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EN

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## II

*(Non-legislative acts)*

## REGULATIONS

## COMMISSION IMPLEMENTING REGULATION (EU) No 536/2011

of 1 June 2011

**amending Annex II to Decision 2007/777/EC and Annex I to Regulation (EC) No 798/2008 as regards the entries for South Africa in the lists of third countries or parts thereof****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption <sup>(1)</sup> and in particular the introductory phrase of Article 8, the first paragraph of point 1 of Article 8 and point 4 of Article 8 thereof,

Having regard to Council Directive 2009/158/EC of 30 November 2009 on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs <sup>(2)</sup>, and in particular Articles 23(1) and 24(2) thereof,

Whereas:

(1) Commission Decision 2007/777/EC of 29 November 2007 laying down the animal and public health conditions and model certificates for imports of certain meat products and treated stomachs, bladders and intestines for human consumption from third countries and repealing Decision 2005/432/EC <sup>(3)</sup> lays down rules on imports into the Union and the transit and storage in the Union of consignments of meat products, as defined in point 7.1 of Annex I to Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin <sup>(4)</sup> and of consignments of treated stomachs, bladders and intestines, as defined in point 7.9 of that Annex.

(2) Decision 2007/777/EC also lays down lists of third countries and parts thereof from which such imports and transit and storage are to be authorised and the public and animal health certificates and the treatments required for those products.

(3) Part 2 of Annex II to Decision 2007/777/EC lays down a list of third countries or parts thereof from which imports into the Union of meat products and treated stomachs, bladders and intestines which are subject to different treatments, referred to in Part 4 of that Annex, are authorised.

(4) South Africa is listed in Part 2 of Annex II of Decision 2007/777/EC as authorised for imports of meat products, treated stomachs, bladders and intestines for human consumption obtained from meat of farmed ratites, which undergo a non-specific treatment, for which no minimum temperature is specified (treatment A).

(5) Part 3 of Annex II to Decision 2007/777/EC lays down a list of third countries or parts thereof from which imports into the Union of biltong/jerky and pasteurised meat products, which are subject to different treatments, referred to in Part 4 of that Annex, are authorised.

(6) South Africa is listed in Part 3 of Annex II of Decision 2007/777/EC as authorised for imports into the Union of biltong/jerky consisting of, or containing meat of poultry, farmed feathered game, ratites and wild game birds which undergo a specific treatment (treatment E).

(7) Commission Regulation (EC) No 798/2008 of 8 August 2008 laying down a list of third countries, territories, zones or compartments from which poultry and poultry products may be imported into and transit

<sup>(1)</sup> OJ L 18, 23.1.2003, p. 11.

<sup>(2)</sup> OJ L 343, 22.12.2009, p. 74.

<sup>(3)</sup> OJ L 312, 30.11.2007, p. 49.

<sup>(4)</sup> OJ L 139, 30.4.2004, p. 55.

through the Community and the veterinary certification requirements<sup>(1)</sup> lays down veterinary certification requirements for imports and transit through the Union of poultry, hatching eggs, day-old chicks and specified pathogen-free eggs and of meat, minced meat and mechanically separated meat of poultry, including ratites and wild game birds, eggs and egg products. That Regulation provides that the commodities covered by it are only to be imported into and transited through the Union from the third countries, territories, zones or compartments listed in the table in Part 1 of Annex I thereto.

- (8) South Africa is listed in Part 1 of Annex I to Regulation (EC) No 798/2008 as authorised for imports into the Union of breeding and productive ratites and of day-old chicks, hatching eggs and meat of ratites.
- (9) Regulation (EC) No 798/2008 also sets out the conditions for a third country, territory, zone or compartment to be considered as free from highly pathogenic avian influenza (HPAI) and the requirements for the veterinary certification in that respect for commodities destined for imports into the Union.
- (10) South Africa has notified the Commission of an outbreak of HPAI of the H5N2 subtype that was confirmed on its territory on 9 April 2011.
- (11) Due to the confirmed outbreak of HPAI, the territory of South Africa can no longer be considered as free from that disease. As a consequence, the veterinary authorities of South Africa suspended issuing veterinary certificates for consignments of the concerned commodities with immediate effect. The entry for South Africa in Part 1 of Annex I to Regulation (EC) No 798/2008 should therefore be amended accordingly.
- (12) In addition, as a consequence of the HPAI outbreak, South Africa no longer complies with the animal

health conditions for applying 'treatment A' to commodities consisting of, or containing meat of farmed ratites or treated stomachs, bladders and intestines of ratites for human consumption, listed in Part 2 of Annex II to Decision 2007/777/EC and for applying 'treatment E' to biltong/jerky and pasteurised meat products consisting of, or containing meat of poultry, farmed feathered game, ratites and wild game birds, listed in Part 3 of that Annex. Those treatments are insufficient to eliminate animal health risks linked to those commodities. The entries for South Africa for those commodities in Parts 2 and 3 of Annex II to Decision 2007/777/EC should therefore be amended, in order to provide for an adequate treatment thereof.

- (13) Decision 2007/777/EC and Regulation (EC) No 798/2008 should therefore be amended accordingly.
- (14) 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*

Annex II to Decision 2007/777/EC is amended in accordance with Annex I to this Regulation.

