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I

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

REGULATIONS

COMMISSION REGULATION (EC) No 1121/2008

of 13 November 2008

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

Regulation (EC) No 1580/2007 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XV, Part A thereto,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 14 November 2008.

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

Done at Brussels, 13 November 2008.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, p. 1.

ANNEX

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

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	AL	34,6
	MA	66,6
	MK	46,2
	TR	79,6
	ZZ	56,8
0707 00 05	JO	175,9
	MA	52,6
	TR	60,4
	ZZ	96,3
0709 90 70	MA	63,9
	TR	123,2
	ZZ	93,6
0805 20 10	MA	77,2
	ZZ	77,2
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	CN	55,9
	HR	22,5
	MA	75,0
	TR	72,8
	ZZ	56,6
0805 50 10	MA	60,4
	TR	85,9
	ZA	107,8
	ZZ	84,7
0806 10 10	BR	215,9
	TR	129,6
	US	261,3
	ZA	78,7
	ZZ	171,4
0808 10 80	CA	96,0
	CL	67,1
	MK	37,6
	US	116,4
	ZA	85,9
0808 20 50	ZZ	80,6
	CN	56,4
	ZZ	56,4

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

COMMISSION REGULATION (EC) No 1122/2008**of 12 November 2008****establishing a prohibition of fishing for saithe in IIIa and IV; EC waters of IIa, IIb, IIc and IIId by vessels flying the flag of Poland**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy ⁽¹⁾, and in particular Article 26(4) thereof,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to common fisheries policy ⁽²⁾, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 40/2008 of 16 January 2008 fixing for 2008 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks applicable in Community waters and for Community vessels, in waters where catch limitations are required ⁽³⁾, lays down quotas for 2008.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2008.

- (3) It is therefore necessary to prohibit fishing for that stock and its retention on board, transhipment and landing,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2008 shall be deemed to be exhausted from the date set out in that Annex.

*Article 2***Prohibitions**

Fishing for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. It shall be prohibited to retain on board, tranship or land such stock caught by those vessels after that date.

*Article 3***Entry into force**

This Regulation shall enter into force on the 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, 12 November 2008.

For the Commission

Fokion FOTIADIS

Director-General for Maritime Affairs and Fisheries

⁽¹⁾ OJ L 358, 31.12.2002, p. 59.

⁽²⁾ OJ L 261, 20.10.1993, p. 1.

⁽³⁾ OJ L 19, 23.1.2008, p. 1.

ANNEX

No	57/T&Q
Member State	POL
Stock	POK/2A34.
Species	Saithe (<i>Pollachius virens</i>)
Zone	IIIa and IV; EC waters of IIa, IIIb, IIIc and IIId
Date	11.9.2008

COMMISSION REGULATION (EC) No 1123/2008**of 12 November 2008****fixing a single percentage for acceptance of the amounts notified by the Member States to the
Commission concerning the applications for the grubbing-up premium**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 479/2008 of 29 April 2008 on the common organisation of the market in wine, amending Regulations (EC) No 1493/1999, (EC) No 1782/2003, (EC) No 1290/2005, (EC) No 3/2008 and repealing Regulations (EEC) No 2392/86 and (EC) No 1493/1999 ⁽¹⁾, and in particular Article 102(4) thereof,

Whereas:

- (1) The eligible applications notified by the Member States to the Commission by 15 October 2008 according to Article 102(2) of Regulation (EC) No 479/2008 exceed the maximal annual budget for the grubbing-up scheme for the 2008/2009 wine year, i.e. EUR 464 million, as laid down in Annex VII to that Regulation. Therefore, a single percentage for acceptance of the amounts notified actually should be fixed.

- (2) 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

Grubbing-up applications notified to the Commission under Article 102(2) of Regulation (EC) No 479/2008 shall be accepted for 45,9 % of the amounts covered. The budget limits for the Member States concerned are laid down in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 12 November 2008.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 148, 6.6.2008, p. 1.

ANNEX

Budget limits for the Member States for the grubbing-up payments in the 2008/2009 wine year

Member State	Budget for the grubbing-up (EUR)
Bulgaria	0
Czech Republic	17 543
Germany	178 162
Greece	7 135 657
Spain	236 056 395
France	70 643 521
Italy	116 113 326
Cyprus	6 820 744
Luxembourg	6 675
Hungary	9 812 320
Malta	0
Austria	1 875 586
Portugal	13 961 350
Romania	49 920
Slovenia	198 093
Slovakia	1 130 707

COMMISSION REGULATION (EC) No 1124/2008**of 12 November 2008****amending Regulations (EC) No 795/2004, (EC) No 796/2004 and (EC) No 1973/2004, as regards the hemp varieties eligible for direct payments under Council Regulation (EC) No 1782/2003**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) No 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001⁽¹⁾, and in particular Article 145(c) and (g) thereof,

Whereas:

