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I

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

REGULATIONS

COMMISSION REGULATION (EC) No 382/2009**of 11 May 2009****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 12 May 2009.

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

Done at Brussels, 11 May 2009.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, p. 1.

ANNEX

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

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	MA	89,6
	TN	115,0
	TR	110,4
	ZZ	105,0
0707 00 05	MA	32,7
	TR	135,2
	ZZ	84,0
0709 90 70	TR	105,4
	ZZ	105,4
0805 10 20	EG	45,9
	IL	55,9
	MA	53,1
	TN	52,5
	TR	76,0
	US	68,2
	ZZ	58,6
0805 50 10	TR	49,4
	ZA	56,2
	ZZ	52,8
0808 10 80	AR	80,1
	BR	67,5
	CA	127,2
	CL	73,8
	CN	98,2
	NZ	98,3
	US	128,2
	UY	66,3
	ZA	81,6
	ZZ	91,2

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

II

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

DECISIONS

COMMISSION

COMMISSION DECISION

of 5 May 2009

adopting implementing measures for the consultation mechanism and the other procedures referred to in Article 16 of Regulation (EC) No 767/2008 of the European Parliament and of the Council concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation)

(notified under document number C(2009) 2359)

(Only the Bulgarian, Czech, Dutch, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish texts are authentic)

(2009/377/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation) ⁽¹⁾, and in particular Article 45(2)(e) thereof,

Whereas:

(1) Article 16 of Regulation (EC) No 767/2008 provides rules on the use of the VIS for consultation and requests for documents. In implementation of Article 16 of the VIS Regulation, measures should be adopted to set out rules for the exchange of the messages transmitted by the infrastructure of the VIS (VIS Mail Specifications). These messages shall not be recorded in the VIS and the personal data transmitted shall be used solely for the consultation of central visa authorities and consular cooperation.

(2) Subject to further measures adopted by the date referred to in Article 46 of the VIS Regulation concerning the integration of the technical functionalities of the Schengen Consultation Network, the VIS Mail Specifications should define four types of messages which may be used from the start of operations of VIS until the date referred to in Article 46 of the VIS Regulation. These should include messages related to consular cooperation (Article 16(3) of the VIS Regulation), messages related to the transmission of requests to the competent visa authority to forward copies of travel documents and other documents supporting the application and to the transmission of electronic copies of those documents (Article 16(3) of the VIS Regulation), messages that data processed in the VIS are inaccurate or that data were processed in the VIS contrary to the provisions of the VIS Regulation (Article 24(2) of the VIS Regulation) and messages that an applicant has acquired the nationality of a Member State (Article 25(2) of the VIS Regulation).

(3) In accordance with Article 5 of the Protocol on the position of Denmark, annexed to the Treaty on European Union and the Treaty establishing the European Community, on 13 October 2008 Denmark decided to implement Regulation (EC) No 767/2008 in Danish law. Regulation (EC) No 767/2008 is thus binding upon Denmark in international law. Denmark has therefore an obligation under international law to implement this Decision.

⁽¹⁾ OJ L 218, 13.8.2008, p. 60.

- (4) 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* ⁽¹⁾, the United Kingdom has not taken part in the adoption of Regulation (EC) No 767/2008 and is not bound by it or subject to its application as it constitutes a development of provisions of the Schengen *acquis*. The United Kingdom is therefore not an addressee of this Commission Decision.
- (5) 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* ⁽²⁾, Ireland has not taken part in the adoption of Regulation (EC) No 767/2008 and is not bound by it or subject to its application as it constitutes a development of provisions of the Schengen *acquis*. Ireland is therefore not an addressee of this Commission Decision.
- (6) 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 and Article 4(2) of the 2005 Act of Accession.
- (7) 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 latter's association with the implementation, application and development of the Schengen *acquis* ⁽³⁾, which falls within the area referred to in Article 1, point B of Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application 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* ⁽⁴⁾.
- (8) As regards Switzerland, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement signed by the European Union, the European Community and the Swiss Confederation on the latter's association with the implementation, application and development of the Schengen *acquis* which falls within the area referred to in Article 1, point B of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC ⁽⁵⁾ on the conclusion of that Agreement on behalf of the European Community.
- (9) As regards Liechtenstein, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Protocol 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* which falls within the area referred to in Article 1, point B of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/261/EC of 28 February 2008 on the signature, on behalf of the European Community, and on the provisional application of certain provisions of the Protocol 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⁾.
- (10) The measures provided for in this Decision are in accordance with the opinion of the Committee set up by Article 51 of Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II) ⁽⁷⁾.