#### *Article 2*

Annex I to Regulation (EC) No 798/2008 is amended in accordance with Annex II to this Regulation.

#### *Article 3*

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, 1 June 2011.

*For the Commission*

*The President*

José Manuel BARROSO

<sup>(1)</sup> OJ L 226, 23.8.2008, p. 1.

## ANNEX I

Annex II to Decision 2007/777/EC is amended as follows:

(1) in Part 2, the entry for South Africa is replaced by the following:

'ZA	South Africa <sup>(1)</sup>	C	C	C	A	D	D	A	C	C	A	A	D	XXX'
-----	-----------------------------	---	---	---	---	---	---	---	---	---	---	---	---	------

(2) in Part 3, the entry for South Africa is replaced by the following:

'ZA	South Africa	XXX	XXX	XXX	XXX	D	D	A	XXX	XXX	A	A	D	XXX'
	South Africa ZA-1	E	E	XXX	XXX	D	D	A	E	XXX	A	A	D	

## ANNEX II

In Part 1 of Annex I to Regulation (EC) No 798/2008, the entry for South Africa is replaced by the following:

'ZA — South Africa	ZA-0	Whole country	SPF								
			EP, E								S4'
			BPR	I	P2	9.4.2011		A			
			DOR	II							
			HER	III							
			RAT	VII	P2	9.4.2011					

**COMMISSION REGULATION (EU) No 537/2011****of 1 June 2011****on the mechanism for the allocation of quantities of controlled substances allowed for laboratory and analytical uses in the Union under Regulation (EC) No 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1005/2009 of the European Parliament and of the Council of 16 September 2009 on Substances that Deplete the Ozone Layer<sup>(1)</sup>, and in particular the third subparagraph of Article 10(6) thereof,

Whereas:

- (1) The mechanism for the allocation of quantities of controlled substances allowed for laboratory and analytical uses should ensure that the quantity annually authorised under licences for individual producers and importers does not exceed 130 % of the annual average of the calculated level of controlled substances licensed for the producer or importer for essential laboratory and analytical uses in the years 2007 to 2009 and that the total quantity annually authorised under licences, including licences for hydrochlorofluorocarbons under Article 11(2) of Regulation (EC) No 1005/2009, shall not exceed 110 ozone-depleting potential (hereinafter 'ODP') tonnes.
- (2) The total quantities of controlled substances allowed for laboratory and analytical uses for the undertakings which produced or imported under license in the years 2007 to 2009 cannot exceed 77 243,181 ODP kilograms, being calculated on the basis of the licensed production and imports in the reference period.

- (3) The difference to the maximum quantity of 110 ODP tonnes (32 756,819 ODP kilograms), as well as the quantities for which no declarations have been submitted by the undertakings which produced or imported under licence in the years 2007 to 2009, should be allocated to undertakings for which no production or import licences were issued in the reference period 2007 to 2009. The allocation mechanism should ensure that all undertakings requesting a new quota receive an appropriate share of the quantities to be allocated.

- (4) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 25(1) of Regulation (EC) No 1005/2009,

HAS ADOPTED THIS REGULATION:

*Article 1*

The quotas for controlled substances for laboratory and analytical uses shall be allocated to producers and importers to which no production or import license was issued in the years 2007 to 2009 in accordance with the mechanism set out in the Annex.

*Article 2*

This Regulation shall apply from 1 January 2011.

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

Done at Brussels, 1 June 2011.

*For the Commission*  
*The President*  
José Manuel BARROSO

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<sup>(1)</sup> OJ L 286, 31.10.2009, p. 1.

## ANNEX

**Allocation mechanism**

1. *Determination of the quantity for allocation to undertakings for which no production or import of controlled substances for essential laboratory and analytical uses had been licensed in the years 2007 to 2009 (new undertakings)*

Each undertaking for which production or import of controlled substances for essential laboratory and analytical uses was licensed in the years 2007 to 2009 receives a quota corresponding to the quantity requested in its declaration referred to in Article 10(5) of Regulation (EC) No 1005/2009, but which shall not exceed 130 % of the annual average of the calculated level of controlled substances licensed for this undertaking in the years 2007 to 2009.

The sum of these allocations is subtracted from 110 ODP tonnes to determine the quantity to be allocated to new undertakings (quantity for allocation in Phase 1).

2. *Phase 1*

Each new undertaking receives an allocation corresponding to the quantity requested in its declaration, but no more than a pro rata share of the allocation quantity for Phase 1. The pro rata share is calculated by dividing 100 by the number of new undertakings. The sum of the quotas allocated in Phase 1 is subtracted from the quantity for allocation in Phase 1 to determine the allocation quantity for Phase 2.

3. *Phase 2*

Each new undertaking, which in Phase 1 has not obtained 100 % of the quantity requested in its declaration, receives an additional allocation corresponding to the difference between the quantity requested and the quantity obtained in Phase 1, but which shall not exceed the pro rata share of the quantity for allocation in Phase 2. The pro rata share is calculated by dividing 100 by the number of new undertakings eligible for an allocation in Phase 2. The sum of the quotas allocated in Phase 2 is subtracted from the quantity for allocation in Phase 2 to determine the allocation quantity for Phase 3.