- (1) Article 52(1) of Regulation (EC) No 1782/2003 provides that in order to be eligible for direct payments, the varieties of hemp must have a tetrahydrocannabinol (THC) content not exceeding 0,2 % and Member States have to establish a system for verification of THC content in hemp.
- (2) Commission Regulations (EC) No 795/2004 of 21 April 2004 laying down detailed rules for the implementation of the single payment scheme provided for in Council Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers⁽²⁾, (EC) No 796/2004 of 21 April 2004 laying down detailed rules for the implementation of cross-compliance, modulation and the integrated administration and control system provided for in Council Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers⁽³⁾ and (EC) No 1973/2004 of 29 October 2004 laying down detailed rules for the application of Council Regulation (EC) 1782/2003 as regards the support schemes provided for in Titles IV and IVa of that Regulation and the use of land set aside for the production of raw materials⁽⁴⁾ laid down specific rules concerning the application of Regulation (EC) No 1782/2003 on the production of hemp.
- (3) Under Article 17 of Council Directive 2002/53/EC of 13 June 2002 on the common catalogue of varieties of agricultural plant species (common catalogue)⁽⁵⁾ the Commission has, on the basis of the information supplied by the Member States, to publish a list of all varieties of which the seed and propagating material are not subject to any marketing restrictions as regards variety.
- (4) Under Article 18 of Directive 2002/53/EC Member States may be authorised to prohibit the marketing of the seeds or propagating material of the variety in all or part of its territory if it is established that the cultivation of such variety could present a risk for human health.
- (5) Based on the Member States communications and the annual results of verification of THC content in hemp, with exception of two varieties, all the other varieties listed in common catalogue can be considered as not exceeding THC content of 0,2 % in accordance with Article 52 of Regulation (EC) No 1782/2003.
- (6) In order to simplify the procedures, it is appropriate to use common catalogue as a reference tool for the hemp varieties eligible for direct payments and to establish a procedure under which it will be the responsibility of each Member State to evaluate annual analyses of THC content in hemp and adopt appropriate measures.
- (7) Regulations (EC) No 795/2004, (EC) No 796/2004 and (EC) No 1973/2004 should therefore be amended accordingly.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Direct Payments,

HAS ADOPTED THIS REGULATION:

Article 1

Article 29 of Regulation (EC) No 795/2004 is replaced by the following:

⁽¹⁾ OJ L 270, 21.10.2003, p. 1.

⁽²⁾ OJ L 141, 30.4.2004, p. 1.

⁽³⁾ OJ L 141, 30.4.2004, p. 18.

⁽⁴⁾ OJ L 345, 20.11.2004, p. 1.

⁽⁵⁾ OJ L 193, 20.7.2002, p. 1.

*'Article 29***Production of hemp**

For the purposes of Article 52 of Regulation (EC) No 1782/2003, the payment of the entitlements for areas on hemp shall be subject to the use of seed of the varieties listed in "Common Catalogue of Varieties of Agricultural Plant Species" on 15 March of the year in respect of which the payment is granted and published in accordance with Article 17 of Council Directive 2002/53/EC, with exception of the varieties Finola and Tiborszallasi. The seed shall be certified in accordance with Council Directive 2002/57/EC (*).

(*) OJ L 193, 20.7.2002, p. 74.'

Article 2

Regulation (EC) No 796/2004 is amended as follows:

1. Article 33 is replaced by the following:

'Article 33

1. Varieties of hemp eligible for direct payment are those listed in "Common Catalogue of Varieties of Agricultural Plant Species" on 15 March of the year in respect of which the payment is granted and published in accordance with Article 17 of Directive 2002/53/EC, with exception of the varieties Finola and Tiborszallasi.

2. The system to be used by the Member States in accordance with Article 52(1) of Regulation (EC) No 1782/2003 in order to determine the tetrahydrocannabinol (hereinafter referred to as "THC") content of the crops grown shall be as set out in Annex I to this Regulation.

3. The competent authority of the Member State shall keep the records related to THC findings. At least such records shall comprise for each variety the results in terms of THC content from each sample expressed in percentage to two decimal places, the procedure used, the number of tests carried out, an indication of the point at which the sample was taken and measures taken at national level.

If however the result of THC content of any sample exceeds that laid down in Article 52(1) of Regulation (EC) 1782/2003, such Member State shall send the Commission, by 15 November of the marketing year in question at the latest, a report on the all THC findings in respect of such variety. Such report shall indicate the results in terms of THC content from each sample expressed in percentage to two decimal places, the procedure used, the number of tests carried out, an indication of the point at which the sample was taken and measures taken at national level.

4. If an average of all the samples of given variety exceeds THC content as laid down in Article 52(1) of Regulation (EC) No 1782/2003, Member States shall use the procedure B of Annex I to this Regulation for the variety concerned in the course of the following marketing year. This procedure shall be used in the course of the next marketing years unless all of the analytical results of given variety are below the THC content as laid down in Article 52(1) of Regulation (EC) No 1782/2003.