HAS ADOPTED THIS DECISION:

Article 1

The implementing measures for the consultation mechanism and the other procedures referred to in Article 16 of Regulation (EC) No 767/2008 for the phase from the start of operations of VIS until the date referred to in Article 46 of Regulation (EC) No 767/2008 shall be as set out in the Annex.

⁽¹⁾ OJ L 131, 1.6.2000, p. 43.

⁽²⁾ OJ L 64, 7.3.2002, p. 20.

⁽³⁾ OJ L 176, 10.7.1999, p. 36.

⁽⁴⁾ OJ L 176, 10.7.1999, p. 31.

⁽⁵⁾ OJ L 53, 27.2.2008, p. 1.

⁽⁶⁾ OJ L 83, 26.3.2008, p. 3.

⁽⁷⁾ OJ L 381, 28.12.2006, p. 4.

Article 2

This Decision is addressed to the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Slovenia, the Slovak Republic, the Republic of Finland and the Kingdom of Sweden.

Done at Brussels, 5 May 2009.

For the Commission

Jacques BARROT

Vice-President

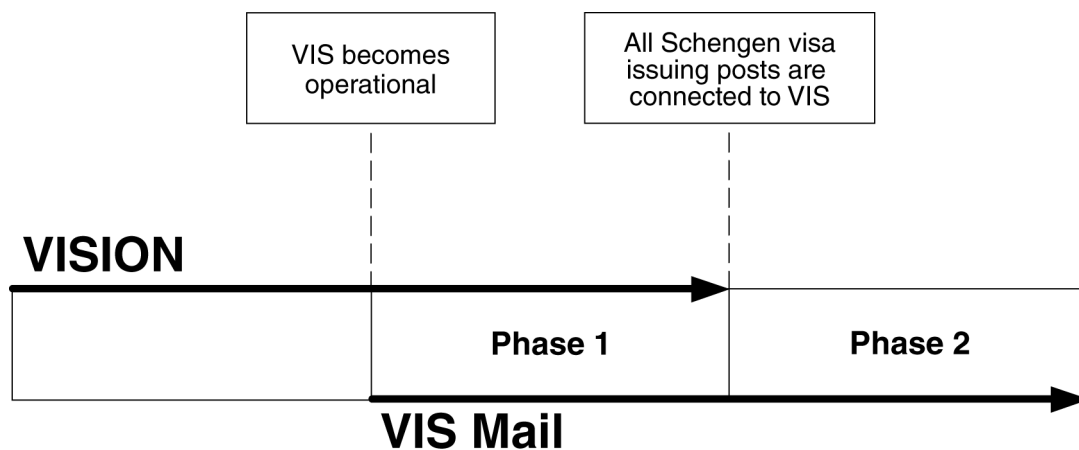
ANNEX

1. Introduction

The VIS Mail Communication mechanism shall be based on Article 16 of Regulation (EC) No 767/2008, allowing transmission of information between Member States via the infrastructure of the Visa Information System (VIS).

The personal data transmitted within this mechanism pursuant to Article 16 of the VIS Regulation shall be used solely for the consultation of central visa authorities and consular cooperation.

The respective evolution of VIS Mail and VISION implies a phased process as depicted below:



Before VIS becomes operational, VISION shall be the unique communication network for consultations on visas ⁽¹⁾.

In Phase 1, from the start of operations of VIS, the VIS Mail mechanism may be used for transmission of following types of information:

- messages related to consular cooperation,
- requests for supporting documents,
- messages on inaccurate data,
- Member State nationality acquired by an applicant.