4. *Phase 3*

Phase 2 is repeated analogously until the remaining quantity for allocation in the subsequent Phase is smaller than 1 ODP tonne.

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**COMMISSION REGULATION (EU) No 538/2011****of 1 June 2011**

**amending Regulation (EC) No 607/2009 laying down certain detailed rules for the implementation of Council Regulation (EC) No 479/2008 as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products**

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 on the common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) <sup>(1)</sup>, and in particular points (k), (l) and (m) of the first paragraph of Article 121 and Article 203b, in conjunction with Article 4 thereof,

Whereas:

- (1) Article 18 of Commission Regulation (EC) No 607/2009 <sup>(2)</sup> lays down that the 'Register of protected designations of origin and protected geographical indications' (hereinafter 'the Register') maintained by the Commission as provided for in Article 118n of Regulation (EC) No 1234/2007 is included in the electronic database 'E-Bacchus'.
- (2) For the sake of simplification, the list of representative trade organisations and their members provided in Annex XI to Regulation (EC) No 607/2009 should be published on the Internet. Therefore, Article 30(2) should be amended accordingly.
- (3) In order to avoid any discrimination between wines originating in the Union and those imported from third countries, it should be clarified that terms traditionally used in third countries may obtain recognition and protection as traditional terms in the Union also where they are used in conjunction with geographical indications or names of origin regulated by those third countries.
- (4) For the sake of clarity, protected traditional terms listed in Annex XII should be transferred to the electronic database 'E-Bacchus' thus gathering protected designations of origin, protected geographical indications and protected traditional terms in a single IT tool, easily available for consultation purposes.
- (5) In order to provide up-to-date information relating to traditional terms, the information indicated in Annex

XII to Regulation (EC) No 607/2009 should be transferred to the electronic database 'E-Bacchus' and new information related to the protection of traditional terms should exclusively be included in that database.

- (6) In order to clarify the relationship between protected traditional terms and trademarks, it is necessary to specify on what legal basis an application for a trademark containing or consisting of a protected traditional term should be assessed in accordance with Directive 2008/95/EC of the European Parliament and of the Council of 22 October 2008 to approximate the laws of the Member States relating to trade marks <sup>(3)</sup> or Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark <sup>(4)</sup>.
- (7) In order to improve the transparency of the rules concerning traditional terms, in particular due to the fact that they are moved to the electronic database 'E-Bacchus', any modification relating to traditional terms shall follow a formally defined procedure.
- (8) Rules should be provided for the indication of the alcoholic strength by volume of certain specific grapevine products in order to provide the public with accurate information.
- (9) In order to facilitate less burdensome labelling, certain information related to the name and the address of the bottler may in some circumstances not be required.
- (10) In order to improve controls of certain grapevine products, Member States should be allowed to regulate the use of particulars referring to producer and processor.
- (11) For the sake of clarity, Articles 42(1) and 56(3) should be amended.
- (12) The use of a specific type of bottle and closure for sparkling wines, quality sparkling wines and quality aromatic sparkling wines as provided for in Article 69 of Regulation (EC) No 607/2009 should be obligatory exclusively for the marketing and the export of such wines produced in the European Union.

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

<sup>(2)</sup> OJ L 193, 24.7.2009, p. 60.

<sup>(3)</sup> OJ L 299, 8.11.2008, p. 25.

<sup>(4)</sup> OJ L 78, 24.3.2009, p. 1.



- (13) As regards the transmission of technical files of existing protected wine names referred to in Article 118s of Regulation (EC) No 1234/2007 the requirement to identify the applicant of an existing wine name as referred to in point (b) of Article 118c(1) of that Regulation may raise difficulty for some Member States since these existing protected wine names are regulated at a national level without any reference to a particular applicant. In order to facilitate the transition from the arrangements provided for in Council Regulation (EC) No 1493/1999<sup>(1)</sup> to those established by Regulation (EC) No 1234/2007, transitional measures should be provided to comply with national legislations of those Member States.
- (14) It is necessary to amend Annex VIII to Regulation (EC) No 607/2009 as regards the prior rights which may be claimed in case of an opposition against an application for protection of a traditional term.
- (15) Regulation (EC) No 607/2009 should therefore be amended accordingly.
- (16) 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

#### Amendment of Regulation (EC) No 607/2009

Regulation (EC) No 607/2009 is amended as follows:

- (1) in Article 30, paragraph 2 is replaced by the following:

‘2. In case of an application filed by a representative professional organisation established in a third country, the details of the representative professional organisation shall also be communicated. The Commission shall publish on the Internet the list of third countries concerned, the names of the representative professional organisations and the members of these representative professional organisations.’;

- (2) Article 32 is replaced by the following:

#### ‘Article 32

#### Rules on traditional terms of third countries

1. The definition of traditional terms provided for in Article 118u(1) of Regulation (EC) No 1234/2007 shall apply *mutatis mutandis* to terms traditionally used in

third countries for wine products covered by geographical indications or names of origin under the legislation of those third countries.

