frozen, dried, salted or in brine; flours, meals and pellets of aquatic invertebrates other than crustaceans, fit for human consumption
0401	Milk and cream, not concentrated nor containing added sugar or other sweetening matter
0402	Milk and cream, concentrated or containing added sugar or other sweetening matter
0403	Buttermilk, curdled milk and cream, yogurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter or flavoured or containing added fruit, nuts or cocoa
0404	Whey, whether or not concentrated or containing added sugar or other sweetening matter; products consisting of natural milk constituents, whether or not containing added sugar or other sweetening matter, not elsewhere specified or included
0405	Butter and other fats and oils derived from milk; dairy spreads:
0405 10	– Butter:
	– – In packings of net content exceeding 1 kg:
0405 10 31	– – – Within the framework of the Fifth Addition
0405 10 39	– – – Others
	– – In packings of a net content not exceeding 1 kg:
0405 10 91	– – – Within the framework of the Fifth Addition
0405 10 99	– – – Other
0405 20	– Dairy spreads:
0405 20 10	– – Within the framework of the Fifth Addition
0405 20 90	– – Other
	– Other fats and oils derived from milk:
0405 90 19	– – Within the framework of the Fifth Addition
0405 90 90	– – Others
0406	Cheese and curd
0407 excluding 0407 00 10	Birds' eggs, in shell, fresh, preserved or cooked
0408	Birds' eggs, not in shell, and egg yolks, fresh, dried, cooked by steaming by boiling in water, moulded, frozen or otherwise preserved, whether or not containing added sugar or other sweetening matter
0409	Natural honey
0701	Potatoes, fresh or chilled:
0701 90	– Other than seed
0702	Tomatoes, fresh or chilled
0703	Onions, shallots, garlic, leeks and other alliaceous vegetables, fresh or chilled

HS or Israeli Code ⁽¹⁾	Description ⁽²⁾
0704	Cabbages, cauliflowers, kohlrabi, kale and similar edible brassicas, fresh or chilled
0705 11 0705 19	Lettuce, fresh or chilled
0706	Carrots, turnips, salad beetroot, salsify, celeriac, radishes and similar edible roots, fresh or chilled
0707	Cucumbers and gherkins, fresh or chilled
0708 excluding 0708 90 20	Leguminous vegetables, shelled or unshelled, fresh or chilled
0709 20	Asparagus, fresh or chilled
0709 30	Aubergines (egg plants), fresh or chilled
0709 40	Celery other than celeriac, fresh or chilled
0709 51 0709 59	Mushrooms, fresh or chilled:
0709 51 90	– Mushrooms of the genus <i>Agaricus</i>
0709 59 90	– Other
0709 60	Fruits of the genus <i>Capsicum</i> or of the genus <i>Pimenta</i> , fresh or chilled
0709 70	Spinach, New Zealand spinach and orache spinach (garden spinach), fresh or chilled
0709 90	Other fresh vegetables, fresh or chilled
0710 10	Potatoes (uncooked or cooked by steaming or boiling in water), frozen
0710 21	Shelled or unshelled peas (<i>Pisum sativum</i>) (uncooked or cooked by steaming or boiling in water), frozen
0710 22	Shelled or unshelled beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.) (uncooked or cooked by steaming or boiling in water), frozen
0710 29 excluding 0710 29 20	Other leguminous vegetables, shelled or unshelled (uncooked or cooked by steaming or boiling in water), frozen
0710 30	Spinach, New Zealand spinach and orache spinach (garden spinach) (uncooked or cooked by steaming or by boiling in water), frozen
0710 40	Sweetcorn (uncooked or cooked by steaming or by boiling in water), frozen
0710 80 10	Frozen carrots, cauliflower, broccoli, (leek), cabbage, peppers, celery (eu 5)
0710 80 40	Frozen carrots
	Others frozen vegetables:
0710 80 80	– Within the framework of the Fifth Addition
0710 80 90	– Others
0710 90	Mixtures of vegetables (uncooked or cooked by steaming or boiling in water), frozen
0711	Vegetables provisionally preserved (for example, by sulphur dioxide gas, brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption:
0711 20	– Olives
0711 40	– Cucumbers and gherkins
0711 90	– Other vegetables and mixtures of vegetables

HS or Israeli Code ⁽¹⁾	Description ⁽²⁾
0712	Dried vegetables, whole, cut, sliced, broken or in powder, but not further prepared:
0712 20	– Onions
0712 90 excluding 0712 90 40 0712 90 70	– Other dried vegetables, mixtures of vegetables
0713 20	Dried chickpeas (garbanzos)
0714 20	Sweet potatoes, fresh, chilled, frozen or dried, whether or not sliced or in the form of pellets
0802 11 90	Almonds in shell, fresh or dried
0802 12 90	Shelled almonds, fresh or dried
0802 31 0802 32	Walnuts, fresh or dried, whether or not shelled or peeled
0802 60	Macadamia nuts, fresh or dried, whether or not shelled or peeled
0802 90 20	Pecans, fresh or dried, whether or not shelled or peeled
	Other nuts:
0802 90 92	– Within the framework of the Fifth Addition
0802 90 99	– Other nuts
0803 00 10	Bananas, including plantains, fresh
0804 10	Dates fresh
0804 20	Fresh and dried figs
0804 30 10	Fresh pineapples
0804 40 10	Fresh avocados
0804 50 excluding 0804 50 90	Fresh guavas, mangos and mangosteens
0805 10 10	Fresh oranges
0805 20 10	Fresh mandarins (including tangerines and satsumas); clementines, wilkings and similar citrus hybrids
0805 40 10	Fresh grapefruit, including pomelos
0805 50 10	Fresh lemons (<i>Citrus limon</i> , <i>Citrus limonum</i>) and limes (<i>Citrus aurantifolia</i> , <i>Citrus latifolia</i>)
0805 90 11	Fresh ethrogs (<i>Citrus medica</i>), kumquats, and limes
0805 90 19	Others fresh citrus fruit
0806	Grapes, fresh or dried
0807	Melons (including watermelons) and papaws (papayas), fresh
0808	Apples, pears and quinces, fresh
0809	Apricots, cherries, peaches (including nectarines), plums and sloes, fresh
0810 10	Fresh strawberries
0810 20	Fresh raspberries, blackberries, mulberries and loganberries

HS or Israeli Code ⁽¹⁾	Description ⁽²⁾
0810 50	Fresh kiwifruit
0810 60	Fresh durians
0810 90	Other fresh fruits
0811	Fruit and nuts, uncooked or cooked by steaming or boiling in water, frozen, whether or not containing added sugar or other sweetening matter:
0811 10	– Strawberries
	– Raspberries, blackberries, mulberries, loganberries, black-, white- or redcurrants and gooseberries:
0811 20 20	-- Within the framework of the Fifth Addition
0811 20 90	-- Others
0811 90	– Others, fruit and nuts
0812	Fruit and nuts, provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption
0813 20	Dried prunes:
0813 20 20	– Within the framework of the Fifth Addition
0813 20 99	– Other
0813 40 00	Other dried fruit
0813 50	Mixtures of nuts or dried fruits of chapter 08
0904	Pepper of the genus <i>Piper</i> ; dried or crushed or ground fruits of the genus <i>Capsicum</i> or of the genus <i>Pimenta</i>
0910 10 91	Ginger which will be released from the months October to January
0910 99 90	Other spices
1001	Wheat and meslin
1005 90 10	Maize (corn) of the popcorn kind
1105 20 00	Flakes, granules and pellets of potatoes
1108 11 1108 12 1108 13 1108 14 1108 19	Starches
1202 10 00	Groundnuts, not roasted or otherwise cooked, whether or not shelled or broken, in shell
1202 20 90	Shelled ground nuts, not roasted or otherwise cooked, whether or not shelled or broken
1206 00 90	Other sunflower seeds, whether or not broken
1207 20 00	Cotton seeds
1207 99 20	Castor oil seeds
1209 91 29	Pumpkin seeds
1209 99 20	Watermelon seeds
1404 90 19	Other pollen-not intended for animal feeding
1501	Pig fat (including lard) and poultry fat, other than that of heading 0209 or 1503

