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Legislation

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Contents

II *Non-legislative acts*

INTERNATIONAL AGREEMENTS

- ★ **Council Decision 2010/199/CFSP of 22 March 2010 on the signing and conclusion of the Agreement between the European Union and Montenegro on the participation of Montenegro in the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (Operation Atalanta) ...** 1

Agreement between the European Union and Montenegro on the participation of Montenegro in the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (Operation Atalanta) 3

REGULATIONS

- ★ **Commission Regulation (EU) No 291/2010 of 31 March 2010 correcting Regulations (EC) No 437/2009, (EC) No 438/2009 and (EC) No 1064/2009 as regards the end-use procedure laid down for imports of certain agricultural products under tariff quotas** 9

Commission Regulation (EU) No 292/2010 of 7 April 2010 establishing the standard import values for determining the entry price of certain fruit and vegetables 11

Price: EUR 3

(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.

The titles of all other acts are printed in bold type and preceded by an asterisk.

DECISIONS

2010/200/EU:

- ★ **Decision of the European Parliament and of the Council of 9 March 2010 on the mobilisation of the European Globalisation Adjustment Fund, in accordance with point 28 of the Inter-institutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management** 13

2010/201/EU:

- ★ **Decision of the European Parliament and of the Council of 9 March 2010 on the mobilisation of the European Globalisation Adjustment Fund, in accordance with point 28 of the Inter-institutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management** 14

2010/202/EU:

- ★ **Decision of the European Parliament and of the Council of 9 March 2010 on the mobilisation of the European Globalisation Adjustment Fund, in accordance with point 28 of the Inter-institutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management** 15

2010/203/EU:

- ★ **Decision of the European Parliament and of the Council of 25 March 2010 on mobilisation of the European Globalisation Adjustment Fund, in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management** 16

2010/204/EU:

- ★ **Decision of the European Parliament and of the Council of 25 March 2010 on mobilisation of the European Globalisation Adjustment Fund, in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management** 17

2010/205/EU:

- ★ **Commission Decision of 31 March 2010 concerning the reporting questionnaire relating to Regulation (EC) No 166/2006 of the European Parliament and of the Council concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC (notified under document C(2010) 1955) ⁽¹⁾**..... 18

2010/206/EU:

- ★ **Commission Decision of 6 April 2010 allowing Member States to extend provisional authorisations granted for the new active substance FEN 560 (notified under document C(2010) 1974) ⁽¹⁾** 21



⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION 2010/199/CFSP

of 22 March 2010

on the signing and conclusion of the Agreement between the European Union and Montenegro on the participation of Montenegro in the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (Operation Atalanta)

THE COUNCIL OF THE EUROPEAN UNION,

to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (Operation Atalanta) (the Agreement).

Having regard to the Treaty on European Union, in particular Article 37 thereof, and the Treaty on the Functioning of the European Union, in particular Article 218(5) and (6) thereof,

(4) The Agreement should be approved,

Having regard to the proposal of the High Representative of the Union for Foreign Affairs and Security Policy,

HAS ADOPTED THIS DECISION:

Whereas:

Article 1

(1) On 10 November 2008, the Council adopted Joint Action 2008/851/CFSP on a European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast ⁽¹⁾ (operation Atalanta).

The Agreement between the European Union and Montenegro on the participation of Montenegro in the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (Operation Atalanta) (the Agreement) is hereby approved on behalf of the European Union.

(2) Article 10(3) of that Joint Action provides that detailed modalities for the participation by third States shall be the subject of agreements to be concluded in accordance with Article 37 of the Treaty on European Union.

The text of the Agreement is attached to this Decision.

(3) Following the Decisions by the Political and Security Committee of 21 April 2009 on the acceptance of third States' contributions to operation Atalanta (ATALANTA/2/2009) ⁽²⁾ and on the setting up of a Committee of Contributors (ATALANTA/3/2009) ⁽³⁾, an Agreement has been negotiated between the European Union and Montenegro on the participation of Montenegro in the European Union military operation

Article 2

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

Article 3

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 10(1) of the Agreement ⁽⁴⁾.

⁽¹⁾ OJ L 301, 12.11.2008, p. 33.

⁽²⁾ OJ L 109, 30.4.2009, p. 52.

⁽³⁾ OJ L 112, 6.5.2009, p. 9 and addendum in OJ L 119, 14.5.2009, p. 40.

⁽⁴⁾ The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

Article 4

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

Article 5

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

Done at Brussels, 22 March 2010.

For the Council
The President
M. Á. MORATINOS

AGREEMENT

between the European Union and Montenegro on the participation of Montenegro in the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (Operation Atalanta)

THE EUROPEAN UNION (EU),

of the one part, and

MONTENEGRO,

of the other part,

hereinafter referred to as the 'Parties',

TAKING INTO ACCOUNT:

- the adoption by the Council of the European Union of Joint Action 2008/851/CFSP on a European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast ⁽¹⁾ (operation Atalanta), as amended by Council Decision 2009/907/CFSP ⁽²⁾,
- the invitation by the EU to Montenegro to participate in the EU-led operation,
- the successful completion of the Force Generation process and the recommendation by the EU Operation Commander and the EU Military Committee to agree on the participation of Montenegro's forces in the EU-led operation,
- the Political and Security Committee Decision ATALANTA/2/2009 of 21 April 2009 on the acceptance of third States' contributions to the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (Atalanta) ⁽³⁾ and the Political and Security Committee Decision ATALANTA/3/2009 of 21 April 2009 on the setting up of the Committee of Contributors for the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (Atalanta) ⁽⁴⁾, which were both amended by Political and Security Committee Decision ATALANTA/7/2009 ⁽⁵⁾,
- the decision by Montenegro of 13 August 2009 to participate in operation Atalanta,

HAVE AGREED AS FOLLOWS:

Article 1

Participation in the operation

1. Montenegro shall associate itself with Joint Action 2008/851/CFSP on a European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (operation Atalanta), as amended by Decision 2009/907/CFSP, and with any further Decision by which the Council of the European Union decides to extend the operation, in accordance with the provisions of this Agreement and any required implementing arrangements.

2. The contribution of Montenegro to the European Union-led naval force (EUNAVFOR) is without prejudice to the decision-making autonomy of the European Union.