2. Wines originating in third countries whose labels bear traditional indications other than the traditional terms listed in the electronic database “E-Bacchus” may use these traditional indications on wine labels in accordance with the rules applicable in the third countries concerned, including those emanating from representative professional organisations.’;

- (3) Article 40 is replaced by the following:

#### ‘Article 40

#### General protection

1. If an application for the protection of a traditional term satisfies the conditions laid down in Article 118u(1) of Regulation (EC) No 1234/2007 and in Articles 31 and 35 of this Regulation and is not rejected under Articles 36, 38 and 39 of this Regulation, the traditional term shall be included in the electronic database “E-Bacchus” with an indication of:

- (a) the language as referred to in Article 31;
- (b) an indication of the grapevine product category or categories concerned by the protection;
- (c) a reference to the national legislation of the Member State in which the traditional term is defined and regulated, or rules applicable to wine producers in third countries, including those emanating from representative professional organisations; and
- (d) a summary of the definition or conditions of use.

2. The traditional terms listed in the electronic database “E-Bacchus”, are protected only in the language and for the categories of grape vine products claimed in the application, against:

- (a) any misuse even if the protected term is accompanied by an expression such as “style”, “type”, “method”, “as produced in”, “imitation”, “flavour”, “like” or similar;
- (b) any other false or misleading indication as to the nature, characteristics or essential qualities of the product, on the inner or outer packaging, advertising material or documents relating to it;
- (c) any other practice liable to mislead the consumer, in particular to give the impression that the wine qualifies for the protected traditional term.’;

<sup>(1)</sup> OJ L 179, 14.7.1999, p. 1.

(4) in Article 41, paragraph 1 is replaced by the following:

‘1. Where a traditional term is protected under this Regulation, the registration of a trademark, the use of which would contravene Article 40(2), shall be assessed in accordance with Directive 2008/95/EC of the European Parliament and of the Council (\*) or Council Regulation (EC) No 207/2009 (\*\*).

Trademarks registered in breach of the first subparagraph shall be declared invalid upon request in accordance with the applicable procedures as specified by Directive 2008/95/EC or Regulation (EC) No 207/2009.

(\*) OJ L 299, 8.11.2008, p. 25.

(\*\*) OJ L 78, 24.3.2009, p. 1.’

(5) in Article 42, paragraph 1 is replaced by the following:

‘1. A term, for which an application is lodged and which is wholly or partially homonymous with that of a traditional term already protected under this Chapter shall be protected with due regard to local and traditional usage and the risk of confusion.

A homonymous term which misleads consumers as to the nature, quality or the true origin of the products shall not be registered even if the term is accurate.

The use of a protected homonymous term shall be subject to there being a sufficient distinction in practice between the homonym protected subsequently and the traditional term already listed in the electronic database “E-Bacchus”, having regard to the need to treat the producers concerned in an equitable manner and not to mislead the consumer.’

(6) a new Article 42a is inserted:

‘Article 42a

#### **Modification**

An applicant as referred to in Article 29 may apply for an approval of a modification of a traditional term, the language indicated, the wine or wines concerned or of the summary of the definition or conditions of use of the traditional term concerned.

Articles 33 to 39 apply *mutatis mutandis* to applications for modification.’

(7) in Article 47, paragraph 5 is replaced by the following:

‘5. When a cancellation takes effect, the Commission shall remove the name concerned from the list set out in the electronic database “E-Bacchus”.’

(8) in Article 54, a new paragraph 3 is added:

‘3. In case of partially fermented grape must or new wine still in fermentation, the actual and/or total alcoholic strength by volume shall appear on the label. When the total alcoholic strength by volume appears on the label, the figures shall be followed by “% vol” and may be preceded by words “total alcoholic strength” or “total alcohol”.’

(9) Article 56 is amended as follows:

(a) in the third subparagraph of paragraph 2, the following second sentence is added:

‘These requirements do not apply where bottling is carried out in a place of immediate proximity to that of the bottler.’

(b) paragraph 3 is replaced by the following:

‘3. The name and address of the producer or vendor shall be supplemented by the terms “producer” or “produced by” and “vendor” or “sold by”, or equivalent.

Member States may decide to:

(a) make compulsory the indication of the producer;

(b) allow the replacement of the terms “producer” or “produced by” by “processor” respectively “processed by”.’

(10) Article 69 is replaced by the following:

‘Article 69

#### **Rules on presentation for certain products**

1. Sparkling wine, quality sparkling wine and quality aromatic sparkling wine produced in the European Union shall be marketed or exported in “sparkling wine”-type glass bottles closed with:

(a) for bottles with a nominal volume more than 0,20 litres: a mushroom-shaped stopper made of cork or other material permitted to come into contact with foodstuffs, held in place by a fastening, covered, if necessary, by a cap and sheathed in foil completely covering the stopper and all or part of the neck of the bottle;

- (b) for bottles with a nominal volume content not exceeding 0,20 litres: any other suitable closure.

Other products produced in the Union shall not be marketed or exported in either “sparkling wine”-type glass bottles or with a closure as described in point (a) of the first subparagraph.

2. By way of derogation from the second subparagraph of paragraph 1, Member States may decide that the following products may be marketed or exported in “sparkling wine”-type glass bottles and/or with a closure as described in point (a) of the first subparagraph of paragraph 1:

- (a) products traditionally bottled in such bottles and which:

(i) are listed in Article 113d(1)(a) of Regulation (EC) No 1234/2007;

(ii) are listed in points 7, 8 and 9 of Annex XIb to Regulation (EC) No 1234/2007;

(iii) are listed in Council Regulation (EEC) No 1601/1991 (\*); or

(iv) have an actual alcoholic strength by volume no greater than 1,2 % vol;

- (b) products other than those referred to in point (a) provided that they do not mislead consumers with regard to the real nature of the product.