If for the second year the average of all the samples of given variety exceeds THC content as laid down in Article 52(1) of Regulation (EC) No 1782/2003, such Member State shall request authorisation to prohibit the marketing of such variety in accordance with Article 18 of Council Directive 2002/53/EC. Such request shall be sent to the Commission by 15 November of the marketing year in question at the latest. From the following year the variety subject of this request is not eligible for direct payments in the Member State concerned.

5. Crops of hemp must continue to be cultivated under normal growing conditions in accordance with local practice for at least 10 days from the date of the end of flowering so that the checks provided for in paragraphs 2, 3 and 4 can be made.

However, the Member States may authorise hemp to be harvested after flowering has begun but before the end of the 10-day period after the end of flowering, provided the inspectors indicate which representative parts of each plot concerned must continue to be cultivated for at least 10 days following the end of flowering for inspection purposes, in accordance with the method laid down in Annex I.'

2. Annex II is deleted.

Article 3

Regulation (EC) No 1973/2004 is amended as follows:

1. Article 50 is replaced by the following:

*'Article 50****Cannabis sativa* L. varieties**

The varieties of *Cannabis sativa* L. eligible for aid under Article 99(4) of Regulation (EC) No 1782/2003 shall be those listed in "Common Catalogue of Varieties of Agricultural Plant Species" on 15 March of the year in respect of which the payment is granted and published in accordance with Article 17 of Council Directive 2002/53/EC, with exception of the varieties Finola and Tiborszallasi.'

2. In Article 56(1), point (b) is replaced by the following:

‘(b) for hemp grown for fibre, the use of the seed of the varieties listed in “Common Catalogue of Varieties of Agricultural Plant Species” on 15 March of the year in respect of which the payment is granted and published in accordance with Article 17 of Council Directive 2002/53/EC, with exception of the varieties Finola and Tiborszallasi, and certified in accordance with Council Directive 2002/57/EC.’

Article 4

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

It shall apply to aid applications relating to years starting from 1 January 2009.

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

Done at Brussels, 12 November 2008.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

COMMISSION REGULATION (EC) No 1125/2008

of 13 November 2008

apportioning, for the 2008/09 marketing year, 5 000 tonnes of short flax fibre and hemp fibre as national guaranteed quantities between Denmark, Greece, Ireland, Italy and Luxembourg

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products ⁽¹⁾, and in particular Article 95 in conjunction with Article 4 thereof,

Whereas:

- (1) Article 8(1) of Commission Regulation (EC) No 507/2008 of 6 June 2008 laying down detailed rules for the application of Council Regulation (EC) No 1673/2000 on the common organisation of the markets in flax and hemp grown for fibre ⁽²⁾ lays down that the apportioning of 5 000 tonnes of short flax fibre and hemp fibre as national guaranteed quantities, as provided for in Article 94(1a) of Regulation (EC) No 1234/2007 for the marketing year 2008/09, must be effected before 16 November of the marketing year in progress.
- (2) To that end, Italy has sent the Commission information relating to areas covered by sale/purchase contracts, processing commitments and processing contracts, and estimated flax and hemp straw and fibre yields.
- (3) Conversely, no flax or hemp fibre will be produced for the 2008/09 marketing year in Denmark, Greece, Ireland or Luxembourg.
- (4) On the basis of estimates of production resulting from the information provided, total production in the five

Member States concerned will not reach the overall quantity of 5 000 tonnes allocated to them, and the national guaranteed quantities as set out below should be set.

- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

For the 2008/09 marketing year, the apportionment in national guaranteed quantities provided for in Article 94(1a), in conjunction with Annex XI A.II.(b) to Regulation (EC) No 1234/2007 shall be as follows:

— Denmark	0 tonnes;
— Greece	0 tonnes;
— Ireland	0 tonnes;
— Italy	228 tonnes;
— Luxembourg	0 tonnes.

*Article 2*This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Union*.

It shall apply from 16 November 2008.

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

Done at Brussels, 13 November 2008.

For the Commission

Mariann FISCHER BOEL

Member of the Commission⁽¹⁾ OJ L 299, 16.11.2007, p. 1.⁽²⁾ OJ L 149, 7.6.2008, p. 38.

II

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

DECISIONS

COUNCIL

COUNCIL DECISION

of 4 November 2008

amending Annex 3, Part I, to the Common Consular Instructions on third-country nationals subject to airport visa requirements

(2008/859/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Regulation (EC) No 789/2001 of 24 April 2001 reserving to the Council implementing powers with regard to certain detailed provisions and practical procedures for examining visa applications ⁽¹⁾,

Having regard to the initiative of France,

Whereas:

- (1) Annex 3, Part I, to the Common Consular Instructions contains the joint list of third countries whose nationals are subject to airport transit visa (ATV) requirements by all Member States.
- (2) France wishes, as regards Ghanaian and Nigerian nationals, to limit the ATV requirement to persons who do not hold a valid visa issued by Member States of the European Union or for a State party to the Agreement on the European Economic Area of 2 May 1992, Canada, Japan, Switzerland or the United States of America. The Common Consular Instructions should therefore be amended accordingly.
- (3) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark, annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark is not taking part in

the adoption of this Decision and is not bound by it or subject to its application. Given that this Decision builds upon the Schengen *acquis* under the provisions of Title IV of Part Three of the Treaty establishing the European Community, Denmark shall, in accordance with Article 5 of that Protocol, decide within a period of six months after the Council has adopted this Decision whether it will implement the Decision in its national law.