3. Montenegro shall ensure that its forces and personnel participating in operation Atalanta undertake their mission in conformity with:

— Joint Action 2008/851/CFSP and possible subsequent amendments,

— the Operation Plan,

— any implementing measures.

4. Forces and personnel seconded to the operation by Montenegro shall carry out their duties and conduct themselves solely with the interest of operation Atalanta in mind.

5. Montenegro shall inform the EU Operation Commander in due time of any change to its participation in the operation.

Article 2

Status of forces

1. The status of the forces and personnel contributed to operation Atalanta by Montenegro shall be governed by the agreement on the status of forces concluded between the European Union and Somalia, Djibouti or any other country in the region with which such an agreement will have been

⁽¹⁾ OJ L 301, 12.11.2008, p. 33, as corrected in OJ L 253, 25.9.2009, p. 18.

⁽²⁾ OJ L 322, 9.12.2009, p. 27.

⁽³⁾ OJ L 109, 30.4.2009, p. 52.

⁽⁴⁾ OJ L 112, 6.5.2009, p. 9 and addendum in OJ L 119, 14.5.2009, p. 40.

⁽⁵⁾ OJ L 270, 15.10.2009, p. 19.

concluded for the purposes of the operation, or by the unilateral declaration on the status of forces issued by Kenya, the Seychelles or any country in the region which will have issued such a declaration for the purposes of the operation.

2. The status of the forces and personnel contributed to headquarters or command elements located outside the joint operation area, shall be governed by arrangements between the Host State of the headquarters and command elements concerned and Montenegro.

3. Without prejudice to the agreements and declarations on the status of forces referred to in paragraphs 1 and 2, Montenegro shall exercise jurisdiction over its forces and personnel participating in operation Atalanta.

4. Montenegro shall be responsible for answering any claims linked to the participation in operation Atalanta, from or concerning any of its forces and personnel. Montenegro shall be responsible for bringing any action, in particular legal or disciplinary, against any of its forces and personnel, in accordance with its laws and regulations.

5. Montenegro undertakes to make a declaration as regards the waiver of claims against any State participating in operation Atalanta, and to do so when signing this Agreement.

6. European Union Member States undertake to make a declaration as regards the waiver of claims, for the participation of Montenegro in operation Atalanta, and to do so when signing this Agreement.

Article 3

Conditions of transfer of persons arrested and detained with a view to their prosecution

If Montenegro exercises its jurisdiction upon persons having committed or suspected of having committed acts of piracy, or acts of armed robbery in a coastal State's territorial sea, within the area of the Operation, the transfer of persons arrested with a view to their prosecution and detained by EUNAVFOR and seized property in the possession of EUNAVFOR, from EUNAVFOR to Montenegro, shall be carried out under the conditions set out in the Annex, which forms an integral part of this Agreement.

Article 4

Classified information

1. Montenegro shall take appropriate measures to ensure that EU classified information is protected in accordance with the European Union Council's security regulations, contained in Council Decision 2001/264/EC of 19 March 2001 adopting

the Council's security regulations⁽¹⁾, and in accordance with further guidance issued by competent authorities, including the EU Operation Commander.

2. Where the EU and Montenegro have concluded an agreement on security procedures for the exchange of classified information, the provisions of such an agreement shall apply in the context of operation Atalanta.

Article 5

Chain of command

1. All forces and personnel participating in operation Atalanta shall remain under the full command of their national authorities.

2. National authorities shall transfer the Operational and Tactical command and/or control of their forces and personnel to the EU Operation Commander. The EU Operation Commander is entitled to delegate his authority.

3. Montenegro shall have the same rights and obligations in terms of the day-to-day management of the operation as participating European Union Member States.

4. The EU Operation Commander may — following consultations with Montenegro — at any time request the withdrawal of Montenegro's contribution.

5. A Senior Military Representative (SMR) shall be appointed by Montenegro to represent its national contingent in operation Atalanta. The SMR shall consult with the EU Force Commander on all matters affecting the operation and shall be responsible for day-to-day contingent discipline.

Article 6

Financial aspects

1. Montenegro shall assume all the costs associated with its participation in the operation unless the costs are subject to common funding as provided for in the legal instruments referred to in Article 1(1) of this Agreement, as well as in Council Decision 2008/975/CFSP of 18 December 2008 establishing a mechanism to administer the financing of the common costs of European Union operations having military or defence implications (Athena)⁽²⁾.

2. Operation Atalanta shall provide logistic support to the Montenegrin contingent on a cost reimbursement basis under the conditions provided in the implementing arrangements referred to in Article 7. Administrative management of related expenditure shall be entrusted to Athena.

⁽¹⁾ OJ L 101, 11.4.2001, p. 1.

⁽²⁾ OJ L 345, 23.12.2008, p. 96.

3. In the event of death, injury, loss or damage to natural or legal persons from the State(s) in which the operation is conducted, Montenegro shall, when its liability has been established, pay compensation under the conditions foreseen in the agreement on status of forces, if available, as referred to in Article 2(1) of this Agreement.

Article 7

Arrangements to implement the Agreement

Any necessary technical and administrative arrangements in pursuance of the implementation of this Agreement shall be concluded between the High Representative of the Union for Foreign Affairs and Security Policy or the EU Operation Commander and the appropriate authorities of Montenegro.

Article 8

Non-compliance

Should one of the Parties fail to comply with its obligations laid down in the previous Articles, the other Party shall have the right to terminate this Agreement by serving a notice of one month.

Article 9

Dispute settlement

Disputes concerning the interpretation or application of this Agreement shall be settled by diplomatic means between the Parties.

Article 10

Entry into force

1. This Agreement shall enter into force on the first day of the first month after the Parties have notified each other of the

completion of the internal procedures necessary for this purpose.

2. This Agreement shall be provisionally applied from the date of signature.

3. This Agreement shall remain in force for the duration of Montenegro's contribution to the operation.

4. Termination of this Agreement will not affect any benefits or obligations arising out of the application of this Agreement before such termination, including the benefits to any transferred persons as long as they are held in custody or are prosecuted by Montenegro.