HS or Israeli Code ⁽¹⁾	Description ⁽²⁾
1507	Soya bean oil and its fractions, whether or not refined, but not chemically modified
1508 10 00	Crude groundnut oil and its fractions, whether or not refined, but not chemically modified
1508 90 90	Others, groundnut oil and its fractions, whether or not refined, but not chemically modified – non-crude and non-edible
1509	Olive oil and its fractions, whether or not refined, but not chemically modified
1510	Other oils and their fractions, obtained solely from olives, whether or not refined, but not chemically modified, including blends of these oils or fractions with oils or fractions of heading 1509
1511 10 20	Crude palm oil and its fractions, whether or not refined, but not chemically modified
1511 90 90	Palm oil and its fractions, whether or not refined, but not chemically modified, non-crude and not edible
1512 11 1512 19	Sunflower seed or safflower oil and fractions thereof
1512 21 90	Crude cotton-seed oil and its fractions, wheter or not gossypol has been removed
1512 29 90	Cotton-seed oil and its fractions, wheter or not gossypol has been removed, non-crude and not edible
1513	Coconut (copra), palm kernel or babassu oil and fractions thereof, whether or not refined, but not chemically modified
1514 excluding 1514 91 19 1514 99 19	Rape, colza or mustard oil and fractions thereof, whether or not refined, but not chemically modified
1515	Other fixed vegetable fats and oils (including jojoba oil) and their fractions, whether or not refined, but not chemically modified:
	– Linseed oil and its fractions:
1515 11 90	-- Crude oil, non-edible
1515 19 90	-- Other, non-edible
	– Maize (corn) oil and its fractions:
1515 21 20	-- Crude oil, non-edible
1515 29 90	-- Other, non-edible
1515 30 00	– Castor oil and its fractions
1515 50 90	– Others non-edible, sesame oil and its fractions
1515 90	– Other:
1515 90 22	-- Other oils, of nuts or fruits pips or stones of detailed headings 0802 or 1212
1515 90 30	-- Others
1516	Animal or vegetable fats and oils and their fractions, partly or wholly hydrogenated, inter-esterified, re-esterified or elaidinised, whether or refined, but not further prepared:
1516 10	– Animal fats and oils and their fractions:
1516 10 11	-- Solid edible fats
1516 10 19	-- Others, solid fats

HS or Israeli Code ⁽¹⁾	Description ⁽²⁾
1516 20	– Vegetable fats and oils and their fractions:
1516 20 19	-- Others, solid fats
1516 20 91	-- Castor oil
1516 20 92	-- Linseed oil
1516 20 99	-- Other
1517 90 21	Edible mixtures or preparations of animal or vegetable fats or of fractions of different fats or oils of this chapter, other than edible fats or oils or their fractions of heading 1516, containing olive oil
1517 90 22	Edible mixtures or preparations of animal or vegetable fats or of fractions of different fats or oils of this chapter, other than edible fats or oils or their fractions of heading 1516, containing soybean oil, sunflower oil, sunflower oil, cottonseed oil, maize (corn) oil or rape oil
1518 00 21	Castor oil
1601	Sausages and similar products, of meat, meat offal or blood; food preparations based on these products
1602	Other prepared or preserved meat, meat offal or blood:
1602 20 91	– Of liver of any animal containing chicken liver
1602 20 99	– Of liver of any animal, others
1602 31 90	– Of turkeys
1602 32 90	– Of fowls of the species <i>Gallus domesticus</i>
1602 39 90	– Of other of poultry of heading 0105
	– Of swine:
1602 41 00	-- Hams and cuts thereof
1602 42 00	-- Shoulders and cuts thereof
1602 49 90	-- Other, including mixtures
ex 1602 50	– Of bovine animals:
1602 50 80	-- Within the framework of the Fifth Addition
1602 50 91	-- Containing more than 20 % chicken meat by weight
1602 50 99	-- Other
1602 90 90	– Others, including preparations of blood of any animal
1603	Extracts and juices of meat, fish or crustaceans, mollusc or other aquatic invertebrates
1604 excluding 1604 11 20 1604 12 10 1604 19 20 1604 15 20 1604 20 10 1604 20 20	Prepared or preserved fish; caviar and caviar substitutes prepared from fish eggs
1702 30 10	Glucose in liquid state
1704 10 90	Other chewing gum, whether or not sugar-coated containing less than 10 % gum base by weight

HS or Israeli Code ⁽¹⁾	Description ⁽²⁾
1905 31 10	Sweet biscuits – Containing eggs at a rate of 10 % or more of the weight, but not less than 1,5 % of milk fats and not less than 2,5 % of milk proteins
1905 32 20	Waffles and wafers – others, without filling
1905 32 30	Waffles and wafers – with filling containing not less than 1,5 % of milk fats, and not less than 2,5 % milk proteins
1905 32 90	Waffles and wafers – others, with filling
1905 90	Bread, pastry, cakes, biscuits and other bakers wares whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products, Others:
1905 90 30	– Pre cooked dough for the preparation of the products of heading 1905
1905 90 91	– Others, containing eggs at a rate of 10 % or more of the weight, but not less than 1,5 % of milk fats and not less than 2,5 % of milk proteins
1905 90 92	– Others, containing flour, which is not wheat flour, in a quantity exceeding 15 % of the total flour weight
2001	Vegetables, fruit, nuts and other edible parts of plants prepared or preserved by vinegar or acetic acid
2002	Tomatoes prepared or preserved otherwise than by vinegar or acetic acid
2004	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, frozen, other than products of heading 2006:
2004 10 10	– Potatoes – products made from flour or of meal
2004 10 90	– Potatoes, others
	– Other vegetables products made from flour or of meal:
2004 90 11	-- Within the framework of the Fifth Addition
2004 90 19	-- Others
	– Others vegetables:
2004 90 91	-- Within the framework of the Fifth Addition
2004 90 93	-- Sweet corn
2004 90 94	-- Legumes
2004 90 99	-- Others vegetables
2005	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, not frozen, other than products of heading 2006:
2005 20 10	– Potatoes – products made from flour, meal, powder, flakes, granules and pellets
2005 20 90	– Others, potatoes
2005 40 10	– Peas (<i>Pisum sativum</i>) – products made from flour or of meal
2005 40 90	– Others, peas (<i>Pisum sativum</i>)
2005 51 00	– Beans, shelled
2005 59 10	– Others beans, products made from flour or meal
2005 59 90	– Others beans
2005 60 00	– Asparagus

HS or Israeli Code ⁽¹⁾	Description ⁽²⁾
2005 70	– Olives
2005 80	– Baby corn, and others, sweet corn
	– Others vegetables:
2005 99 10	-- Products made from flour or of meal
2005 99 30	-- Carrots, except those of subheading 9020
2005 99 40	-- Chickpeas
2005 99 50	-- Cucumbers
2005 99 80	-- Within the framework of the Fifth Addition
2005 99 90	-- Others
2006 00	Vegetables, fruit, nuts, fruit peel and other parts of plants, preserved by sugar (drained, glace or crystallised)
2007	Jams, fruit jellies, marmalades, fruit or nut purée and fruit or nut pastes, obtained by cooking, whether or not containing added sugar or other sweetening matter:
2007 91 00	– Citrus fruit
2007 99 excluding 2007 99 93	– Other
2008	Fruit, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included:
2008 11	– Groundnuts:
2008 11 20	-- Roasted
2008 11 90	-- Others
2008 19 32	– Other almond, roasted
2008 19 39	– Others, nuts, and other roasted seeds
2008 19 40	– Others, nuts, and other seeds – of an actual alcoholic strength by mass exceeding 2 % mas
2008 19 91	– Others, almonds
2008 19 99	– Others, nuts, and other seeds
2008 20	– Pineapples
2008 30	– Citrus fruit:
2008 30 20	-- Of an alcoholic strength by mass exceeding 2 % mas
2008 30 90	-- Other
2008 40	– Pears
2008 50	– Apricots
2008 60	– Cherries
2008 70	– Peaches including nectarines:
2008 70 20	-- Of an actual alcoholic strength by mass exceeding 2 % mas
2008 70 80	-- Within the framework of the Fifth Addition