- (4) As regards Iceland and Norway, this Decision constitutes a development of provisions of the Schengen *acquis* within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis* ⁽²⁾, which fall within the area referred to in Article 1, point A, of Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of that Agreement ⁽³⁾.
- (5) As regards Switzerland, this Decision constitutes a development of provisions of the Schengen *acquis* within the meaning of the Agreement concluded between the European Union, the European Community and the Swiss Confederation concerning the association of the Swiss Confederation with the implementation, application and development of the Schengen *acquis*, which fall within the area referred to in Article 1, point A, of Decision 1999/437/EC read in conjunction with Article 3 of Council Decisions 2008/146/EC ⁽⁴⁾ and 2008/149/JHA ⁽⁵⁾.

⁽¹⁾ OJ L 116, 26.4.2001, p. 2.

⁽²⁾ OJ L 176, 10.7.1999, p. 36.

⁽³⁾ OJ L 176, 10.7.1999, p. 31.

⁽⁴⁾ OJ L 53, 27.2.2008, p. 1.

⁽⁵⁾ OJ L 53, 27.2.2008, p. 50.

- (6) As regards Liechtenstein, this Decision constitutes a development of provisions of the Schengen *acquis* within the meaning of the Protocol signed between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* ⁽⁶⁾, which fall within the area referred to in Article 1, point A, of Decision 1999/437/EC read in conjunction with Article 3 of Council Decisions 2008/261/EC ⁽⁷⁾ and 2008/262/EC ⁽⁸⁾.
- (7) This Decision constitutes a development of provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* ⁽⁹⁾. The United Kingdom is therefore not taking part in its adoption and is not bound by it or subject to its application.
- (8) This Decision constitutes a development of provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* ⁽¹⁰⁾. Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application.
- (9) As regards Cyprus, this Decision constitutes an act building on the Schengen *acquis* or otherwise related to it within the meaning of Article 3(2) of the 2003 Act of Accession.
- (10) This Decision constitutes an act building on the Schengen *acquis* or otherwise related to it within the meaning of Article 4(2) of the 2005 Act of Accession,

HAS ADOPTED THIS DECISION:

Article 1

Annex 3, Part I, to the Common Consular Instructions is hereby amended as follows:

1. in the entry regarding Ghana, the existing footnote shall be replaced by the following:

'For the Benelux countries, France, Germany, Italy and Spain

The following persons shall be exempted from the ATV requirement:

— Nationals in possession of a valid visa for a Member State of the EU or for a State party to the Agreement on the European Economic Area of 2 May 1992, Canada, Japan, Switzerland or the United States of America, or when they return from these countries after having used the visa.'

2. in the entry regarding Nigeria, the existing footnote shall be replaced by the following:

'For the Benelux countries, France, Germany, Italy and Spain

The following persons shall be exempted from the ATV requirement:

— Nationals in possession of a valid visa for a Member State of the EU or for a State party to the Agreement on the European Economic Area of 2 May 1992, Canada, Japan, Switzerland or the United States of America, or when they return from these countries after having used the visa.'

Article 2

This Decision shall apply from 5 November 2008.

Article 3

This Decision is addressed to the Member States in accordance with the Treaty establishing the European Community.

Done at Brussels, 4 November 2008.

For the Council
The President
C. LAGARDE

⁽⁶⁾ OJ L 83, 26.3.2008, p. 3.

⁽⁷⁾ See footnote 6.

⁽⁸⁾ OJ L 83, 26.3.2008, p. 5.

⁽⁹⁾ OJ L 131, 1.6.2000, p. 43.

⁽¹⁰⁾ OJ L 64, 7.3.2002, p. 20.

COMMISSION

COMMISSION DECISION

of 29 October 2008

on a Community financial contribution towards Member States' fisheries control, inspection and surveillance programmes for 2008

(notified under document number C(2008) 6262)

(2008/860/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 861/2006 of 22 May 2006 establishing Community financial measures for the implementation of the common fisheries policy and in the area of the Law of the Sea ⁽¹⁾, and in particular Article 21 thereof,

Whereas:

- (1) Member States have forwarded to the Commission their fisheries control programme for 2008 together with the applications for a Community financial contribution towards the expenditure to be incurred in carrying out the projects contained in such programme.
- (2) Applications concerning actions listed in Article 8(a) of Regulation (EC) No 861/2006 may qualify for Community funding.
- (3) Applications for Community funding shall comply with the rules set out in Commission Regulation (EC) No 391/2007 ⁽²⁾.
- (4) It is appropriate to fix the maximum amounts and the rate of the Community financial contribution within the limits set by Article 15 of Regulation (EC) No 861/2006 and to lay down the conditions under which such contribution may be granted.