After the termination of the Operation, all benefits of EUNAVFOR under the Annex to this Agreement may be exercised by any person or entity designated by the State exercising the Presidency of the Council of the EU. A designated person or entity may, inter alia, be a diplomatic agent or consular official of that State accredited to Montenegro. After the termination of the Operation, all notifications that were to be made to EUNAVFOR under this Instrument will be made to the State exercising the Presidency of the Council of the EU.

Done at Brussels, on the twenty-fourth day of March in the year two thousand and ten, in two originals in the English language.

For the European Union

For Montenegro

Robert Cooper

g. J. J. J.

ANNEX

PROVISIONS ON THE CONDITIONS AND MODALITIES FOR THE TRANSFER OF PERSONS SUSPECTED OF HAVING COMMITTED ACTS OF PIRACY, OR ACTS OF ARMED ROBBERY IN A COASTAL STATE'S TERRITORIAL SEA, WITHIN THE AREA OF THE OPERATION, AND DETAINED BY THE EUROPEAN UNION-LED NAVAL FORCE (EUNAVFOR), AND SEIZED PROPERTY IN THE POSSESSION OF EUNAVFOR, FROM EUNAVFOR TO MONTENEGRO AND FOR THEIR TREATMENT AFTER SUCH TRANSFER

1. Definitions

For the purposes of this Agreement:

- (a) 'Piracy' means piracy as defined in Article 101 of UNCLOS;
- (b) 'Armed robbery' means acts as defined in paragraph (a) when committed in a coastal State's territorial sea within the area of the Operation;
- (c) 'Transferred person' means any person suspected of intending to commit, committing, or having committed, acts of piracy or armed robbery transferred by EUNAVFOR to Montenegro under this Agreement.

2. General principles

- (a) Montenegro may accept, upon the request of EUNAVFOR, the transfer of persons detained by EUNAVFOR in connection with piracy or armed robbery and associated seized property by EUNAVFOR and submit such persons and property to its competent authorities for the purpose of investigation and prosecution.
- (b) EUNAVFOR shall, when acting under this Agreement, only transfer persons to the competent law enforcement authorities of Montenegro.
- (c) Montenegro confirms that persons transferred under these provisions, both prior to and following transfer, shall be treated humanely and in accordance with international human rights obligations, including the prohibition against torture and cruel, inhuman and degrading treatment or punishment, the prohibition of arbitrary detention and in accordance with the requirement to have a fair trial.

3. Treatment, prosecution and trial of transferred persons

- (a) Any transferred person shall be treated humanely and shall not be subject to torture or cruel, inhuman or degrading treatment or punishment, shall receive adequate accommodation and nourishment, access to medical treatment and shall be able to carry out religious observance.
- (b) Any transferred person shall be brought promptly before a judge or other officer authorised by law to exercise judicial power, who shall decide without delay on the lawfulness of his detention and shall order his release if the detention is not lawful.
- (c) Any transferred person shall be entitled to trial within a reasonable time or to release.
- (d) In the determination of any criminal charge against him, any transferred person shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.
- (e) Any transferred person charged with a criminal offence shall be presumed innocent until proved guilty according to law.
- (f) In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:
 - 1. to be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;
 - 2. to have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;
 - 3. to be tried without undue delay;
 - 4. to be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;

5. to examine, or have examined, all evidence against him, including affidavits of witnesses who conducted the arrest, and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
 6. to have the free assistance of an interpreter if he cannot understand or speak the language used in court;
 7. not to be compelled to testify against himself or to confess guilt.
- (g) Any transferred person convicted of a crime shall be permitted the right to have his conviction and sentence reviewed by or appealed to a higher tribunal in accordance with the law of Montenegro.
- (h) Montenegro shall not transfer any transferred person to any other State for the purposes of investigation or prosecution without prior written consent from EUNAVFOR.

4. Death penalty

No transferred person shall be sentenced or liable to the death penalty or be the subject of an application for the death penalty.

5. Records and notifications

- (a) Any transfer shall be the subject of an appropriate document signed by a representative of EUNAVFOR and a representative of the competent authorities of Montenegro law enforcement authorities.
- (b) EUNAVFOR shall provide detention records to Montenegro with regard to any transferred person. These records shall include, so far as possible, the physical condition of the transferred person while in detention, the time of transfer to Montenegro's authorities, the reason for his detention, the time and place his detention commenced, and any decisions taken with regard to his detention.
- (c) Montenegro shall be responsible for keeping an accurate account of any transferred person, including but not limited to keeping records of any seized property, the person's physical condition, the location of his place of detention, any charges against him and any significant decisions taken in the course of his prosecution and trial.
- (d) These records shall be available to representatives of the EU and EUNAVFOR upon request in writing to the Ministry of Foreign Affairs of Montenegro.
- (e) In addition, Montenegro shall notify EUNAVFOR of the place of detention of any person transferred under this Agreement, any deterioration of his physical condition and of any allegations of alleged improper treatment. Representatives of the EU and EUNAVFOR shall have access to any person transferred under this Agreement as long as such persons are in custody and shall be entitled to question them.
- (f) At their request, national and international humanitarian agencies shall be allowed to visit persons transferred under this Agreement.
- (g) For the purposes of ensuring that EUNAVFOR is able to provide timely assistance to Montenegro, with attendance of witnesses from EUNAVFOR and the provision of relevant evidence, Montenegro shall notify EUNAVFOR of its intention to initiate criminal trial proceedings against any transferred person and the timetable for provision of evidence, and the hearing of evidence.

6. EUNAVFOR Assistance

- (a) EUNAVFOR, within its means and capabilities, shall provide all assistance to Montenegro with a view to the investigation and prosecution of transferred persons.
- (b) In particular, EUNAVFOR shall:
1. hand over detention records drawn up pursuant to paragraph 5(b) of these provisions;
 2. process any evidence in accordance with the requirements of the competent authorities of Montenegro as agreed in the implementing arrangements described in paragraph 8;
 3. endeavour to produce statements of witnesses or affidavits by EUNAVFOR personnel involved in any incident in relation to which persons have been transferred under these provisions;
 4. hand over all relevant seized property in the possession of EUNAVFOR.

7. Relationship to other rights of transferred persons

Nothing in these provisions is intended to derogate or may be construed as derogating from any rights that a transferred person may have under applicable domestic or international law.