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(\*) OJ L 149, 14.6.1991, p. 1.;

(11) in Article 71 a new paragraph 3 is added:

‘3. By way of derogation from Article 2(2) of this Regulation, in respect of the transmission of the technical files as referred to in point (a) of

Article 118s(2) of Regulation (EC) No 1234/2007 the authorities of the Member States may be considered as applicants for the purpose of the application of point (b) of Article 118c(1) of that Regulation.’;

(12) Annex II is replaced by Annex I to this Regulation;

(13) Annex VIII is replaced by Annex II to this Regulation;

(14) Annexes XI and XII are deleted.

#### Article 2

##### Transitional provisions

1. Prior to the deletion of Annexes XI and XII to Regulation (EC) No 607/2009 by point (14) of Article 1 of this Regulation, the Commission shall replicate and:

(a) publish on the Internet the content of Annex XI; and

(b) enter in the electronic database ‘E-Bacchus’ the traditional terms listed in Annex XII.

2. Any modification related to a traditional term which has been recognised by a Member State or a third country and notified to the Commission by the date of entry into force of this Regulation and which has not been included in Annex XII to Regulation (EC) No 607/2009, shall not be subject to the procedure referred to in Article 42a as introduced by point (6) of Article 1 of this Regulation. The Commission shall enter that modification in the electronic database ‘E-Bacchus’.

#### Article 3

##### Entry into force

This Regulation shall enter into force on the seventh 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, 1 June 2011.

For the Commission  
The President

José Manuel BARROSO

## ANNEX I

## ‘ANNEX II

## SINGLE DOCUMENT

Date of receipt (DD/MM/YYYY) .....

[to be completed by the Commission]

Number of pages (including this page) .....

Language used for submission of application .....

File number [to be completed by the Commission] .....

**Applicant**

Name of legal or natural person .....

Full address (street number and name, town/city and postal code, country) .....

Legal status (in the case of legal persons) .....

Nationality .....

**Intermediary**

— Member State(s) (\*) .....

— Third-country authority (\*) .....

[(\*) delete as appropriate]

Name(s) of intermediary(ies) .....

Full address(es) (street number and name, town/city and postal code, country) .....

**Name to be registered**

— Designation of origin (\*) .....

— Geographical indication (\*) .....

[(\*) delete as appropriate]

Description of the wine(s) <sup>(1)</sup> .....

**Indication of traditional terms, as referred to in Article 118u(1) <sup>(2)</sup>, which are linked to this designation of origin or geographical indication** .....

**Specific oenological practices <sup>(3)</sup>** .....

**Demarcated area** .....

Maximum yield(s) per hectare .....

**Authorised wine grape varieties** .....

**Link with the geographical area <sup>(4)</sup>** .....

**Further conditions <sup>(3)</sup>** .....

**Reference to product specification**

\_\_\_\_\_

<sup>(1)</sup> Including a reference to the products covered by Article 118a(1) of Regulation (EC) No 1234/2007.

<sup>(2)</sup> Article 118u(1) of Regulation (EC) No 1234/2007.

<sup>(3)</sup> Optional.

<sup>(4)</sup> Describe the specific nature of the product and geographical area and the causal link between the two.’

## ANNEX II

## ANNEX VIII

## REQUEST OF OBJECTION TO A TRADITIONAL TERM

Date of receipt (DD/MM/YYYY) .....  
*[to be completed by the Commission]*

Number of pages (including this page) .....

Language of request of objection .....

File number *[to be completed by the Commission]* .....

**Objector**

Name of legal or natural person .....

Full address (street number and name, town/city and postal code, country) .....

Nationality .....

Tel., fax, e-mail .....

**Intermediary**

— Member State(s) (\*) .....

— Third-country authority (optional) (\*) .....

*[(\*) delete as appropriate]*

Name(s) of intermediary(ies) .....

Full address(es) (street number and name, town/city and postal code, country) .....

**Objected traditional term** .....

**Prior rights**

— Protected designation of origin (\*) .....

— Protected geographical indication (\*) .....

— National geographical indication (\*)

*[(\*) delete as appropriate]*

Name .....

Registration number .....

Date of registration (DD/MM/YYYY) .....

— Existing protected traditional term .....

— Trademark

Sign .....

List of products and services .....

Registration number .....

Date of registration .....

Country of origin .....

Reputation/renown (\*) .....

[(\*) delete as appropriate]

**Grounds for objection**

— Article 31 (\*)

— Article 35 (\*)

— Article 40(2)(a) (\*)

— Article 40(2)(b) (\*)

— Article 40(2)(c) (\*)

— Article 41(3) (\*)

— Article 42(1) (\*)

— Article 42(2) (\*)

— Article 54 of Regulation (EC) No 479/2008

[(\*) delete as appropriate]

**Explanation of ground(s)** .....

Name of signatory .....

Signature .....