- (5) In order to qualify for the contribution, automatic localisation devices should satisfy the requirements fixed by Commission Regulation (EC) No 2244/2003 of 18 December 2003 laying down detailed provisions regarding satellite-based Vessel Monitoring Systems ⁽³⁾.

- (6) The measures provided for in this Decision are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS DECISION:

Article 1

Subject matter

This Decision provides for a Community financial contribution for 2008 towards expenditure incurred by Member States for 2008 in implementing the monitoring and control systems applicable to the common fisheries policy, as referred to in Article 8(a) of Regulation (EC) No 861/2006. It establishes the amount of the Community financial contribution for each Member State, the rate of the Community financial contribution and the conditions on which such contribution may be granted.

Article 2

Closure of outstanding commitments

Member States shall ensure that all payments in respect of which a reimbursement is claimed shall be made by the Member State concerned by 30 June 2012. Payments made by a Member State after this deadline shall not be eligible for reimbursement. The budgetary appropriations related to this Decision shall be decommitted at the latest by 31 December 2013.

⁽¹⁾ OJ L 160, 14.6.2006, p. 1.

⁽²⁾ OJ L 97, 12.4.2007, p. 30.

⁽³⁾ OJ L 333, 20.12.2003, p. 17.

*Article 3***New technologies and IT networks**

Expenditure incurred on the purchase of, installation and technical assistance for, computer technology and setting up of IT networks in order to allow efficient and secure data exchange in connection with monitoring, control and surveillance of fisheries activities, shall qualify for a financial contribution of 50 % of the eligible expenditure within the limits laid down in Annex I.

*Article 4***Automatic localisation devices**

1. Expenditure incurred in the purchase and fitting on board of fishing vessels of automatic localisation devices enabling vessels to be monitored at a distance by a fisheries monitoring centre through a vessel monitoring system (VMS) shall qualify for a maximum financial contribution of EUR 4 500 per vessel within the limits established in Annex II.

2. Within the EUR 4 500 limit provided for in paragraph 1, the financial contribution for the first EUR 1 500 of eligible expenditure shall be at a rate of 100 %.

3. The financial contribution for eligible expenditure comprised between EUR 1 500 and EUR 4 500 per vessel shall amount to a maximum of 50 % of such expenditure.

4. In order to qualify, automatic localisation devices shall satisfy the requirements fixed by Regulation (EC) No 2244/2003.

*Article 5***Electronic recording and reporting systems**

Expenditure incurred on the purchase of, installation and technical assistance for, electronic recording and reporting systems (ERS) in a fisheries monitoring centre, in order to allow efficient and secure data exchange in connection with monitoring, control and surveillance of fisheries activities, shall qualify for a financial contribution of 50 % of the eligible expenditure within the limits laid down in Annex III.

*Article 6***Electronic recording and reporting devices**

1. Expenditure incurred on the purchase and fitting on board of fishing vessels of ERS devices enabling vessels to record and report electronically to a fisheries monitoring centre data on

fisheries activities, shall qualify for a maximum financial contribution of EUR 4 500 per vessel within the limits established in Annex IV.

2. The financial contribution for expenditure incurred on the purchase and fitting on board fishing vessels of ERS devices shall be at a rate of 75 % within the EUR 4 500 limit provided for in paragraph 1.

3. In order to qualify for a financial contribution, ERS devices shall satisfy the requirements established under Council Regulation (EC) No 1966/2006 ⁽¹⁾ and Commission Regulation (EC) No 1566/2007 ⁽²⁾.

*Article 7***Pilot projects**

Expenditure incurred in pilot projects on new control technologies shall qualify for a financial contribution of 50 % of the eligible expenditure within the limits laid down in Annex V.

*Article 8***Training**

Expenditure incurred on training and exchange programmes of civil servants responsible for monitoring control and surveillance tasks in the fisheries area shall qualify for a financial contribution of 50 % of the eligible expenditure within the limits laid down in Annex VI.

*Article 9***Assessment of expenditure**

Expenditure incurred in implementing a system to assess expenditure incurred in controlling the common fisheries policy shall qualify for a financial contribution of 50 % of the eligible expenditure within the limits laid down in Annex VII.

*Article 10***Seminars and media tools**

Expenditure incurred in initiatives including seminar and media tools aimed at enhancing awareness among fishermen and other players such as inspectors, public prosecutors and judges, as well as among the general public on the need to fight irresponsible and illegal fishing and on the implementation of common fisheries policy rules, shall qualify for a financial contribution of 75 % of the eligible expenditure within the limits laid down in Annex VIII.

⁽¹⁾ OJ L 409, 30.12.2006, p. 1, as corrected by OJ L 36, 8.2.2007, p. 3.

⁽²⁾ OJ L 340, 22.12.2007, p. 46.