8. Implementing arrangements

(a) For the purposes of the application of these provisions, operational, administrative and technical matters may be the subject of implementing arrangements to be approved between the competent authorities of Montenegro on the one hand and the competent EU authorities as well as the competent authorities of the States providing a national contingent for EUNAVFOR on the other hand.

(b) Implementing arrangements may, inter alia, cover:

1. The identification of competent law enforcement authorities of Montenegro to which EUNAVFOR may transfer persons.
 2. The detention facilities where transferred persons will be held.
 3. The handling of documents, including those related to the gathering of evidence, which shall be handed over to the competent law enforcement authorities of Montenegro upon transfer of a person.
 4. Points of contacts for notifications.
 5. Forms to be used for transfers.
-

REGULATIONS

COMMISSION REGULATION (EU) No 291/2010

of 31 March 2010

correcting Regulations (EC) No 437/2009, (EC) No 438/2009 and (EC) No 1064/2009 as regards the end-use procedure laid down for imports of certain agricultural products under tariff quotas

THE EUROPEAN COMMISSION,

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

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

Whereas:

(1) Article 2(1) of Commission Regulation (EC) No 437/2009 of 26 May 2009 opening and providing for the administration of a Community import tariff quota for young male bovine animals for fattening ⁽²⁾, Article 3(1) of Commission Regulation (EC) No 438/2009 of 26 May 2009 opening and providing for the administration of Community tariff quotas for bulls, cows and heifers other than for slaughter of certain Alpine and mountain breeds ⁽³⁾ and Article 4(1) of Commission Regulation (EC) No 1064/2009 of 4 November 2009 opening and providing for the administration of a Community import tariff quota for malting barley from third countries ⁽⁴⁾ provide for customs supervision under the end-use procedure referred to in Article 166 of Regulation (EC) No 450/2008 of the European Parliament and of the Council of 23 April 2008 laying down the Community Customs Code (Modernised Customs Code) ⁽⁵⁾.

(2) As indicated in the correlation table in the Annex to Regulation (EC) No 450/2008, the purpose of the said Article 166 is to replace Article 82 of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽⁶⁾, which also provided for customs supervision in connection with a particular end-use of the goods imported. However, notwithstanding the entry into force of the implementing provisions

referred to in the first subparagraph of Article 188(2) of Regulation (EC) No 450/2008, the second subparagraph thereof lays down that Article 166 of the said Regulation is to apply from 24 June 2013 at the latest. Consequently, Article 82 of Regulation (EEC) No 2913/92 will remain applicable until the date from which Article 166 of Regulation (EC) No 450/2008 applies.

(3) The reference in Regulations (EC) No 437/2009, (EC) No 438/2009 and (EC) No 1064/2009 to Article 166 of Regulation (EC) No 450/2008 should therefore be replaced by a reference to Article 82 of Regulation (EEC) No 2913/92.

(4) Regulations (EC) No 437/2009, (EC) No 438/2009 and (EC) No 1064/2009 should therefore be corrected accordingly.

(5) To ensure efficient management of the tariff quotas concerned and given that the content of the provisions concerned remains unchanged, the correction should apply from the same dates as those from which the Regulations concerned apply.

(6) 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

Article 2(1) of Regulation (EC) No 437/2009 is replaced by the following:

‘1. In accordance with Article 82 of Council Regulation (EEC) No 2913/92 ^(*), the animals imported shall be subject to customs supervision to ensure that they are fattened for a period of at least 120 days in production units which must be indicated by the importer in the month following the animals’ release for free circulation.

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 128, 27.5.2009, p. 54.

⁽³⁾ OJ L 128, 27.5.2009, p. 57.

⁽⁴⁾ OJ L 291, 7.11.2009, p. 14.

⁽⁵⁾ OJ L 145, 4.6.2008, p. 1.

⁽⁶⁾ OJ L 302, 19.10.1992, p. 1.

^(*) OJ L 302, 19.10.1992, p. 1.’

Article 2

Article 3(1) of Regulation (EC) No 438/2009 is replaced by the following:

‘1. In accordance with Article 82 of Council Regulation (EEC) No 2913/92 (*), imported animals shall be subject to customs supervision to ensure that they are not slaughtered within four months of their release for free circulation.

(*) OJ L 302, 19.10.1992, p. 1.’

Article 3

In the first subparagraph of Article 4(1) of Regulation (EC) No 1064/2009, the introductory sentence is replaced by the following:

‘In accordance with Article 82 of Council Regulation (EEC) No 2913/92 (*), the barley imported under this tariff quota shall be subject to customs supervision, to ensure that:

(*) OJ L 302, 19.10.1992, p. 1.’

Article 4

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

Articles 1 and 2 shall apply from 1 July 2009.

Article 3 shall apply from 1 January 2010.

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

Done at Brussels, 31 March 2010.

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

COMMISSION REGULATION (EU) No 292/2010**of 7 April 2010****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

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

Having regard to Commission 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 8 April 2010.

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

Done at Brussels, 7 April 2010.

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

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	IL	160,8
	JO	96,4
	MA	143,8
	TN	131,6
	TR	133,9
	ZZ	133,3
0707 00 05	JO	92,1
	MA	106,5
	TR	134,8
	ZZ	111,1
0709 90 70	MA	71,9
	TR	102,7
	ZZ	87,3
0805 10 20	EG	54,6
	IL	55,9
	MA	45,0
	TN	47,0
	TR	67,7
	ZZ	54,0
0805 50 10	IL	66,0
	TR	60,4
	ZA	71,7
	ZZ	66,0
0808 10 80	AR	94,0
	BR	83,8
	CA	101,3
	CL	90,8
	CN	83,9
	MK	23,6
	US	131,3
	UY	74,3
	ZA	79,7
	ZZ	84,7
0808 20 50	AR	94,6
	CL	111,5
	CN	52,3
	ZA	102,5
	ZZ	90,2

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

DECISIONS

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 9 March 2010

on the mobilisation of the European Globalisation Adjustment Fund, in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management

(2010/200/EU)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽¹⁾, and in particular point 28 thereof,

Having regard to Regulation (EC) No 1927/2006 of the European Parliament and of the Council of 20 December 2006 establishing the European Globalisation Adjustment Fund ⁽²⁾, and in particular Article 12(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The European Globalisation Adjustment Fund (EGF) was established to provide additional support to redundant workers who suffer from the consequences of major structural changes in world trade patterns and to assist them with their reintegration into the labour market.
- (2) The scope of the EGF was broadened for applications submitted from 1 May 2009 to include support for workers made redundant as a result of the global financial and economic crisis.
- (3) The Interinstitutional Agreement of 17 May 2006 allows the mobilisation of the EGF within the annual ceiling of EUR 500 million.