HS or Israeli Code ⁽¹⁾	Description ⁽²⁾
2008 80	– Strawberries
2008 91	– Palm hearts
2008 92	– Mixtures
	– Plums:
2008 99 12	-- Of an alcoholic strength by mass exceeding 2 % mas
2008 99 19	-- Others
	– Others, fruit, nuts and other edible parts of plants:
2008 99 30	-- Of an alcoholic strength by mass exceeding 2 % mas
2008 99 90	-- Others
2009 11 2009 12 2009 19 excluding 2009 11 11 2009 11 40 2009 19 11	Orange juice
2009 21 2009 29 excluding 2009 29 11	Grapefruit juice
2009 31 2009 39	Juice of any other single citrus fruit
2009 50	Tomato juice
2009 61 2009 69	Grape juice (including grape must),
2009 71 2009 79	Apple juice
2009 80	Juice of any other single fruit or vegetable:
2009 80 10	– Within the framework of the Fifth Addition
2009 80 29	– Other condensed juice
2009 80 90	– Other, juice
2009 90	Mixtures of juices
2104 10 10	Soups and broths and preparations thereof
2105 00	Ice cream and other edible ice, whether or not containing cocoa:
2105 00 11	– Containing less than 3 % milk fat
2105 00 12	– Containing 3 % or more milk fat but less than 7 % milk fat
2105 00 13	– Containing 7 % or more milk fat
2204	Wine of fresh grapes, including fortified wines; grape must other than that of heading 2009
2205	Vermouth and other wine of fresh grapes flavoured with plants or aromatic substances
2206	Other fermented beverages (for example, cider, perry, mead); mixtures of fermented beverages and mixtures of fermented beverages and non-alcoholic beverages, not elsewhere specified or included

HS or Israeli Code ⁽¹⁾	Description ⁽²⁾
2207 10	Undenatured ethyl alcohol of an alcoholic strength by volume of 80 % vol or higher; intended for the use in the production of an alcoholic beverage by a licensed manufacturer of alcoholic beverages, provided it is intended a purpose as stated:
2207 10 51	– Grape alcohol
2207 10 80	– Within the framework of the Fifth Addition
2207 10 90	Un denatured ethyl alcohol of an alcoholic strength by volume of 80 % vol or higher, other:
2207 10 91	– Grape alcohol
2208 20 91	Spirits obtained by distilling grape wine or grape marc, containing 17 % or more alcohol by volume and whose price per centilitre does not exceed the Shekel equivalent of 0,05 USD, Within the framework of the Fifth Addition
2208 20 99	Spirits obtained by distilling grape wine or grape marc, containing 17 % or more alcohol by volume and whose price per centilitre does not exceed the Shekel equivalent of 0,05 USD
2304	Oilcake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of soya-bean oil
2306	Oilcake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of vegetable fats or oils, other than those of heading 2304 or 2305
2309 10 excluding 2309 10 90	Dog or cat food, put up for retail sale
2309 90	Preparations of a kind used in animal feeding, other than dog or cat food, put up for retail sale:
2309 90 20	– Containing, by weight, not less than 15 % and not more than 35 % protein substances and not less than 4 % fatty substances
3502 11 3502 19	Egg albumin:
3502 11 10	– Dried, within the framework of the Fifth Addition
3502 11 90	– Dried, other
3502 19 10	– Other than dried, within the framework of the Fifth Addition
3502 19 90	– Other than dried, other
3505	Dextrins and other modified starches (for example, pregelatinised or esterified starches); glues based on starches, or on dextrins or other modified starches:
3505 10 21	– Starches – on a wheat or corn base (excluding for waxy corn)
3505 20 00	– Glues

⁽¹⁾ Israeli codes corresponding to the Israeli Customs file, published in Jerusalem in 1.1.2007 Version 957.

⁽²⁾ Notwithstanding the rules for the interpretation of the Harmonised System (HS) or of the Israeli tariff nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the HS codes or of the Israeli tariff codes. Where 'ex' HS codes or 'ex' Israeli tariff codes are indicated, the preferential scheme is to be determined by the application of the HS codes or Israeli tariff codes and corresponding description taken together.

Table 2

For the following products a preferential treatment is provided in the form of tariff quotas as listed below:

HS or Israeli Code ⁽¹⁾	Description ⁽²⁾	a	b	c
		Reduction of the MFN customs duty (%)	Tariff quota (t, unless otherwise indicated)	Reduction of the MFN customs duty beyond current tariff quota (%)
ex 0102 90	Live calves for slaughter	100	1 200	—
ex 0105 12 0105 19	Live ducks, geese, turkeys and guinea fowls, weighing not more than 185 g	100	2 060 000 pieces	—
0201	Meat of bovine animals, fresh or chilled	100	1 120	—
0204	Meat of sheep or goats, fresh, chilled or frozen	100	800	—
ex 0207	Meat and edible offal of poultry of heading 0105, fresh, chilled or frozen, not including ducks (meat or liver)	100	1 200	—
ex 0207 34	Goose fatty liver	100	100	—
ex 0207 36	Goose meat and liver, frozen	100	500	—
0302 31 20	Of the kind detailed in subheading 0302 31 00 only albacore or long finned tunas (<i>Thunnus alalunga</i>)	100	250	—
0303 31 10	Of the kind detailed in subheading 0303 31 00 only halibut (<i>Reinhardtius hippoglossoides</i> , <i>Hippoglossus hippoglossus</i> , <i>Hippoglossus stenolepis</i>)	100	100	25
0303 33 10	Of the kind detailed in subheading 0303 33 00 only sole (<i>Solea spp.</i>)			
0303 39 10	Of the kind detailed in subheading 0303 39 00 only (Other than <i>Reinhardtius hippoglossoides</i> , <i>Hippoglossus hippoglossus</i> , <i>Hippoglossus stenolepis</i> , <i>Pleuronectes platessa</i> , <i>Solea spp.</i>)			
0303 79 91	Approved by the director general of the ministry of agriculture as fish of the kinds that do not grow or are not fished in Israel or in the Mediterranean sea	10	—	—
0304 19 41	Of the kind detailed in subheading 0304 19 40 only (<i>Pleuronectidae</i> , <i>Bothidae</i> , <i>Cymoglossidae</i> , <i>Thunnus</i> , Skipjack, <i>Euthynnus pelamis</i> , Herrings, Cod, Sardines, Haddock, Coalfish, Mackerel, Dogfish, Anguilla, Hake, Red Fish, Nile Perch)	100	50	—
0402 10 21	Milk and cream in powder, granules or other solid form, of a fat content, by weight, not exceeding 1,5 %	100	2 180	—
0402 10 10	Milk and cream in powder, granules or other solid form, of a fat content, by weight, not exceeding 1,5 %	55	2 180	—
0402 21	Milk and cream in powder, granules or other solid form, of a fat content, by weight, exceeding 1,5 %, not containing added sugar or other sweetening matter	100	4 420	—

HS or Israeli Code ⁽¹⁾	Description ⁽²⁾	a	b	c
		Reduction of the MFN customs duty (%)	Tariff quota (t, unless otherwise indicated)	Reduction of the MFN customs duty beyond current tariff quota (%)
ex 0402 91 ex 0402 99	Condensed milk	100	100	—
0403	Buttermilk, curdled milk and cream, yogurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter or flavoured or containing added fruit, nuts or cocoa	100	200	— for yogurts containing cocoa, flavouring materials and/or added sugar — only agricultural component apply (**)
0404	Whey, whether or not concentrated or containing added sugar or other sweetening matter; products consisting of natural milk constituents, whether or not containing added sugar or other sweetening matter, not elsewhere specified or included	100	1 400	—
0405	Butter and other fats and oils derived from milk; dairy spreads:	100	650	—
0405 10	– Butter:			
	-- In packings of net content exceeding 1 kg:			
0405 10 31	--- Within the framework of the Fifth Addition			
0405 10 39	--- Others			
	-- In packings of a net content not exceeding 1 kg:			
0405 10 91	--- Within the framework of the Fifth Addition			
0405 10 99	--- Other			
0405 20	– Dairy spreads:			
0405 20 10	-- Within the framework of the Fifth Addition			
0405 20 90	-- Other			
	– Other fats and oils derived from milk:			
0405 90 19	-- Within the framework of the Fifth Addition			
0405 90 90	-- Others			
0406	Cheese and curd	100	830	—
ex 0407	Bird's eggs, in shell, fresh, preserved or cooked for consumption	100	8 004 800 pieces	—