*Article 11***Fisheries patrol vessels and aircraft**

1. Expenditure related to the purchase and modernisation of vessels and aircraft used for inspection and surveillance of fishing activities by the competent authorities of the Member States shall qualify, within the limits laid down in Annex IX, for a financial contribution of 50 % of the eligible expenditure incurred by Member States.

2. The financial contribution specified for each Member State in Annex IX is calculated on the basis of the utilisation of the concerned vessels and aircraft for inspection and surveillance as

a percentage of their total yearly activity, as declared by the Member States.

Article 12

This Decision is addressed to the Member States.

Done at Brussels, 29 October 2008.

For the Commission

Joe BORG

Member of the Commission

ANNEX I

New technologies and IT networks

(EUR)

Member State	Expenditure planned in the national fisheries control programme	Eligible expenditure	Community contribution
Belgium	0	0	0
Bulgaria	50 000	50 000	25 000
Cyprus	0	0	0
Czech Republic	0	0	0
Denmark	0	0	0
Germany	50 000	50 000	25 000
Estonia	0	0	0
Greece	4 500 000	3 000 000	1 500 000
Spain	415 936	340 336	170 168
France	70 000	70 000	35 000
Ireland	2 185 864	2 155 864	1 077 932
Italy	4 700 000	1 700 000	850 000
Latvia	0	0	0
Lithuania	77 330	77 330	38 665
Luxembourg	0	0	0
Hungary	0	0	0
Malta	0	0	0
Netherlands	1 174 410	1 104 410	552 205
Austria	0	0	0
Poland	0	0	0
Portugal	0	0	0
Romania	140 000	140 000	70 000
Slovenia	51 300	51 300	25 650
Slovakia	0	0	0
Finland	350 000	350 000	175 000
Sweden	135 000	135 000	67 500
United Kingdom	201 435	200 781	100 391
Total	14 101 275	9 425 021	4 712 511

A total amount of EUR 4 676 254 EUR was considered as ineligible expenditures on the basis of Annex V of Regulation (EC) No 391/2007.

A 50 % rate of Community contribution was applied on eligible expenditure according to Article 3 of the present Decision.

ANNEX II

Automatic localisation devices

(EUR)

Member State	Expenditure planned in the national fisheries control programme	Community contribution
Belgium	0	0
Bulgaria	0	0
Cyprus	0	0
Czech Republic	0	0
Denmark	0	0
Germany	0	0
Estonia	0	0
Greece	0	0
Spain	0	0
France	0	0
Ireland	1 500 000	750 000
Italy	0	0
Latvia	0	0
Lithuania	0	0
Luxembourg	0	0
Hungary	0	0
Malta	0	0
Netherlands	0	0
Austria	0	0
Poland	0	0
Portugal	0	0
Romania	0	0
Slovenia	20 000	17 500
Slovakia	0	0
Finland	0	0
Sweden	0	0
United Kingdom	0	0
Total	1 520 000	767 500

The Community contribution was calculated according to the rules defined in Article 4 of the present Decision.

ANNEX III

Electronic recording and reporting systems

(EUR)

Member State	Expenditure planned in the national fisheries control programme	Eligible expenditure	Community contribution
Belgium	210 000	210 000	105 000
Bulgaria	0	0	0
Cyprus	0	0	0
Czech Republic	0	0	0
Denmark	604 026	604 026	302 013
Germany	530 000	530 000	265 000
Estonia	0	0	0
Greece	0	0	0
Spain	115 500	115 500	57 750
France	0	0	0
Ireland	2 500 000	2 500 000	1 250 000
Italy	0	0	0
Latvia	0	0	0
Lithuania	0	0	0
Luxembourg	0	0	0
Hungary	0	0	0
Malta	0	0	0
Netherlands	1 540 000	1 540 000	770 000
Austria	0	0	0
Poland	0	0	0
Portugal	0	0	0
Romania	0	0	0
Slovenia	0	0	0
Slovakia	0	0	0
Finland	0	0	0
Sweden	0	0	0
United Kingdom	0	0	0
Total	5 499 526	5 499 526	2 749 763

The Community contribution has been calculated on the basis of a 50 % rate according to Article 5 of the present Decision.

ANNEX IV

Electronic recording and reporting devices

(EUR)

Member State	Expenditure planned in the national fisheries control programme	Eligible expenditure	Community contribution
Belgium	0	0	0
Bulgaria	0	0	0
Cyprus	0	0	0
Czech Republic	0	0	0
Denmark	0	0	0
Germany	0	0	0
Estonia	0	0	0
Greece	0	0	0
Spain	0	0	0
France	2 000 000	1 098 000	823 500
Ireland	0	0	0
Italy	0	0	0
Latvia	0	0	0
Lithuania	0	0	0
Luxembourg	0	0	0
Hungary	0	0	0
Malta	0	0	0
Netherlands	0	0	0
Austria	0	0	0
Poland	0	0	0
Portugal	0	0	0
Romania	0	0	0
Slovenia	0	0	0
Slovakia	0	0	0
Finland	0	0	0
Sweden	0	0	0
United Kingdom	739 834	739 834	554 876
Total	2 739 834	1 837 834	1 378 376

For France, this expenditure concerns 244 electronic logbooks, which have a maximum threshold of EUR 4 500 each. As a consequence, EUR 902 000 were considered as ineligible.