(4) Lithuania submitted an application to mobilise the EGF, in respect of redundancies in the construction industry, on 23 September 2009. This application complies with the requirements for determining the financial contributions as laid down in Article 10 of Regulation (EC) No 1927/2006, therefore the Commission proposes to deploy an amount of EUR 1 118 893.

(5) The EGF should, therefore, be mobilised in order to provide a financial contribution for the application submitted by Lithuania,

HAVE ADOPTED THIS DECISION:

Article 1

For the general budget of the European Union for the financial year 2010, the European Globalisation Adjustment Fund (EGF) shall be mobilised to provide the sum of EUR 1 118 893 in commitment and payment appropriations.

Article 2

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

Done at Strasbourg, 9 March 2010.

For the European Parliament
The President
J. BUZEK

For the Council
The President
M. Á. MORATINOS

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ L 406, 30.12.2006, p. 1.

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 9 March 2010

on the mobilisation of the European Globalisation Adjustment Fund, in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management

(2010/201/EU)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽¹⁾, and in particular point 28 thereof,

Having regard to Regulation (EC) No 1927/2006 of the European Parliament and of the Council of 20 December 2006 establishing the European Globalisation Adjustment Fund ⁽²⁾, and in particular Article 12(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The European Globalisation Adjustment Fund (EGF) was established to provide additional support to redundant workers who suffer from the consequences of major structural changes in world trade patterns and to assist them with their reintegration into the labour market.
- (2) The scope of the EGF was broadened for applications submitted from 1 May 2009 to include support for workers made redundant as a direct result of the global financial and economic crisis.
- (3) The Interinstitutional Agreement of 17 May 2006 allows the mobilisation of the EGF within the annual ceiling of EUR 500 million.
- (4) Germany submitted an application to mobilise the EGF, in respect of redundancies in the automotive manufac-

turing sector, on 13 August 2009 and supplemented it by additional information up to 23 October 2009. This application complies with the requirements for determining the financial contributions as laid down in Article 10 of Regulation (EC) No 1927/2006, therefore the Commission proposes to deploy an amount of EUR 6 199 341.

- (5) The EGF should, therefore, be mobilised in order to provide a financial contribution for the application submitted by Germany,

HAVE ADOPTED THIS DECISION:

Article 1

For the general budget of the European Union for the financial year 2010, the European Globalisation Adjustment Fund (EGF) shall be mobilised to provide the sum of EUR 6 199 341 in commitment and payment appropriations.

Article 2

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

Done at Strasbourg, 9 March 2010.

For the European Parliament

The President

J. BUZEK

For the Council

The President

M. Á. MORATINOS

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ L 406, 30.12.2006, p. 1.

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 9 March 2010

on the mobilisation of the European Globalisation Adjustment Fund, in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management

(2010/202/EU)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽¹⁾, and in particular point 28 thereof,

having regard to Regulation (EC) No 1927/2006 of the European Parliament and of the Council of 20 December 2006 establishing the European Globalisation Adjustment Fund ⁽²⁾, and in particular Article 12(3) thereof,

having regard to the proposal from the European Commission,

Whereas:

- (1) The European Globalisation Adjustment Fund (EGF) was established to provide additional support to redundant workers who suffer from the consequences of major structural changes in world trade patterns and to assist them with their reintegration into the labour market.
- (2) The scope of the EGF was broadened for applications submitted from 1 May 2009 to include support for workers made redundant as a result of the global financial and economic crisis.
- (3) The Interinstitutional Agreement of 17 May 2006 allows the mobilisation of the EGF within the annual ceiling of EUR 500 million.

(4) Lithuania submitted an application to mobilise the EGF, in respect of redundancies in 'Snaigė' plc and two of its suppliers, on 23 July 2009. This application complies with the requirements for determining the financial contributions as laid down in Article 10 of Regulation (EC) No 1927/2006, therefore the Commission proposes to deploy an amount of EUR 258 163.

(5) The EGF should, therefore, be mobilised in order to provide a financial contribution for the application submitted by Lithuania,

HAVE ADOPTED THIS DECISION:

Article 1

For the general budget of the European Union for the financial year 2010, the European Globalisation Adjustment Fund (EGF) shall be mobilised to provide the sum of EUR 258 163 in commitment and payment appropriations.

Article 2

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

Done at Strasbourg, 9 March 2010.

For the European Parliament

The President

J. BUZEK

For the Council

The President

M. Á. MORATINOS

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ L 406, 30.12.2006, p. 1.

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 25 March 2010

on mobilisation of the European Globalisation Adjustment Fund, in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management

(2010/203/EU)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽¹⁾, and in particular point 28 thereof,

Having regard to Regulation (EC) No 1927/2006 of the European Parliament and of the Council of 20 December 2006 establishing the European Globalisation Adjustment Fund ⁽²⁾, and in particular Article 12(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The European Globalisation Adjustment Fund (EGF) was established to provide additional support to redundant workers who suffer from the consequences of major structural changes in world trade patterns and to assist them with their reintegration into the labour market.
- (2) The scope of the EGF was broadened for applications submitted from 1 May 2009 to include support for workers made redundant as a result of the global financial and economic crisis.
- (3) The Interinstitutional Agreement of 17 May 2006 allows the mobilisation of the EGF within the annual ceiling of EUR 500 million.

- (4) Lithuania submitted an application to mobilise the EGF, in respect of redundancies in the furniture manufacturing sector, on 23 September 2009 and supplemented it with additional information received on 16 October 2009. This application complies with the requirements for determining the financial contributions as laid down in Article 10 of Regulation (EC) No 1927/2006, therefore the Commission proposes to deploy an amount of EUR 662 088.

- (5) The EGF should, therefore, be mobilised in order to provide a financial contribution for the application submitted by Lithuania,

HAVE ADOPTED THIS DECISION:

Article 1

For the general budget of the European Union for the financial year 2010, the European Globalisation Adjustment Fund (EGF) shall be mobilised to provide the sum of EUR 662 088 in commitment and payment appropriations.