\_\_\_\_\_

**COMMISSION IMPLEMENTING REGULATION (EU) No 539/2011****of 1 June 2011****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

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

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 <sup>(2)</sup>, 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 2 June 2011.

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

Done at Brussels, 1 June 2011.

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

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

<sup>(2)</sup> OJ L 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 <sup>(1)</sup>	Standard import value
0702 00 00	AL	64,0
	MA	133,3
	TR	82,0
	ZZ	93,1
0707 00 05	MK	28,2
	TR	100,7
	ZZ	64,5
0709 90 70	EG	82,4
	MA	86,8
	TR	126,4
	ZZ	98,5
0709 90 80	EC	18,6
	ZZ	18,6
0805 50 10	AR	72,2
	TR	65,1
	ZA	91,9
	ZZ	76,4
0808 10 80	AR	78,8
	BR	75,6
	CA	142,4
	CL	84,2
	CN	95,4
	NZ	108,6
	US	116,1
	UY	96,7
	ZA	88,9
0809 20 95	ZZ	98,5
	TR	392,6
	US	392,9
	XS	198,4
	ZZ	328,0

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



# DIRECTIVES

## COMMISSION DIRECTIVE 2011/63/EU

of 1 June 2011

**amending, for the purpose of its adaptation to technical progress, Directive 98/70/EC of the European Parliament and of the Council relating to the quality of petrol and diesel fuels**

THE EUROPEAN COMMISSION,

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

Having regard to Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC <sup>(1)</sup>, and in particular Article 10(1) thereof,

Whereas:

- (1) Directive 98/70/EC sets environmental specifications as well as analytical methods for petrol and diesel fuels placed on the market.
- (2) Those analytical methods refer to certain standards established by the European Committee for Standardization (CEN). Since CEN has replaced those standards by new ones due to technical progress, it is appropriate to update the references to those standards in Annexes I and II to Directive 98/70/EC.
- (3) Annex III to Directive 98/70/EC specifies the permitted vapour pressure waiver for petrol containing bioethanol. The figures contained in that Annex are rounded to the second decimal place. Standard EN ISO (International Organization for Standardization) 4259:2006 defines the rules for rounding results according to the precision of the test method and requires rounding to the first decimal place. It is therefore appropriate to amend the figures set out in Annex III to Directive 98/70/EC accordingly.
- (4) The measures provided for in this Directive are in accordance with the opinion of the Committee on Fuel Quality, established by Article 11(1) of Directive 98/70/EC,

HAS ADOPTED THIS DIRECTIVE:

### Article 1

Directive 98/70/EC is amended as follows:

- (1) Annex I is amended as follows:

<sup>(1)</sup> OJ L 350, 28.12.1998, p. 58.

- (a) footnote 1 is replaced by the following:

‘<sup>(1)</sup> Test methods shall be those specified in EN 228:2008. Member States may adopt the analytical method specified in replacement EN 228:2008 standard if it can be shown to give at least the same accuracy and at least the same level of precision as the analytical method it replaces.’;

- (b) footnote 6 is replaced by the following:

‘<sup>(6)</sup> Other mono-alcohols and ethers with a final boiling point no higher than that stated in EN 228:2008.’;

- (2) in Annex II, footnote 1 is replaced by the following:

‘<sup>(1)</sup> Test methods shall be those specified in EN 590:2009. Member States may adopt the analytical method specified in replacement EN 590:2009 standard if it can be shown to give at least the same accuracy and at least the same level of precision as the analytical method it replaces.’;

- (3) Annex III is replaced by the text set out in the Annex to this Directive.

### Article 2

1. Member States shall adopt and publish the laws, regulations and administrative provisions necessary to comply with this Directive within 12 months of its publication in the Official Journal.

They shall apply those provisions within 12 months of the publication of this Directive in the Official Journal.

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*.

Done at Brussels, 1 June 2011.

*For the Commission*  
*The President*  
José Manuel BARROSO

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ANNEX

## ‘ANNEX III

**VAPOUR PRESSURE WAIVER PERMITTED FOR PETROL CONTAINING BIOETHANOL**

Bioethanol content (%v/v)	Vapour pressure waiver permitted (kPa) <sup>(1)</sup>
0	0
1	3,7
2	6,0
3	7,2
4	7,8
5	8,0
6	8,0
7	7,9
8	7,9
9	7,8
10	7,8

<sup>(1)</sup> The values quoted in the specification are “true values”. In the establishment of their limit values, the terms of EN ISO 4259:2006 “Petroleum products — Determination and application of precision data in relation to methods of test” have been applied and in fixing a minimum value, a minimum difference of 2R above zero has been taken into account (R = reproducibility). The results of individual measurements shall be interpreted on the basis of the criteria described in EN ISO 4259:2006.

The permitted vapour pressure waiver for intermediate bioethanol content between the values listed shall be determined by a straight line interpolation between the bioethanol content immediately above and that immediately below the intermediate value.’