HS or Israeli Code ⁽¹⁾	Description ⁽²⁾	a	b	c
		Reduction of the MFN customs duty (%)	Tariff quota (t, unless otherwise indicated)	Reduction of the MFN customs duty beyond current tariff quota (%)
ex 0407	Bird's eggs, in shell, fresh, for hatching	100	50 000 pieces	—
ex 0409	Natural honey	100	180	—
ex 0409	Natural honey in packages exceeding 50 kg	100	300	—
0701 90	Potatoes, fresh or chilled, other than seed	100	6 380	—
0703 10	Onions and shallots, fresh or chilled	100	2 300	—
0703 20	Garlic, fresh or chilled	100	230	25
ex 0709 20	Asparagus, white, fresh or chilled	100	100	—
ex 0709 51 ex 0709 59	Mushrooms, fresh or chilled, other than released in the months June to September	100	200	—
0710 10	Potatoes (uncooked or cooked by steaming or boiling in water), frozen	100	250	—
0710 21	Shelled or unshelled peas (<i>Pisum sativum</i>) (uncooked or cooked by steaming or boiling in water), frozen	100	1 090	—
0710 22	Shelled or unshelled beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.) (uncooked or cooked by steaming or boiling in water), frozen	100	1 460	—
0710 29	Other leguminous vegetables, shelled or unshelled (uncooked or cooked by steaming or boiling in water), frozen	100	660	—
0710 30	Spinach, New Zealand spinach and orache spinach (garden spinach) (uncooked or cooked by steaming or by boiling in water), frozen	100	650	—
0710 80 0710 90	Other vegetables (uncooked or cooked by steaming or boiling in water), frozen Mixtures of vegetables (uncooked or cooked by steaming or boiling in water), frozen	100	1 580	—
ex 0712 90	Other vegetables and mixtures of vegetables, dried, whole, cut, sliced, broken or in powder, but not further prepared, other than sweet corn, beans with shell, broccoli, garlic and dried tomatoes	100	350	—
0712 90 81	Garlic, dried, whole, cut, sliced, broken or in powder, but not further prepared	100	60	—
ex 0712 90 30 2002 90 20	Dried tomatoes, whole, cut, sliced, broken or in powder, but not further prepared Tomatoes, other than whole or in pieces, prepared or preserved otherwise than by vinegar or acetic acid, in powder form	100	1 230	—
0802 60 ex 0802 90	Macadamia nuts, fresh or dried, whether or not shelled or peeled Pecan and other nuts, fresh or dried, whether or not shelled or peeled excluding pecans, macadamia and pine nuts	100	560	15
ex 0804 20	Figs, dried	100	560	20
0805 10 10	Oranges, fresh	100	1 000	—

HS or Israeli Code ⁽¹⁾	Description ⁽²⁾	a	b	c
		Reduction of the MFN customs duty (%)	Tariff quota (t, unless otherwise indicated)	Reduction of the MFN customs duty beyond current tariff quota (%)
0805 20 10	Fresh mandarins (including tangerines and satsumas); clementines, wilkings and similar citrus hybrids	100	2 000	—
0805 50 10	Fresh lemons (<i>Citrus limon</i> , <i>Citrus limonum</i>) and limes (<i>Citrus aurantifolia</i> , <i>Citrus latifolia</i>)	100	500	—
0806 10	Grapes, fresh	100	500	—
0806 20	Grapes, dried	100	120	25
0807 11	Watermelons, fresh	100	750	—
0807 19	Melons, fresh	100	300	—
0808 10	Apples, fresh	100	3 280	—
ex 0808 20	Pears, fresh	100	2 140	—
ex 0808 20	Quinces, fresh	100	380	—
0809 10	Apricots, fresh	100	300	—
0809 20	Cherries, fresh	100	100	—
0809 30	Peaches, including nectarines	100	300	—
0809 40	Plums and sloes	100	500	—
0810 50	Fresh kiwifruit	100	200	—
ex 0811 20	Raspberries, Blackcurrants, Redcurrants, Blackberries and mulberries uncooked or cooked by steaming or boiling in water, frozen, unsweetened	100	160	—
0811 90	Other fruit and nuts, uncooked or cooked by steaming or boiling in water, frozen, whether or not containing added sugar or other sweetening matter	100	660	—
0812 10	Cherries, provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption	100	620	—
0812 90 10	Strawberries, provisionally preserved, but unsuitable in that state for immediate consumption	100	100	—
0813 20	Prunes, dried	100	730	—
0904 20	Fruits of genus <i>Capsicum</i> or <i>Pimenta</i> , dried, crushed or ground	100	110	—
1001 10	Durum wheat	100	10 640	—
1001 90	Other wheat and meslin	100	190 840	—
ex 1001 90	Other wheat and meslin ⁽³⁾ , for feed	100	300 000	—
1209 99 20	Watermelon seeds	100	560	—
1507 10 10 1507 90 10	Soya bean oil, whether or not degummed, edible	100	5 000	40

HS or Israeli Code ⁽¹⁾	Description ⁽²⁾	a	b	c
		Reduction of the MFN customs duty (%)	Tariff quota (t, unless otherwise indicated)	Reduction of the MFN customs duty beyond current tariff quota (%)
1509 10 1509 90 30	Olive oil, virgin Olive oil, other than virgin, edible	100	300	—
1509 90 90	Olive oil, other than virgin, other than edible	100	700	—
ex 1512	Sunflower-seed, safflower or cotton-seed oil and fractions thereof, whether or not refined, but not chemically modified, edible	40	unlimited	—
ex 1514	Rape, colza or mustard oil and fractions thereof, whether or not refined, but not chemically modified, edible	40	unlimited	—
1601	Sausages and similar products, of meat, meat offal or blood; food preparations based on these products	100	500	—
1602 31	Prepared or preserved meat or meat offal of turkeys	100	5 000	—
1602 32	Prepared or preserved meat or meat offal of fowls of the species <i>Gallus domesticus</i>	100	2 000	—
1602 50	Prepared and preserved meat offal of bovine animal	100	340	—
1604 11 10	Salmon, in airtight containers	100	100	—
1604 12 90	Others	50	unlimited	—
1604 13	Sardines	100	230	—
1604 14	Tuna	100	330	—
ex 1604 15 90	Mackerel	100	80	—
1604 16 00	Anchovies	50	unlimited	—
ex 1604 19 90	Cod, coalfish, hake, Alaska Polack	100	150	—
ex 1604 20 90	Herring, swordfish, mackerel	100	100	—
1604 30	Caviar and caviar substitutes	100	25	—
1702 30 10	Glucose in liquid state	15	unlimited	—
1704 10 90	Chewing gum, whether or not sugar coated not containing 10 % or more gum base by weight	100	75	(*)
1905 31 10	Sweet biscuits, containing eggs at a rate of 10 % or more of the weight, but not less than 1,5 % of milk fats and not less than 2,5 % of milk protein	100	1 200	(*)
1905 32 20	Waffles and wafers, others, without filling			(*)
1905 32 30	Waffles and wafers with filling containing not less than 1,5 % of milk fats, and not less than 2,5 % milk proteins			(*)
1905 32 90	Others			(*)

HS or Israeli Code ⁽¹⁾	Description ⁽²⁾	a	b	c
		Reduction of the MFN customs duty (%)	Tariff quota (t, unless otherwise indicated)	Reduction of the MFN customs duty beyond current tariff quota (%)
2001 10	Cucumbers and gherkins, prepared or preserved by vinegar or acetic acid	17	60	—
2001 90 90	Other, than cucumbers and gherkins, olives, sweetcorn (<i>Zea mays var. saccharata</i>), yams, sweet potatoes and similar edible parts of plants containing 5 % or more by weight of starch, prepared or preserved by vinegar or acetic acid	100	1 000	—
2002 10	Tomatoes whole or in pieces prepared or preserved otherwise than by vinegar or acetic acid	100	100	—
ex 2002 90 10 ex 2002 90 90	Tomato paste, approved by the Director General ministry of industry, for ketchup producers	50	1 030	—
ex 2004 90	Other vegetables and mixtures of vegetables, other than homogenised preparations, in the form of flour or meal	100	340	—
ex 2004 90	Other vegetables, other than homogenised preparations	65	unlimited	—
2005 20 90	Potatoes, prepared or preserved otherwise than by vinegar or acetic acid, not frozen	100	250	—
2005 40 90	Peas, other than homogenised preparations, prepared or preserved otherwise than by vinegar or acetic acid, not frozen	100	300	—
2005 51	Beans, shelled, prepared or preserved otherwise than by vinegar or acetic acid, not frozen	100	300	—
2005 70	Olives, prepared or preserved otherwise than by vinegar or acetic acid, not frozen	100	250	—
2005 99 90	Other vegetables and mixtures of vegetables prepared or preserved otherwise than by vinegar or acetic acid, not frozen	100	1 310	—
2006 00	Vegetables, fruit, nuts, fruit peel and other parts of plants, preserved by sugar (drained, glaze or crystallised)	100	100	—
ex 2007 99	Other jams, fruit jellies, marmalades, fruit or nut purée and fruit or nut pastes, obtained by cooking with a sugar content exceeding 30 % by weight, excluding strawberries	100	1 430	—
2008 40	Pears, otherwise prepared or preserved	100	500	—
2008 50	Apricots, otherwise prepared or preserved	100	520	—
ex 2008 60	Sour cherries, prepared or preserved, containing no spirit but with added sugar	92	270	—
2008 70	Peaches including nectarines otherwise prepared or preserved	100	2 240	—