Article 2

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

Done at Brussels, 25 March 2010.

For the European Parliament
The President
J. BUZEK

For the Council
The President
D. LÓPEZ GARRIDO

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ L 406, 30.12.2006, p. 1.

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 25 March 2010

on mobilisation of the European Globalisation Adjustment Fund, in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management

(2010/204/EU)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽¹⁾, and in particular point 28 thereof,

Having regard to Regulation (EC) No 1927/2006 of the European Parliament and of the Council of 20 December 2006 establishing the European Globalisation Adjustment Fund ⁽²⁾, and in particular Article 12(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The European Globalisation Adjustment Fund (EGF) was established to provide additional support to redundant workers who suffer from the consequences of major structural changes in world trade patterns and to assist them with their reintegration into the labour market.
- (2) The scope of the EGF was broadened for applications submitted from 1 May 2009 to include support for workers made redundant as a result of the global financial and economic crisis.
- (3) The Interinstitutional Agreement of 17 May 2006 allows the mobilisation of the EGF within the annual ceiling of EUR 500 million.

(4) Lithuania submitted an application to mobilise the EGF, in respect of redundancies in the clothing sector, on 23 September 2009. This application complies with the requirements for determining the financial contributions as laid down in Article 10 of Regulation (EC) No 1927/2006, therefore the Commission proposes to deploy an amount of EUR 523 481.

(5) The EGF should, therefore, be mobilised in order to provide a financial contribution for the application submitted by Lithuania,

HAVE ADOPTED THIS DECISION:

Article 1

For the general budget of the European Union for the financial year 2010, the European Globalisation Adjustment Fund (EGF) shall be mobilised to provide the sum of EUR 523 481 in commitment and payment appropriations.

Article 2

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

Done at Brussels, 25 March 2010.

For the European Parliament

The President

J. BUZEK

For the Council

The President

D. LÓPEZ GARRIDO

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ L 406, 30.12.2006, p. 1.

COMMISSION DECISION

of 31 March 2010

concerning the reporting questionnaire relating to Regulation (EC) No 166/2006 of the European Parliament and of the Council concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC

*(notified under document C(2010) 1955)***(Text with EEA relevance)**

(2010/205/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 166/2006 of the European Parliament and of the Council of 18 January 2006 concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC ⁽¹⁾, and in particular Article 16 thereof,

Having regard to Council Directive 91/692/EEC of 23 December 1991 on standardising and rationalising reports on the implementation of certain Directives relating to the environment ⁽²⁾,

Whereas:

- (1) Article 16(1) of Regulation (EC) No 166/2006 requires a report on the implementation of the Regulation, based on the information from the last three reporting years, to be established in accordance with the procedure laid down in Article 16(2) of Regulation (EC) No 166/2006.
- (2) Article 16(2) of Regulation (EC) No 166/2006 requires that the report be drawn up on the basis of a questionnaire drafted by the Commission with the assistance of the Committee set up in Article 19(1) of the Regulation.

(3) The first report covers the period 2007 to 2009 inclusive.

(4) The measures envisaged by this Decision are in agreement with the opinion expressed by the Committee in accordance with Article 19 of the Regulation,

HAS ADOPTED THIS DECISION:

Article 1

The Member States shall use the reporting questionnaire set up in Annex to this Decision as a basis for drawing up the report to be submitted to the Commission pursuant to Article 16(1) of Regulation (EC) No 166/2006.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 31 March 2010.

For the Commission

Janez POTOČNIK

Member of the Commission

⁽¹⁾ OJ L 33, 4.2.2006, p. 1.

⁽²⁾ OJ L 377, 31.12.1991, p. 48.

ANNEX

REPORTING QUESTIONNAIRE

Additional information to be reported by Member States according to Article 16 of Regulation (EC) No 166/2006 concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC

General notes:

This questionnaire contains questions Member States are required to answer regarding the implementation of the E-PRTR Regulation during the last three reporting years.

The responses to the questionnaire shall be made available by Member States in an electronic format.

1. GENERAL DESCRIPTION

Provide brief information on the process by which this report has been prepared, including information on the type of public authorities that have contributed.

2. LEGAL MEASURES ESTABLISHING THE PRTR SYSTEM (ARTICLES 5, 20)

List legislative, regulatory and other measures establishing the integrated pollutant release and transfer register.

In particular, describe the measures adopted by Member States according to the provisions of Article 20 to ensure that the rules on penalties are effective, proportionate and dissuasive and what was the experience of their application.

3. REPORTING REQUIREMENTS, IDENTIFICATION OF FACILITIES, COMPETENT AUTHORITIES AND DATA TO BE REPORTED (ARTICLE 5)

List legislative, regulatory and other measures which establish the reporting requirements for PRTR.

In particular, describe the competent authorities designed to identify E-PRTR facilities and collect information on releases of pollutant from point sources. Please describe the reporting requirements and indicate the pathway of PRTR data collection in your country, listing the type of institutions involved and which part of the validation operations they are responsible for using the table below:

Institution Pathway Validation by this institution

Facility:

Local Authorities:

Regional authority:

National authority:

Ministry of the Environment:

4. PRTR REPORTING PRACTICE (ARTICLE 5)

For each reporting cycle since the last reporting questionnaire, please indicate:

- (a) Deadlines for reporting to the competent authority;
- (b) Difficulties in meeting reporting deadlines, whether the various deadlines for reporting by facilities and for having the information publicly accessible on the register were met in practice; and if they were delayed, the reasons for this;
- (c) Proportion of electronic reporting compared to data delivered by operators on paper and description of reporting and tools available for both operators and competent authorities;
- (d) Main difficulties for operators and for competent authorities regarding reporting of PRTR data (please answer from the point of view of the authorities).

5. DATA QUALITY ASSURANCE AND ASSESSMENT (ARTICLE 9(1), (2) AND (3))

Describe the rules, procedures and measures ensuring the quality of the data reported under E-PRTR and what these revealed about the quality of the reported data.

In particular, provide information on:

- (a) Assessment of the competent authorities on completeness, consistency and credibility of data provided by the operators;
- (b) Methodologies and procedures adopted by competent authorities, which resulted in submission of higher quality data.