In conformity with Article 6 of the present Decision, a rate of 75 % has been applied to these expenditures.

ANNEX V

Pilot projects

(EUR)

Member State	Expenditure planned in the national fisheries control programme	Eligible expenditure	Community contribution
Belgium	0	0	0
Bulgaria	0	0	0
Cyprus	0	0	0
Czech Republic	0	0	0
Denmark	0	0	0
Germany	0	0	0
Estonia	0	0	0
Greece	0	0	0
Spain	0	0	0
France	0	0	0
Ireland	0	0	0
Italy	0	0	0
Latvia	0	0	0
Lithuania	0	0	0
Luxembourg	0	0	0
Hungary	0	0	0
Malta	0	0	0
Netherlands	0	0	0
Austria	0	0	0
Poland	0	0	0
Portugal	0	0	0
Romania	0	0	0
Slovenia	0	0	0
Slovakia	0	0	0
Finland	0	0	0
Sweden	234 000	234 000	117 000
United Kingdom	295 934	269 031	134 516
Total	529 934	503 031	251 516

EUR 26 903 were considered as ineligible expenditure according to Annex V of Regulation (EC) No 391/2007. A rate of 50 % of Community contribution was applied on eligible expenditure according to Article 7 of the present Decision.

ANNEX VI

Training

(EUR)

Member State	Expenditure planned in the national fisheries control programme	Eligible expenditure	Community contribution
Belgium	0	0	0
Bulgaria	40 000	40 000	20 000
Cyprus	0	0	0
Czech Republic	0	0	0
Denmark	123 753	83 485	41 743
Germany	18 500	18 500	9 250
Estonia	0	0	0
Greece	40 000	40 000	20 000
Spain	173 910	157 110	78 555
France	92 000	92 000	46 000
Ireland	122 000	122 000	61 000
Italy	1 465 230	1 165 230	582 615
Latvia	0	0	0
Lithuania	17 400	17 400	8 700
Luxembourg	0	0	0
Hungary	0	0	0
Malta	0	0	0
Netherlands	120 000	120 000	60 000
Austria	0	0	0
Poland	0	0	0
Portugal	0	0	0
Romania	200 000	200 000	100 000
Slovenia	48 500	48 500	24 250
Slovakia	0	0	0
Finland	130 000	130 000	65 000
Sweden	0	0	0
United Kingdom	178 746	177 266	88 633
Total	2 770 039	2 411 491	1 205 746

EUR 358 548 were considered as ineligible expenditure according to Annex V of Regulation (EC) No 391/2007. A rate of 50 % of Community contribution was applied on eligible expenditure according to Article 8 of the present Decision.

ANNEX VII

Assessment of expenditure

(EUR)

Member State	Expenditure planned in the national fisheries control programme	Eligible expenditure	Community contribution
Belgium	0	0	0
Bulgaria	12 000	12 000	6 000
Cyprus	0	0	0
Czech Republic	0	0	0
Denmark	0	0	0
Germany	0	0	0
Estonia	0	0	0
Greece	0	0	0
Spain	0	0	0
France	0	0	0
Ireland	0	0	0
Italy	0	0	0
Latvia	0	0	0
Lithuania	0	0	0
Luxembourg	0	0	0
Hungary	0	0	0
Malta	0	0	0
Netherlands	0	0	0
Austria	0	0	0
Poland	0	0	0
Portugal	0	0	0
Romania	0	0	0
Slovenia	0	0	0
Slovakia	0	0	0
Finland	0	0	0
Sweden	0	0	0
United Kingdom	0	0	0
Total	12 000	12 000	6 000

A rate of 50 % of Community contribution was applied on eligible expenditure according to Article 9 of the present Decision.

ANNEX VIII

Seminars and media tools

(EUR)

Member State	Expenditure planned in the national fisheries control programme	Eligible expenditure	Community contribution
Belgium	0	0	0
Bulgaria	58 000	58 000	43 500
Cyprus	0	0	0
Czech Republic	0	0	0
Denmark	33 557	33 557	25 168
Germany	0	0	0
Estonia	0	0	0
Greece	1 000 000	1 000 000	750 000
Spain	394 800	394 800	296 100
France	0	0	0
Ireland	0	0	0
Italy	497 200	447 200	335 400
Latvia	0	0	0
Lithuania	15 900	15 900	11 925
Luxembourg	0	0	0
Hungary	0	0	0
Malta	0	0	0
Netherlands	0	0	0
Austria	0	0	0
Poland	0	0	0
Portugal	0	0	0
Romania	0	0	0
Slovenia	8 500	8 500	6 375
Slovakia	0	0	0
Finland	0	0	0
Sweden	0	0	0
United Kingdom	104 250	104 250	78 188
Total	2 112 207	2 062 207	1 546 656

An amount of EUR 50 000 was considered as ineligible expenditure according to Annex V of Regulation (EC) No 391/2007.