HS or Israeli Code ⁽¹⁾	Description ⁽²⁾	a	b	c
		Reduction of the MFN customs duty (%)	Tariff quota (t, unless otherwise indicated)	Reduction of the MFN customs duty beyond current tariff quota (%)
ex 2008 80	Strawberries, otherwise prepared or preserved in packings of not less than 4,5 kg (excl. added sugar or spirit)	100	220	—
ex 2008 92	Mixtures of tropical fruit, without strawberries, nuts and citrus	100	560	—
2008 99	Other, fruit, nut and other edible part of plants, otherwise prepared whether or not containing added sugar or other sweetening matter or spirit not elsewhere specified or included	100	500	—
ex 2009 11 ex 2009 19	Orange juice, frozen and not frozen, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter, of a Brix value not exceeding 67, in packings of more than 230 kg	100	unlimited	—
ex 2009 29	Grapefruit juice, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter, of a Brix value not exceeding 67, in packings of more than 230 kg			
ex 2009 31	Lemon juice, unfermented and not containing added spirit, not containing added sugar or other sweetening matter, of a Brix value not exceeding 20	100	560	—
ex 2009 39 11	Other lemon juice, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter, of a Brix value exceeding 50	100	1 080	—
2009 61	Grape juice, (incl. grape must), unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter, of a Brix value not exceeding 30	100	230	—
ex 2009 69	Other grape juice (incl. grape must), unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter, of a Brix value exceeding 67			
2009 71	Apple juice, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter, of a Brix value not exceeding 20	100	790	—
ex 2009 79	Other apple juice, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter of a Brix value exceeding 20	100	1 670	—
ex 2009 80	Juice of any other single fruit or vegetable, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter, of a Brix value exceeding 67	100	880	—

HS or Israeli Code ⁽¹⁾	Description ⁽²⁾	a	b	c
		Reduction of the MFN customs duty (%)	Tariff quota (t, unless otherwise indicated)	Reduction of the MFN customs duty beyond current tariff quota (%)
ex 2009 90	Mixtures of juices excluding grapes and tomatoes, of a Brix value exceeding 20	100	600	—
2105 00	Ice cream and other edible ice, whether or not containing cocoa	30 % reduction of the agricultural component ^(**)	500	(*)
2204	Wine of fresh grapes, including fortified wines; grape must other than that of heading 2009	100	4 300 hl	—
2205 10 2205 90	Vermouth and other wine of fresh grapes flavoured with plants or aromatic substances	100	2 000 hl	(*)
2207 10 51 2207 10 91	Undenatured ethyl alcohol obtained from grapes of an alcoholic strength by volume of 80 % vol or higher	100	3 450	(*)
2208 20 91	Spirits obtained by distilling grape wine or grape marc, containing 17 % or more alcohol by volume, whose price per centilitre exceeds the shekel equivalent of 0,05 dollar	100	2 000 Hpa	(*)
2304	Oilcake and other solid residues, whether or not ground or in the form of pellets, resulting from the extraction of soya-bean oil	100	5 220	—
2306 30 00	Oilcake and other solid residues	Applicable duty: 2,5 %	10 000	—
2306 41	Rape seed meal	Applicable duty: 4,5 %	3 920	—
2309 10 20	Dog or cat food, put up in packing for retail sale, containing, by weight, not less than 15 % and not more than 35 % protein materials and not less than 4 % fat materials	100	1 150	—
2309 90 20	Other preparations of a kind used in animal feeding, containing, by weight, not less than 15 % and not more than 35 % protein materials and not less than 4 % fat materials and prepared food for ornamental fishes and birds	100	1 610	—
3502 11 3502 19	Egg Albumin	100	50	(*)

⁽¹⁾ Israeli codes corresponding to the Israeli Customs file, published in Jerusalem in 1.1.2007 Version 957.

⁽²⁾ Notwithstanding the rules for the interpretation of the Harmonised System (HS) or of the Israeli tariff nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the HS codes or of the Israeli tariff codes. Where 'ex' HS codes or 'ex' Israeli tariff codes are indicated, the preferential scheme is to be determined by the application of the HS codes or Israeli tariff codes and corresponding description taken together.

⁽³⁾ Approved by the director general of the ministry of agriculture.

^(*) Preferential duties beyond the tariff quota established in Table 3 of this Annex.

^(**) Agricultural Component shall continue to be fixed according to the guidelines set in the Memorandum concerning the Price Compensation System to be applied by Israel for Processed Agricultural Products covered by the EC-Israel Trade Agreement, published by the State of Israel, Ministry of Industry and Trade, Foreign Trade Administration, and dated September 1995 (ref. No 2536/G). Israel will inform the Community on any new fixation of these Agricultural Components.

Table 3

For the following products customs duties shall be bound as listed below:

Israeli Code ⁽¹⁾	ad valorem rates to be bound (%)	specific duties to be bound ⁽²⁾
	(a)	(b)
0104 10 90	110	
0105 12 10	60	
0105 19 10	60	
0105 94 00	110	
0105 99 00	110	
0204 10 19	50	
0204 10 99	50	
0204 21 19	50	
0204 21 99	50	
0204 22 19	50	
0204 22 99	50	
0204 23 19	50	
0204 23 99	50	
0204 30 90	50	
0204 41 90	50	
0204 42 90	50	
0204 43 90	50	
0204 50 19	50	
0206 80 00	60	
0207 11 10	80	
0207 11 90	80	
0207 12 10	80	
0207 12 90	80	
0207 13 00	110	
0207 14 10	110	
0207 14 90	110	
0207 24 00	80	
0207 25 00	80	
0207 26 00	110	
0207 27 10	110	
0207 27 90	110	
0210 20 00	110	
0408 91 00	110	

Israeli Code ⁽¹⁾	ad valorem rates to be bound (%)	specific duties to be bound ⁽²⁾
	(a)	(b)
0408 99 00	110	
0702 00 10	150	
0702 00 90	150	
0703 90 00	75	
0704 10 10	75	
0704 10 20	75	
0704 10 90	75	
0704 20 00	75	
0704 90 10	75	
0704 90 20	75	
0704 90 30	75	
0704 90 90	75	
0705 11 00	60	
0705 19 00	60	
0706 90 10	75	
0706 90 30	75	
0706 90 50	110	
0706 90 90	75	
0708 10 00	75	
0708 20 00	75	
0708 90 10	75	
0709 20 00	75	
0709 40 00	60	
0709 51 90	60	
0709 59 90	60	
0709 70 00	80	
0709 90 31	75	
0709 90 33	75	
0709 90 90	75	
0710 29 90	20	
0710 30 90	30	
0710 40 00	0	0,63 NIS per kg

Israeli Code ⁽¹⁾	ad valorem rates to be bound (%)	specific duties to be bound ⁽²⁾
	(a)	(b)
0711 90 41	0	0,55 NIS per kg
0805 40 10	90	
0805 50 10	120	
0805 90 11	100	
0805 90 19	75	
0806 10 00	150	
0806 20 90	150	
0807 11 10	50	
0807 19 90	70	
0808 20 19	80	
0809 10 90	60	
0809 30 90	50	
0809 40 90	60	
0810 20 00	30	
ex 0810 90	30	
0811 20 90	12	
0811 90 11	20	
0811 90 19	30	
0812 90 90	12	
0813 40 00	20	
0904 11 00	8	
0904 12 00	15	
0904 20 90	12	
0910 99 90	15	
1001 10 90	50	
1001 90 90	50	
1105 20 00	14,4	
1108 11 00	15	
1108 12 10	8	
1108 12 90	12	
1108 13 00	8	
1108 14 00	8	
1108 19 00	8	