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# DECISIONS

## COUNCIL IMPLEMENTING DECISION

of 30 May 2011

**amending Implementing Decision 2011/77/EU on granting Union financial assistance to Ireland**

(2011/326/EU)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EU) No 407/2010 of 11 May 2010 establishing a European financial stabilisation mechanism <sup>(1)</sup>, and in particular Article 3(2) thereof,

Having regard to the proposal from the European Commission,

Whereas:

path for the debt-to-GDP ratio of 96,2 % in 2010, 112,0 % in 2011, 117,9 % in 2012 and 120,3 % in 2013. The debt-to-GDP ratio would therefore be stabilised in 2013 and be placed on a declining path thereafter, assuming further progress in the reduction of the deficit. Debt dynamics are affected by several below-the-line operations, including capital injection into banks in 2011 with net debt-increasing effect of around 6 percentage points of GDP, an assumption to maintain high cash reserves, and differences between accrued and cash interest payments.

(1) Upon a request by Ireland, the Council granted it financial assistance (Implementing Decision 2011/77/EU <sup>(2)</sup>) in support of a strong economic and financial reform programme aiming at restoring confidence, enabling the return of the economy to sustainable growth, and safeguarding financial stability in Ireland, the euro area and the Union.

(2) In line with Article 3(9) of Implementing Decision 2011/77/EU, the Commission, together with the International Monetary Fund (IMF) and in liaison with the European Central Bank (ECB), has conducted the first review of the authorities' progress on the implementation of the agreed measures as well as of the effectiveness and economic and social impact of those measures.

(3) Under the Commission's current projections for nominal GDP growth (– 3,6 % in 2010, 1,3 % in 2011, 2,8 % in 2012 and 4,0 % in 2013), the fiscal adjustment path is broadly in line with the Council Recommendation of 7 December 2010 with a view to bringing to an end the situation of an excessive deficit in Ireland, pursuant to Article 126(7) of the Treaty, and is consistent with a

(4) The recapitalisation of Allied Irish Bank, Bank of Ireland, and EBS Building Society to a 12 % core tier 1 capital ratio (based on the 2010 Prudential Capital Assessment Review (PCAR)), which was to be done by February 2011, was postponed by the outgoing government due to the impending general elections.

(5) On 31 March 2011, the Central Bank of Ireland announced the results of the PCAR and the Prudential Liquidity Assessment Review (PLAR). On the basis of these assessments, the four participating domestic banks (Allied Irish Bank, Bank of Ireland, EBS Building Society and Irish Life & Permanent) were found to need a total of EUR 24 billion in additional capital, including contingent capital of EUR 3 billion, to remain adequately capitalised under a stress scenario.

(6) On 31 March 2011 the new government, which was formed following the elections held on 25 February 2011, announced its strategy to strengthen and reform the domestic banks, including by ensuring that the capitalisation need identified by the PCAR/PLAR exercise be met. This would bring domestic banks' core tier 1 capital ratio by end July 2011 (subject to appropriate adjustment for expected asset sales in the case of Irish Life & Permanent) well above the level that had been envisaged to be reached by February 2011.

(7) The Central Bank of Ireland should require Allied Irish Bank, Bank of Ireland, EBS Building Society and Irish Life & Permanent to meet a target loan-to-deposit ratio (LDR) of 122,5 % by end-2013, while avoiding the fire sale

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

<sup>(2)</sup> OJ L 30, 4.2.2011, p. 34.

of assets. In addition, the Irish authorities should closely monitor the evolution of the Net Stable Funding ratio and the Liquidity Coverage ratio of the banks so as to ensure convergence with the standards emerging within the Basel III framework. The authorities should ensure that targets are achieved by establishing a credible framework for monitoring progress based on interim targets and appropriately incentivised governance arrangements within the banks.

- (8) Upon taking office, the new government launched a comprehensive review of expenditure to identify efficiency savings and to closely align the priorities underpinning the fiscal consolidation to those for national recovery set out in the Programme for Government (2011-2016) announced on 7 March 2011.
- (9) In light of these developments, Implementing Decision 2011/77/EU should be amended,

HAS ADOPTED THIS DECISION:

#### Article 1

Article 3 of Implementing Decision 2011/77/EU is amended as follows:

- (1) in paragraph 5, point (a) is replaced by the following:

‘(a) take action to ensure that domestic banks are adequately capitalised in the form of equity, if needed, so as to ensure that they respect the minimum regulatory requirement of a 10,5 % core tier 1 capital ratio for the entire duration of the EU financial assistance programme, while deleveraging towards the target loan-to-deposits ratio of 122,5 % by end-2013;’

- (2) paragraph 7 is amended as follows:

- (a) in point (b) the following sentence is added:

‘In consultation with the Commission, the IMF and the ECB, Ireland may introduce budgetary changes to the above specified measures to fully realise efficiencies that are to be identified by the ongoing Comprehensive Review of Expenditure and the priorities of the Programme for Government, consistent with the overall objective of ensuring that the budget for 2012 yields a fiscal consolidation of at least EUR 3,6 billion;’

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

‘(e) the adoption of measures reinforcing a credible budgetary strategy and strengthening the budgetary framework. Ireland shall adopt and implement the fiscal rule that any additional unplanned revenues in 2011-2015 will be

allocated to deficit and debt reduction. Ireland shall establish a fiscal advisory council to provide an independent assessment of the government’s budgetary position and forecasts. Ireland shall adopt a fiscal responsibility law introducing a medium-term expenditure framework with binding multi-annual ceilings on expenditure in each area. This shall be made taking into account any revised economic governance reforms at Union level and build on reforms already in place;’