A rate of 75 % of Community contribution was applied to eligible expenditure as indicated in Article 10 of the present Decision.

ANNEX IX

Patrol vessels and aircraft

(EUR)

Member State	Expenditure planned in the national fisheries control programme	Eligible expenditure under this Decision	Community contribution
Belgium	0	0	0
Bulgaria	0	0	0
Cyprus	0	0	0
Czech Republic	0	0	0
Denmark	301 678	166 678	83 339
Germany	3 826 458	68 000	34 000
Estonia	0	0	0
Greece	14 603 000	558 000	279 000
Spain	44 225 546	1 657 546	828 773
France	575 000	500 000	250 000
Ireland	260 000	60 000	30 000
Italy	24 000 000	0	0
Latvia	0	0	0
Lithuania	0	0	0
Luxembourg	0	0	0
Hungary	0	0	0
Malta	0	0	0
Netherlands	0	0	0
Austria	0	0	0
Poland	0	0	0
Portugal	0	0	0
Romania	130 000	130 000	65 000
Slovenia	0	0	0
Slovakia	0	0	0
Finland	180 000	170 000	85 000
Sweden	0	0	0
United Kingdom	1 005 765	999 448	499 724
Total	89 107 447	4 309 672	2 154 836

Among this global amount of EUR 89 107 447 planned in the national fisheries control programmes for patrol vessels and aircraft, a global amount of EUR 80 361 000 will be dealt with under the second financial decision. A reduction of this envelope will be necessary in order to respect the budgetary commitments available in 2008.

EUR 4 436 775 of these planned expenditures were considered as ineligible according to Articles 6 and 7 and to Annex V of Regulation (EC) No 391/2007.

A rate of 50 % was applied on all eligible expenditure according to Article 11 of the present Decision.

CORRIGENDA

Corrigendum to Commission Directive 95/45/EC of 26 July 1995 laying down specific purity criteria concerning colours for use in foodstuffs*(Official Journal of the European Communities L 226 of 22 September 1995)*

In the Annex to the Directive, point B 'Specific criteria of purity':

E 101 (i) RIBOFLAVIN — Identification, A. Spectrometry:

for: 'Maximum in water at ca 375 nm',

read: 'Maximum in water at ca 444 nm';

E 101 (ii) RIBOFLAVIN-5'-PHOSPHATE — Identification, A. Spectrometry:

for: 'Maximum in water at ca 375 nm',

read: 'Maximum in water at ca 444 nm';

E 123 AMARANTH — Purity:

for:

'Heavy metals (as Pb) Not more than 40 mg/kg',

read:

'Heavy metals (as Pb) Not more than 10 mg/kg';

E 133 BRILLIANT BLUE FCF — Purity:

for:

'Heavy metals (as Pb) Not more than 40 mg/kg',

read:

'Heavy metals (as Pb) Not more than 10 mg/kg';

E 141 (ii) COPPER COMPLEXES OF CHLOROPHYLLINS — Identification, Spectrometry:

for: 'Maximum in aqueous phosphate buffer at pH 7,5 at ca 405 nm and at 630 nm',

read: 'Maximum in aqueous phosphate buffer at pH 7,5 at ca 405 nm and at ca 630 nm';

E 153 VEGETABLE CARBON — Purity:

for:

'Heavy metals (as Pb) Not more than 40 mg/kg',

read:

'Heavy metals (as Pb) Not more than 10 mg/kg';

E 160d LYCOPENE — Definition:

for:

'Assay E1 % 1 cm 3 450 at ca 472 nm in hexane
E1 % 1 cm 3 450 at ca 472 nm in hexane',

read:

'Assay Not less than 5 % of total colouring matters
E1 % 1 cm 3 450 at ca 472 nm in hexane';

E 160e BETA-APO-8'-CAROTENAL (C30) — Purity:

for:

'Heavy metals (as Pb) Not more than 10 mg/kg',

read:

'Heavy metals (as Pb) Not more than 40 mg/kg'.

**Corrigendum to Council Regulation (EC) No 1260/2007 of 9 October 2007 amending Regulation (EC)
No 318/2006 on the common organisation of the markets in the sugar sector**

(Official Journal of the European Union L 283 of 27 October 2007)

On page 6, Annex:

for: 'ANNEX IX

**CALCULATION OF THE PERCENTAGE APPLICABLE TO UNDERTAKINGS IN ACCORDANCE WITH
THE THIRD SUBPARAGRAPH OF ARTICLE 10(2)',**

read: 'ANNEX IX

**CALCULATION OF THE PERCENTAGE APPLICABLE TO UNDERTAKINGS IN ACCORDANCE WITH
THE SECOND SUBPARAGRAPH OF ARTICLE 10(2)'.**

NOTE TO THE READER

The institutions have decided no longer to quote in their texts the last amendment to cited acts.

Unless otherwise indicated, references to acts in the texts published here are to the version of those acts currently in force.