6. PUBLIC ACCESS TO PRTR DATA (ARTICLE 10(2))

Describe the way(s) in which public access to the information contained in the register is facilitated.

In particular, provide information on:

Where the information contained in the European PRTR register is not easily accessible to the public by direct electronic means, which measure has been taken to facilitate access to the register in publicly accessible locations.

7. CONFIDENTIALITY (ARTICLE 7(2), 11)

Where any information is kept confidential, give an indication of the types of information, the reason for and the frequency with which it has been withheld. In particular briefly outline:

- (a) Which type of data have been kept confidential;
- (b) The main reasons given for confidentiality claim;
- (c) The number of facilities per Annex-I-Activity with confidential data and the total number of reporting facility per Annex I-Activity.

Please provide comments on practical experience and challenges encountered with respect to dealing with confidentiality claims in accordance with Article 4 of the Directive 2003/4/EC of the European Parliament and of the Council, in particular with respect to information on releases and transfers as defined by Annex III.

COMMISSION DECISION

of 6 April 2010

**allowing Member States to extend provisional authorisations granted for the new active substance
FEN 560***(notified under document C(2010) 1974)***(Text with EEA relevance)**

(2010/206/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾, and in particular the fourth subparagraph of Article 8(1) thereof,

Whereas:

- (1) In accordance with Article 6(2) of Directive 91/414/EEC, in June 2003 France received an application from Société occitane de fabrications et de technologies for the inclusion of the active substance FEN 560 in Annex I to Directive 91/414/EEC. Commission Decision 2004/131/EC ⁽²⁾ confirmed that the dossier was complete and could be considered as satisfying, in principle, the data and information requirements of Annex II and Annex III to that Directive.
- (2) Confirmation of the completeness of the dossier was necessary in order to allow that active substance to be examined in detail and to allow Member States the possibility of granting provisional authorisations, for periods of up to three years, for plant protection products containing that active substance, while complying with the conditions laid down in Article 8(1) of Directive 91/414/EEC and, in particular, the condition relating to the detailed assessment of the active substance and the plant protection product in the light of the requirements laid down by that Directive.
- (3) For that active substance, the effects on human health and the environment have been assessed, in accordance with the provisions of Article 6(2) and (4) of Directive 91/414/EEC, for the uses proposed by the applicant. The rapporteur Member State submitted the draft assessment report to the Commission on 18 February 2005.
- (4) Following submission of the draft assessment report by the rapporteur Member State, it has been found to be

necessary to request further information from the applicant and to have the rapporteur Member State examine that information and submit its assessment. Therefore, the examination of the dossier is still ongoing and it will not be possible to complete the evaluation within the timeframe provided for in Directive 91/414/EEC, read in conjunction with Commission Decision 2008/353/EC ⁽³⁾.

- (5) As the evaluation so far has not identified any reason for immediate concern, Member States should be given the possibility of prolonging provisional authorisations granted for plant protection products containing the active substance concerned for a period of 24 months in accordance with the provisions of Article 8 of Directive 91/414/EEC so as to enable the examination of the dossier to continue. It is expected that the evaluation and decision-making process with respect to a decision on a possible inclusion in Annex I to that Directive for FEN 560 will have been completed within 24 months.
- (6) At the same time Decision 2008/353/EC, should be repealed, since it has become obsolete.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Member States may extend provisional authorisations for plant protection products containing FEN 560 for a period ending on 6 April 2012 at the latest.

Article 2

Decision 2008/353/EC is repealed.

Article 3

This Decision shall expire on 6 April 2012.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.

⁽²⁾ OJ L 37, 10.2.2004, p. 34.

⁽³⁾ OJ L 117, 1.5.2008, p. 45.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 6 April 2010.

For the Commission

John DALLI

Member of the Commission

IV

(Acts adopted before 1 December 2009 under the EC Treaty, the EU Treaty and the Euratom Treaty)

COUNCIL DECISION

of 16 November 2009

on a Community Position concerning participation in the CARIFORUM-EC Consultative Committee provided for by the Economic Partnership Agreement between the CARIFORUM States, of the one part, and the European Community and its Member States, of the other part, and on the selection of the representatives of organisations located in the EC Party

(2010/207/EC)

THE COUNCIL OF THE EUROPEAN UNION,

selecting European civil society organisations representatives, and to initially hold the Committee secretariat,

Having regard to the Treaty establishing the European Community, and in particular the second subparagraph of Article 300(2) thereof,

HAS DECIDED AS FOLLOWS:

Having regard to the proposal from the Commission,

Article 1

The position of the Community in view of the adoption of a Decision of the Joint Council leading to the selection of standing members of the Committee provided for by the Agreement shall be based on the draft decision of the Joint Council annexed to this Decision.

Having consulted the European Economic and Social Committee,

Whereas:

Article 2

- (1) The Economic Partnership Agreement between the CARIFORUM States, of the one part, and the European Community and its Member States, of the other part ⁽¹⁾ (hereinafter 'the Agreement'), was signed on 15 October 2008, and has applied provisionally since 29 December 2008.
- (2) Article 232(2) of the Agreement provides for the Joint CARIFORUM-EC Council (hereinafter 'the Joint Council') to decide on the participation in the CARIFORUM-EC Consultative Committee (hereinafter 'the Committee'), with a view to ensuring a broad representation of all interested parties.
- (3) It is crucial to ensure the rapid set up of the institutions provided for by the Agreement, and in particular the Committee, in the light of its role in monitoring the implementation of the Agreement.
- (4) An internal Community procedure should be established for the selection of representatives of organisations located in the EC Party.
- (5) The European Economic and Social Committee has expressed its willingness to assist in identifying and

1. Representatives of the European organisations defined in Article 1.1(a) of the Annex shall be proposed by the European Economic and Social Committee in consultation and agreement with the Commission for approval by the CARIFORUM-EC Trade and Development Committee (hereinafter 'the Trade and Development Committee'). The proposed representatives shall be three representatives of trade union organisations, three representatives of employers' organisations, three representatives of organisations representing various social and economic interests, including farmers' and consumers' associations, and shall fulfil the requirements set out in Article 1 of the Annex.