- (c) point (g) is replaced by the following:

‘(g) the recapitalisation of the domestic banks by end July 2011 (subject to appropriate adjustment for expected asset sales in the case of Irish Life & Permanent) in line with the findings of the 2011 PLAR and PCAR, as announced by the Central Bank of Ireland on 31 March 2011;’

- (d) point (l) is replaced by the following:

‘(l) enhancing competition in open markets. To this end, legislation shall be reformed to generate more credible deterrence by ensuring the availability of effective sanctions for infringements of Irish competition law and Articles 101 and 102 of the Treaty as well as ensuring the effective functioning of the Competition Authority. In addition, for the duration of the programme, the authorities will ensure that no further exemptions to the competition law framework will be granted unless they are entirely consistent with the goals of the Union financial assistance programme and the needs of the economy;’

- (e) the following points are added:

‘(n) the deleveraging of the domestic banks towards the target for loan-to-deposit ratios established under the 2011 PLAR;

(o) the preparation of a plan to underpin the solvency and viability of undercapitalised institutions in the credit union sector, including by granting the Central Bank of Ireland the necessary powers to promote a higher degree of consolidation of the sector through mergers where appropriate, with government financial support if warranted;

(p) the submission of legislation to the Oireachtas to assist the credit unions with a strengthened regulatory framework including more effective governance and regulatory requirements;’

(3) paragraph 8 is amended as follows:

‘(c) the deleveraging of the domestic banks towards the loan-to-deposit ratio targets established under the 2011 PLAR.’.

(a) in point (a), the following sentence is added:

‘In consultation with the European Commission, the IMF and the ECB, Ireland may introduce budgetary changes to the above specified measures to fully realise efficiencies that are to be identified by the ongoing Comprehensive Review of Expenditure and the priorities of the Programme for Government, consistent with the overall objective to ensure that the budget for 2013 yields a fiscal consolidation of at least EUR 3,1 billion;’.

*Article 2*

This Decision is addressed to Ireland.

*Article 3*

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

Done at Brussels, 30 May 2011.

*For the Council*

*The President*

CSÉFALVAY Z.

(b) the following point is added:

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**DECISION OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES****of 1 June 2011****on the handling of documents of EU civilian crisis management missions and military operations  
and repealing Decision 2008/836**

(2011/327/EU)

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES OF THE EUROPEAN UNION,

Whereas:

- (1) Decision 2008/836 of the Representatives of the Governments of the Member States of 29 October 2008 on the treatment of documents of EU civilian crisis management missions and military operations<sup>(1)</sup> provides that documents of EU civilian crisis management missions and military operations are, upon termination of those missions and operations, archived by the General Secretariat of the Council ('GSC'). For the purposes of applying Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents<sup>(2)</sup> and Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community<sup>(3)</sup>, the documents of EU civilian crisis management missions and military operations have been considered as documents held by the Council.
- (2) Article 11(2) of Council Decision 2010/427/EU of 26 July 2010 establishing the organisation and functioning of the European External Action Service<sup>(4)</sup> ('EEAS'), provides that the relevant archives of the departments transferred from the GSC and the Commission are to be transferred to the EEAS.
- (3) For the sake of consistency, it is necessary that documents of EU civilian crisis management missions and military operations be archived by the EEAS, upon termination of those missions and operations.
- (4) Pursuant to Article 10 of Decision 2010/427/EU, the EEAS should ensure that documents classified by Member States or other authorities are protected in accordance with the security rules for the EEAS.
- (5) The documents of EU civilian crisis management missions and military operations should be held in a specific location in the archives of the EEAS. The personnel handling these documents should receive

training on Common Security and Defence Policy documents and on the handling of classified information in that context.

- (6) For the sake of clarity, it is appropriate to repeal Decision 2008/836,

HAVE ADOPTED THIS DECISION:

*Article 1*

1. For the purposes of applying Regulation (EC) No 1049/2001 and Regulation (EEC, Euratom) No 354/83, documents of terminated, on-going and future EU civilian crisis management missions and military operations conducted under the auspices of the Council shall, upon termination of those missions and operations, be archived by the EEAS and henceforth be considered as documents held by it.
2. The documents referred to in paragraph 1 shall not include documents relating to staff issues, contracts with third parties and documents pertaining thereto, or ephemeral documents.
3. The Member States shall assist the EEAS in obtaining the documents referred to in paragraph 1.

*Article 2*

Decision 2008/836 of 29 October 2008 is repealed.

*Article 3*

1. This Decision shall enter into force on the day following its publication in the *Official Journal of the European Union*.
2. It shall apply from the day on which the Secretary-General of the Council of the European Union and the Executive Secretary-General of the European External Action Service agree that the necessary operational and archiving facilities are in place at the EEAS.

Done at Brussels, 1 June 2011.

*The President*

GYÖRKÖS P.

<sup>(1)</sup> OJ L 299, 8.11.2008, p. 34.

<sup>(2)</sup> OJ L 145, 31.5.2001, p. 43.

<sup>(3)</sup> OJ L 43, 15.2.1983, p. 1.

<sup>(4)</sup> OJ L 201, 3.8.2010, p. 30.



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