Israeli Code ⁽¹⁾	ad valorem rates to be bound (%)	specific duties to be bound ⁽²⁾
	(a)	(b)
1209 91 29	12	
1404 90 19	19,5	
1501 00 00	12	
1507 10 90	8	
1507 90 90	8	
1508 10 00	8	
1508 90 90	8	
1510 00 90	8	
1511 10 20	8	
1511 90 90	8	
1512 11 90	8	
1512 19 90	8	
1512 21 90	8	
1512 29 90	8	
1513 11 90	8	
1513 19 90	8	
1513 21 20	8	
1513 29 90	8	
1514 11 90	8	
1514 19 90	8	
1514 91 90	8	
1514 99 90	8	
1515 11 90	4	
1515 19 90	4	
1515 21 20	8	
1515 29 90	8	
1515 30 00	8	
1515 50 90	8	
1515 90 22	8	
1515 90 30	8	
1516 10 11	28	
1516 20 19	8	

Israeli Code ⁽¹⁾	ad valorem rates to be bound (%)	specific duties to be bound ⁽²⁾
	(a)	(b)
1516 20 91	12	
1516 20 92	4	
1516 20 99	8	
1601 00 90	12	
1602 20 99	12	
1602 41 00	12	
1602 42 00	12	
1602 49 90	12	
1602 50 91	12	
1602 50 99	12	
1602 90 90	12	
1603 00 00	12	
1704 10 90	0	0,11 NIS per kg
1905 31 10	0	1,05 NIS per kg BNM than 112 %
1905 32 20	0	0,42 NIS per kg BNM than 112 %
1905 32 30	0	1,05 NIS per kg BNM than 112 %
1905 32 90	0	0,42 NIS per kg BNM than 112 %
1905 90 30	6,3	
1905 90 91	0	1,05 NIS per kg BNM than 112 %
1905 90 92	0	0,17 NIS per kg BNM than 112 %
2001 90 30	0	0,71 NIS per kg
2001 90 40	0	1,95 NIS per kg
2004 10 10	8	
2004 90 19	8	
2004 90 93	0	0,71 NIS per kg
2005 20 10	8	
2005 40 10	5,8	
2005 51 00	12	
2005 59 10	6,3	
2005 60 00	12	
2005 80 20	0	0,71 NIS per kg BNM than 12 %

Israeli Code ⁽¹⁾	ad valorem rates to be bound (%)	specific duties to be bound ⁽²⁾
	(a)	(b)
2005 80 91	12	—
2005 80 99	0	0,71 NIS per kg
2005 99 10	6	
2006 00 00	12	
2007 91 00	12	
2007 99 91	12	
2007 99 92	12	
2008 19 32	40	
2008 19 40	12	
2008 19 91	30	
2008 20 20	12	
2008 20 90	12	
2008 30 20	12	
2008 40 20	12	
2008 50 20	12	
2008 60 20	12	
2008 70 20	12	
2008 80 20	12	
2008 91 00	12	
2008 92 30	12	
2008 99 12	12	
2008 99 19	40	
2008 99 30	12	
2009 11 19	30	
2009 11 20	45	
2009 11 90	30	
2009 12 90	30	
2009 19 19	30	
2009 19 90	45	
2009 21 90	30	
2009 29 19	30	
2009 29 90	45	
2009 31 10	12	
2009 31 90	12	
2009 39 11	12	

Israeli Code ⁽¹⁾	ad valorem rates to be bound (%)	specific duties to be bound ⁽²⁾
	(a)	(b)
2009 39 19	12	
2009 39 90	12	
2009 71 10	25	
2009 71 90	30	
2009 79 30	20	
2009 79 90	45	
2009 90 21	35	
2009 90 24	30	

Israeli Code ⁽¹⁾	ad valorem rates to be bound (%)	specific duties to be bound ⁽²⁾
	(a)	(b)
2104 10 10	8	
2105 00 11	0	0,24 NIS per kg BNM than 85 %
2105 00 12	0	1,22 NIS per kg BNM than 85 %
2105 00 13	0	1,87 NIS per kg BNM than 85 %
2205 10 00	20	
2205 90 00	20	
2207 10 51	0	8,90 NIS per LTL. Kohl.

Israeli Code ⁽¹⁾	ad valorem rates to be bound (%)	specific duties to be bound ⁽²⁾
	(a)	(b)
2207 10 91	0	8,90 NIS per LTL. Kohl.
2208 20 99	0	7,5 NIS per LTL. Kohl.
3502 11 90	0	8,4 NIS per kg. BNM than 50 %
3502 19 90	0	3,25 NIS per kg. BNM than 50 %
3505 10 21	8	
3505 20 00	8	

⁽¹⁾ Israeli codes corresponding to the Israeli Customs file, published in Jerusalem in 1.1.2007 Version 957.

⁽²⁾ BNM stands for 'but not more'.

*ANNEX III***COMMON DECLARATION ON GEOGRAPHICAL INDICATIONS**

The Parties agree to come back at an appropriate time, in order to discuss a possible agreement on the protection of geographical indications for agricultural products and other foodstuffs.

B. Letter from the State of Israel

Sir/Madam,

I have the honour to acknowledge receipt of your letter of today's date, worded as follows:

'Sir/Madam,

I have the honour of referring to the negotiations which took place under Articles 9(4), 14 and 15 of the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the State of Israel, of the other part (the 'Association Agreement'), in force since 1 June 2000, which foresees the possibility for additional mutual tariff concessions on processed agricultural products and provides that the Community and the State of Israel shall progressively establish a greater liberalisation of their trade in agricultural products and fish and fishery products.

On the conclusion of the negotiations, the two Parties agreed upon the following amendments to the Association Agreement:

1. Article 7 shall be replaced by the following:

"The provisions of this Chapter shall apply to products originating in the Community and in Israel other than those listed in chapters 1 to 24 of the Combined Nomenclature (CN) and of the Israeli customs tariff, and those listed in Annex 1(1)(ii) to the Agreement on Agriculture of the GATT."

2. Article 9 shall be deleted.

3. The title of Chapter 3 shall be replaced by the following:

"AGRICULTURAL PRODUCTS, PROCESSED AGRICULTURAL PRODUCTS AND FISH AND FISHERY PRODUCTS".

4. Article 10 shall be replaced by the following:

"The provisions of this Chapter shall apply to products originating in the Community and in Israel listed in Chapters 1 to 24 of the Combined Nomenclature (CN) and of the Israeli customs tariff, and in Annex 1(1)(ii) to the Agreement on Agriculture of the GATT."

5. Article 12 shall be replaced by the following:

"Agricultural products, processed agricultural products and fish and fishery products originating in Israel, on importation into the Community, shall be subject to the arrangements set out in Protocols 1 and 3."

6. Article 13 shall be replaced by the following:

"Agricultural products, processed agricultural products and fish and fishery products originating in the Community, on importation into Israel, shall be subject to the arrangements set out in Protocols 2 and 3."

7. Article 14 shall be replaced by the following:

“The European Community and Israel shall meet three years from the date of entry into force of the Agreement in the form of an Exchange of Letters signed at Brussels on 4 November 2009, which corresponds to the seventeenth day of Heshvan 5770 in the Hebrew calendar, to consider the possibility of granting each other further concessions of trade in agricultural products, processed agricultural products and fish and fishery products.”

8. Article 15 shall be deleted.

9. Annexes I to VI shall be deleted.

10. Protocols 1 and 2 and their annexes shall be replaced by those appearing in Annexes I and II to this Agreement in the form of an Exchange of Letters.

11. A Common Declaration on geographical indications, appearing in Annex III to this Exchange of Letters, shall be added.

This Agreement in the form of an Exchange of Letters shall enter into force on the first day of the second month following the date of deposit of the last instrument of approval.’

The State of Israel has the honour of confirming its agreement with the content of this letter.

Please accept, Sir/Madam, the assurance of my highest consideration.