2. There shall be four representatives of the European organisations defined in Article 1.1(c) of the Annex and two representatives of the European organisations defined in Article 1.1(b) of the Annex. The European Economic and Social Committee shall be asked to establish rosters of the organisations defined in Articles 1.1(b) and 1.1(c) of the Annex. This shall be effected by widely publicising a call for expression of interest to be included in such roster. In replying to such call, any interested organisation shall describe how it fulfils the requirements set out in Article 1 of the Annex. The rosters shall remain open for any organisation fulfilling the requirements of that provision to be included. The Commission shall verify that organisations seeking inclusion in the roster fulfil the requirements set out in Article 1 of the Annex. Where the Commission considers that an organisation having applied for inclusion in the roster does not fulfil such requirements, it shall inform the applicant organisation within two months of the date of application.

⁽¹⁾ OJ L 289, 30.10.2008, p. 3.

3. Organisations included in the rosters shall be kept informed of, and shall be able to participate as observers at their own cost in, the working of the Committee.

4. In the call for expression of interest, organisations shall also be invited to express an interest in one of their representatives to serve as a standing member of the Committee. The organisations included in the rosters shall be subsequently called to endorse the candidature of up to two standing representatives for the Committee, among those having expressed such interest and fulfilling the requirements set out in Article 1 of the Annex. The EC Party shall propose to the Trade and Development Committee as standing members for categories 1.1(b) and 1.1(c) those representatives having received more endorsements as long as the requirements of Article 1 of the Annex are respected.

5. A call for expression of interest to serve as standing members of the Committee shall be launched four months before the expiry of the mandate of the members serving in the Committee. The designation shall follow the same procedures set out in paragraph 4.

Done at Brussels, 16 November 2009.

For the Council
The President
C. MALMSTRÖM

ANNEX

DECISION No .../20.. OF THE JOINT CARIFORUM-EC COUNCIL

set up by the Economic Partnership Agreement between the CARIFORUM States, of the one part, and the European Community and its Member States, of the other part concerning participation in the CARIFORUM-EC Consultative Committee

THE JOINT CARIFORUM-EC COUNCIL,

Having regard to the Economic Partnership Agreement between the CARIFORUM States, of the one part, and the European Community and its Member States, of the other part (hereinafter 'the Agreement'), signed in Bridgetown, Barbados on 15 October 2008, and in particular Article 232(2) thereof,

Whereas:

In the light of the objectives laid down in Article 1 of the Agreement, and the commitment to its monitoring provided for in its Article 5, it is appropriate to set up expeditiously the CARIFORUM-EC Consultative Committee (hereinafter 'the Committee'),

HAS DECIDED AS FOLLOWS:

Article 1

1. Participation in the Committee shall be made up of 40 standing members representing organisations of the civil society, 25 representing organisations located in the CARIFORUM States and 15 representing organisations located in the EC Part.

Among each of these two groups there shall be at least two representatives from organisations representing respectively:

- (a) the social and economic partners;
- (b) the academic community, including independent research institutions, and
- (c) other non-governmental organisations, including development and environmental organisations.

Standing members shall remain in office for two years, subject to renewal. Relevant expertise and broad geographical and sectoral representation shall be ensured.

2. For the purpose of this Decision, organisations of civil society shall mean associations, foundations and other private institutions which have a non-profit making aim of international utility and which are able to contribute expert information or advice in matters covered by the Agreement, or which represent important elements of public opinion concerned with matters covered by the Agreement. The requirement of a non-profit making aim may be waived in the case of academic institutions with specific expertise in matters covered by the Agreement.

3. An organisation shall be deemed to be located in the territory of either the CARIFORUM States or of the EC Party if such organisation has its principal place of activity and central management and control in the territory of the CARIFORUM States or the EC Party, as the case may be.

Article 2

The CARIFORUM-EC Trade and Development Committee (hereinafter 'the Trade and Development Committee') shall expeditiously discuss and approve the list of standing members proposed by the CARIFORUM States and the EC Party respectively, and its renewals.

Article 3

Any organisation fulfilling the requirements of Article 1(2) and 1(3) may attend the meetings of the Committee as an observer. The Trade and Development Committee shall approve annually the list of observers proposed by the CARIFORUM States and the EC Party respectively. The Committee may invite experts to contribute to its work. The modalities for participation of experts and observers shall be set out in the Rules of Procedure of the Committee.

Article 4

The European Economic and Social Committee shall serve as the secretariat of the Committee for an initial period ending on 31 December 2010. Such period shall be automatically renewed unless the Parties or the European Economic and Social Committee disagree and provide prior and reasonable advance notification.

Article 5

Financing arrangements shall be established by the Trade and Development Committee. Only standing members of the Committee may receive financial assistance for the discharge of their duties within the Committee.

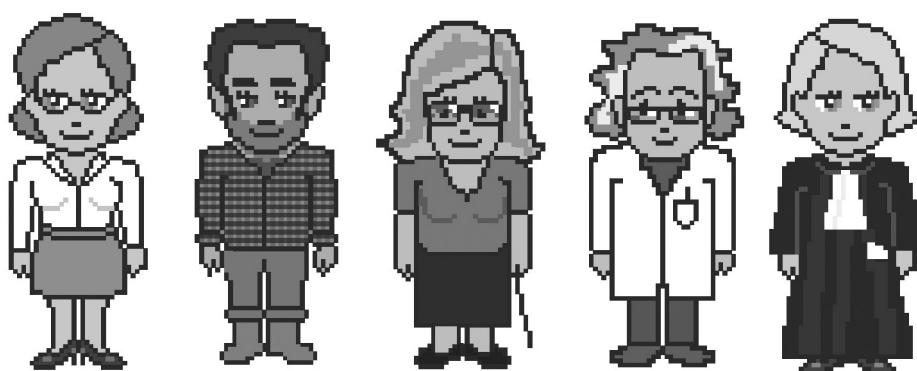
Article 6

This Decision shall enter into force on ...

Done at ...

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IV Acts adopted before 1 December 2009 under the EC Treaty, the EU Treaty and the Euratom Treaty

2010/207/EC:

★ Council Decision of 16 November 2009 on a Community Position concerning participation in the Cariforum-EC Consultative Committee provided for by the Economic Partnership Agreement between the Cariforum States, of the one part, and the European Community and its Member States, of the other part, and on the selection of the representatives of organisations located in the EC Party 23

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