Съставено в Брюксел на
 Hecho en Bruselas, el
 V Bruselu dne
 Udfærdiget i Bruxelles, den
 Geschehen zu Brüssel am
 Brüssel,
 Έγινε στις Βρυξέλλες, στις
 Done at Brussels,
 Fait à Bruxelles, le
 Fatto a Bruxelles, addì
 Briselë,
 Priimta Briuselyje
 Kelt Brüsszelben,
 Maghmula fi Brussel,
 Gedaan te Brussel,
 Sporządzono w Brukseli dnia
 Feito em Bruxelas,
 Adoptat la Bruxelles,
 V Bruseli
 V Bruslju,
 Tehty Brysselissä
 Utfärdat i Bryssel den

04-11-2009

נעשה בבריסל, בתאריך י"ז בחשוון בשנת ה'תש"ט לפי הלוח העברי שהוא יום 4 בנובמבר 2009

За Държавата Израел
 Por el Estado de Israel
 Za Stát Izrael
 For Staten Israel
 Für den Staat Israel
 Israeli Riigi nimel
 Για το Κράτος του Ισραήλ
 For the State of Israel
 Pour l'État d'Israël
 Per lo Stato d'Israele
 Izraēlas Valsts vārdā
 Izraelio Valstybės vardu
 Izrael Állam részéről
 Għall-Istat tal-Iżraël
 Voor de Staat Israël
 W imieniu Państwa Izrael
 Pelo Estado de Israel
 Pentru Statul Israel
 Za Izraelský stát
 Za Državo Izrael
 Israelin valtion puolesta
 För Staten Israel

בשם מדינת ישראל

Notice concerning the date of entry into force of the Agreement in the form of an Exchange of Letters between the European Community and the State of Israel concerning reciprocal liberalisation measures on agricultural products, processed agricultural products and fish and fishery products, the replacement of Protocols 1 and 2 and their Annexes and amendments to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the State of Israel, of the other part

The above Agreement between the European Community and the State of Israel, signed in Brussels on 4 November 2009, will enter into force on 1 January 2010.

COMMISSION

COMMISSION DECISION

of 27 November 2009

concerning the adoption of a financing decision for 2010 for communication measures, studies, evaluations and on a direct grant to the OIE based on Article 168(1)(c) of Regulation (EC, Euratom) No 2342/2002

(2009/856/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 2009/470/EC of 25 May 2009 on expenditure in the veterinary field ⁽¹⁾, and in particular Articles 20, 23 and 41 thereof,

Having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽²⁾ (hereinafter referred to as the 'Financial Regulation'), and in particular Article 75 thereof,

Having regard to Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽³⁾ (hereinafter referred to as the 'Implementing Rules'), and in particular Article 90 thereof,

Whereas:

- (1) Decision 2009/470/EC lays down the procedures governing the Community's financial contribution towards specific veterinary measures, in particular as regards the information policy for animal health, animal welfare and food safety, and technical and scientific measures.
- (2) Pursuant to Article 19 of Decision 2009/470/EC, the Community shall make a financial contribution to the establishment of an information policy in the field of animal health, animal welfare and food safety in products of animal origin including the performance of studies necessary for the preparation and development of legislation in the field of animal welfare.
- (3) The Community Action Plan on the Protection and Welfare of Animals 2006-2010 ⁽⁴⁾ in particular foresees to involve and inform animal keepers/handlers as well as

the general public on current standards of animal protection and welfare, and to continue to support and initiate further international initiatives to raise awareness and create a greater consensus on animal welfare. In this regard, a European strategy to communicate on animal welfare in Europe and abroad is being implemented, to explain to citizens the variations in animal production systems and the costs and benefits of higher animal welfare standards.

- (4) The Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on a new Animal Health Strategy for the EU (2007 to 2013) acknowledges the importance of dialogue between citizens, civil society associations and the EC institutions (particularly the Commission).
- (5) An effective communication strategy has been put in place in previous years to promote animal health issues and the Animal Health Strategy principles to stakeholders, organisations and society as a whole. This communication strategy should be continued. In 2010, it is the intention of the Commission to promote in particular the importance of identification and traceability of live animals and along the food chain during the EU Veterinary Week.
- (6) The year 2011 has been designated as 'World Veterinary Year 2011' and will mark the 250th anniversary of veterinary education in the world. A communication strategy aimed at different stakeholders will be prepared to highlight its importance and to inform the stakeholders about the different events that are to be organised in that year to celebrate this occasion.
- (7) Article 41 of Decision 2009/470/EC provides for the Commission to submit a report to the Council and Parliament on the animal health situation and the cost effectiveness of the implementation of programmes for the eradication control and monitoring of animal diseases.

⁽¹⁾ OJ L 155, 18.6.2009, p. 30.

⁽²⁾ OJ L 248, 16.9.2002, p. 1.

⁽³⁾ OJ L 357, 31.12.2002, p. 1.

⁽⁴⁾ COM(2006) 13 final.

- (8) It is therefore appropriate for the Community to fund for the year 2010, studies, impact assessments, evaluations, and information policy covering the areas of food safety, animal health and welfare and zootechnics. The maximum amount to be allocated to these actions should be specified.
- (9) Pursuant to Article 22 of Decision 2009/470/EC, the Community may undertake, or assist the Member States or international organisations in undertaking, the technical and scientific measures necessary for the development of Community veterinary legislation and for the development of veterinary education or training.
- (10) The World Organisation for Animal Health (OIE) is the intergovernmental organisation responsible for improving animal health worldwide. It is recognised as a reference organisation by the World Trade Organization (WTO) for setting standards for international trade of animals and their products.
- (11) The OIE has organised a worldwide conference on 'Evolving veterinary education for a safer world', from 12-14 October 2009.
- (12) The OIE conference could ensure a better understanding of the Community policy on animal health amongst deans and directors of veterinary institutions and key national policy makers from all over the world and in developing veterinary education in the participating countries. Financial support by the Community for the dissemination of the proceedings related to the OIE global conference is therefore in line with its goal to improve the veterinary situation in the Community.
- (13) The OIE is planning an International Conference on foot and mouth disease. This conference will support the actions identified in the Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on a new Animal Health Strategy for the EU (2007 to 2013). Therefore it is appropriate for the Community to contribute to this initiative in order to foster the development of Community legislation related to this disease. Therefore, the Community should contribute to this OIE initiative.
- (14) In accordance with Article 75 of the Financial Regulation and Article 90(1) of the Implementing Rules, the commitment of expenditure from the Community 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.
- (15) Under Article 168(1)(c) of the Implementing Rules, grants may be awarded without a call for proposals in

the case of bodies with a de facto monopoly. The OIE has a de facto monopoly in its sector, hence a call for proposals is not required in order for the Community to contribute to the dissemination of technical and scientific material related to the OIE conference 'Evolving veterinary education for a safer world' and the organization and hosting of an International Conference on Foot and Mouth Disease.

- (16) The present financing decision may also cover the payment of interest due for late payment on the basis of Article 83 of the Financial Regulation and Article 106(5) of the Implementing Rules.
- (17) 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 DECIDED AS FOLLOWS:

Article 1

The activities for the implementation of the communication measures, the studies and evaluations and on a direct grant to the OIE, as set out in the Annex, are hereby adopted. It constitutes a financing decision in the meaning of Article 75 of the Financial Regulation.

Article 2

The maximum contribution authorised by this Decision for the implementation of the Programme is set at EUR 3 685 000 to be financed from the following Budgetary Line of the General Budget of the European Communities for 2009:

— Budgetary Line no 17 04 02 01: EUR 3 685 000.

These appropriations may also cover interest due for late payment.

Article 3

The grants for the OIE will be awarded through a grant agreement without a call for proposals as the OIE is the intergovernmental organisation for improving animal health worldwide and has therefore a de facto monopoly, in accordance with the conditions detailed in the annexed work programme.

Done at Brussels, 27 November 2009.

For the Commission

Androulla VASSILIOU

Member of the Commission

ANNEX

COUNCIL DECISION 2009/470/EC OF 25 MAY 2009 ON EXPENDITURE IN THE VETERINARY FIELD, AND IN PARTICULAR ARTICLES 20, 22, 23 AND 41 THEREOF — ACTIVITIES FOR 2010**1.1. Introduction**

This programme contains 6 implementing measures for the year 2010. On the basis of the objectives given in the Council Decision 2009/470/EC of 25 May 2009 on expenditure in the veterinary field, the distribution of budget and the main actions are the following:

- for grants (implemented in direct centralised management) (1.2):
 - A Community financial contribution, for the financing of the dissemination of the proceedings of the international conference on 'Evolving veterinary education for a safer world', organised by the OIE from 12-14 October 2009, of EUR 50 000 constituting a Community co-financing of at maximum 80 % of the total eligible costs.
 - A Community financial contribution, for the financing of the International Conference on Foot and Mouth Disease, organised by the OIE in 2010, of EUR 200 000 constituting a Community co-financing of at maximum 33 % of the total eligible costs.
- for procurement (implemented in direct centralised management) (1.3):
 - Use of framework contract for the performance of a study to support a report on the animal health situation and the cost effectiveness of the implementation of programmes for the eradication control and monitoring of animal diseases up to a maximum of EUR 100 000.
 - Use of framework contract for the performance of a communication campaign to promote 'World Veterinary Year 2011' up to a maximum of EUR 200 000.
 - Use of framework contract for publications and the dissemination of information and the strategy on animal welfare up to a maximum of EUR 230 000.
 - Use of framework contract for publications and the dissemination of information to promote animal health issues and the Animal Health Strategy principles up to a maximum of EUR 2 905 000.

1.2. Grants

- 1.2.1. *Community financial contribution, for the financing of the dissemination of the proceedings of the international conference on 'Evolving veterinary education for a safer world', organised by the World Organisation for Animal Health (OIE) from 12-14 October 2009*

Grants shall be covered by a written agreement.

Legal basis

Article 23 of Decision 2009/470/EC

Budgetary line

17 04 02 01

Objectives to be fulfilled and foreseen results

The OIE has organised a worldwide conference on 'Evolving veterinary education for a safer world', from 12-14 October 2009.

The OIE conference could ensure a better understanding of the Community policy on animal health amongst deans and directors of veterinary institutions and key national policy makers from all over the world and in developing veterinary education in the participating countries. Financial support by the Community for the dissemination of the proceedings related to the OIE global conference is therefore in line with its goal to improve the veterinary situation in the Community.

Description and objectives of the implementing measure

A Community financial contribution, for the financing of the dissemination of the proceedings of the international conference on 'Evolving veterinary education for a safer world', organised by the OIE from 12-14 October 2009.

Implementation

Direct centralised

Direct award

Article 168(1)(c)

Maximum possible rate of co-financing

At maximum 80 % of the total eligible costs

- 1.2.2. *A Community financial contribution, for the financing of the International Conference on Foot and Mouth Disease, organised by the World Organisation for Animal Health (OIE) in 2010*

Grants shall be covered by a written agreement.

Legal basis

Article 23 of Decision 2009/470/EC

Budgetary line

17 04 02 01

Objectives to be fulfilled and foreseen results

The OIE is planning an International Conference on foot and mouth disease during 2010. This conference will support the actions identified in the Communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on a new Animal Health Strategy for the EU (2007 to 2013). Therefore it is appropriate for the Community to contribute to this initiative in order to achieve a better protection from this disease.

Description and objective of the implementing measure

The Community will support the OIE in the organisation of this International Conference.

Implementation

Direct centralised

Direct award

Article 168(1)(c)

Maximum possible rate of co-financing

At maximum 33 % of the total eligible costs related to the organisation of the International Conference.

1.3. Procurement

The global budgetary envelope reserved in 2009 for the procurement contracts amounts to EUR 3 435 000.

- 1.3.1. *Performance of a study to support a report on the animal health situation and the cost effectiveness of the implementation of programmes for the eradication control and monitoring of animal diseases*

Legal basis

Article 41 of Decision 2009/470/EC

Budgetary line

17 04 02 01

Indicative number and type of contracts envisaged

One service contract (use of existing framework contract)

Subject of the contracts envisaged

To prepare a study that is to be used as a contribution towards finalising the report as mentioned in Article 41 of Decision 2009/470/EC

Implementation

Direct centralised

Indicative timeframe for launching the procurement procedure

Specific contract

Conclusion of one specific service contract (during the first quarter of 2010) under framework contract reference SANCO/2008/01/055

1.3.2. *Communication campaign to promote 'World Veterinary Year 2011'*

Legal basis

Article 20 of Decision 2009/470/EC

Budgetary line

17 04 02 01

Indicative number and type of contracts envisaged

One service contract (use of existing framework contract)

Subject of the contracts envisaged

To prepare a communication campaign including different communication actions in preparation of the 'World Veterinary Year 2011', in order to promote the Animal Health Community policy during that year

Implementation

Direct centralised

Indicative timeframe for launching the procurement procedure

Specific contract

Conclusion of one specific service contract (during the second quarter of 2010) under framework contract reference SANCO/2009/A1/005

1.3.3. *Publications and dissemination of information related to the strategy on animal welfare*

Legal basis

Article 20 of Decision 2009/470/EC

Budgetary line

17 04 02 01

Indicative number and type of contracts envisaged

A maximum of three service contracts (use of existing framework contracts)

Subject of the contracts envisaged

As foreseen in the Community Action Plan on the Protection and Welfare of Animals 2006-2010, the following activities, corresponding to Areas 4 and 5 of the Plan, are envisaged for 2010:

- Developing an interactive website on animal welfare to promote the Animal Welfare strategies and initiatives, and updating and managing its content;
- Follow up to the Welfare Quality® project (<http://www.welfarequality.net/everyone>). The Welfare Quality® project is supported by the Commission in order to create animal based welfare indicators and to improve the marketing of animal products with high welfare content;

- Farmland website and teacher toolbox – further developments. Development of additional languages for the website, integrating existing similar projects into Farmland teacher toolbox strategy, developing an European study on existing animal welfare educational programs;
- Organizing events/conferences on animal welfare education;
- Organizing a drawing contest for children for a new design to be used on promotional materials.

Implementation

Direct centralised

Indicative timeframe for launching the procurement procedure

Specific contract

Conclusion of a maximum of three specific service contracts (during the first quarter of 2010) under framework contract reference SANCO/2009/A1/005

1.3.4. *Publications and dissemination of information to promote animal health issues and the Animal Health Strategy principles*

Legal basis

Article 20 of Decision 2009/470/EC

Budgetary line

17 04 02 01

Indicative number and type of contracts envisaged

A maximum of seven service contracts (use of existing framework contracts)

Subject of the contracts envisaged

- Veterinary Week 2010:
 - A two day conference in Brussels with all stakeholders;
 - A video and printed materials to be developed for the general public on the importance of identification and traceability of animals;
 - Events to be organised in all Member States for students in Veterinary Universities and the general public during the Veterinary Week and supporting materials to be developed, to raise awareness of animal health issues, including for instance the EU Animal Health Strategy, identification and traceability of animals and rabies.
- Promoting the Animal Health Community policy in line with the Animal Health Strategy:
 - Prolongation of the promotion campaign using a customised van travelling around the EU, stopping off at agricultural shows, veterinary conventions, tourism fairs, and schools;
 - Printed materials to be developed for the general public on pet passports, in all EU languages;
 - On-line handbook on rabies prevention to be developed for the general public, to be translated in several key languages.

Implementation

Direct centralised

Indicative timeframe for launching the procurement procedure

Specific contract

Conclusion of a maximum of seven specific service contracts (during the first and second quarter of 2010) under framework contract reference SANCO/2009/A1/005

II Acts adopted under the EC Treaty/Euratom Treaty whose publication is not obligatory

DECISIONS

Council

2009/855/EC:

- ★ Council Decision of 20 October 2009 on the signing and conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the State of Israel concerning reciprocal liberalisation measures on agricultural products, processed agricultural products and fish and fishery products, the replacement of Protocols 1 and 2 and their Annexes and amendments to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the State of Israel, of the other part 81

Agreement in the form of an Exchange of Letters between the European Community and the State of Israel concerning reciprocal liberalisation measures on agricultural products, processed agricultural products and fish and fishery products, the replacement of protocols 1 and 2 and their annexes and amendments to the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the State of Israel, of the other part 83

Commission

2009/856/EC:

- ★ Commission Decision of 27 November 2009 concerning the adoption of a financing decision for 2010 for communication measures, studies, evaluations and on a direct grant to the OIE based on Article 168(1)(c) of Regulation (EC, Euratom) No 2342/2002 126

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