The provisions of the VIS Regulation concerning the use of VIS Mail for the transmission of information relating to consular cooperation and requests for supporting documents (Article 16(3)), for the amendment of data (Article 24(2)) and for advance data deletion (Article 25(2)) are applicable in Phase 1. The VIS Mail mechanism, including the central mail relay and the national mail servers, needs to be in place in case at least one Member State intends to use the mechanism in Phase 1 to ensure that this Member State is able to transmit such messages ⁽²⁾. During Phase 1 of the VIS Mail operation, VISION shall be used in parallel.

In Phase 2, when all the Schengen visa issuing posts are connected to VIS, the VIS Mail mechanism shall replace the Schengen Consultation Network from the date determined in accordance with Article 46 of the VIS Regulation. As from this date all types of messages shall be exchanged via the VIS infrastructure by means of the VIS Mail mechanism.

2. SMTP Mail Exchange Infrastructure

The SMTP mail exchange shall use the VIS infrastructure, which includes national interfaces and the sTESTA network, and shall be based on national mail servers exchanging messages via a central mail relay infrastructure.

⁽¹⁾ This network is used for consultations between Member States, including representation, and for the exchange of information that a visa with limited territorial validity (VLT) has been issued.

⁽²⁾ The fact that the VIS Mail mechanism may be used concerns the optional use of the mechanism itself, not the availability of the tool, which is then obligatory.

The central SMTP mail relay infrastructure shall be developed and installed in the VIS Central Unit and Back-up Central Unit sites. The management and monitoring of the mail relay including logging shall be provided by the Management Authority.

The national SMTP mail server infrastructure shall be prepared by the Member States. The national mail server infrastructure needs to be protected against unauthorised access to the messages.

3. Application Solution

The VIS Mail operations shall start in Phase 1 with business processes developed taking into account the technical solution of VISION to ensure a smooth switch-over between Phases 1 and 2 when VIS Mail will replace VISION.

Technical specifications describing the functionalities of the VIS Mail mechanism shall be without prejudice to the legal aspects of consular cooperation and visa procedures.

COMMISSION DECISION**of 8 May 2009****providing for the temporary marketing of certain seed potatoes not satisfying the requirements of Council Directive 2002/56/EC***(notified under document number C(2009) 3392)**(2009/378/EC)*

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2002/56/EC of 13 June 2002 on the marketing of seed potatoes ⁽¹⁾, and in particular Article 22(1) thereof,

Whereas:

- (1) It is stipulated in Annex I.2(c) to Directive 2002/56/EC that the number of plants showing symptoms of severe virus infection in the direct progeny must not exceed 10 %. In Sweden the quantity of available seed potatoes of the category 'certified seed potatoes' suitable to the national environmental conditions which satisfy the above requirement is insufficient and is therefore not adequate to meet the needs of that Member State.
- (2) It is not possible to meet the demand for seed potatoes with seed potatoes from other Member States or from third countries which satisfy all the requirements laid down in Directive 2002/56/EC.
- (3) Accordingly, Sweden should be authorised to permit the marketing of seed potatoes subject to less stringent requirements for a period expiring on 30 June 2009.
- (4) In addition, other Member States, which are in a position to supply Sweden with seed potatoes irrespective of whether the seed potatoes were harvested in a Member State or in a third country, should be authorised to permit the marketing of such seed potatoes.
- (5) It is appropriate that Sweden acts as a coordinator in order to ensure that the total amount of seed potatoes authorised pursuant to this Decision does not exceed the maximum quantity covered by this Decision.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

Article 1

The marketing in the Community of seed potatoes of the category 'certified seed potatoes' which do not satisfy the requirements laid down in Directive 2002/56/EC in respect of the number of plants showing symptoms of severe virus infection in the direct progeny shall be permitted, for a period expiring on 30 June 2009, in accordance with the terms set out in the Annex to this Decision and subject to the following conditions:

- (a) the number of plants showing symptoms of severe virus infection in the direct progeny of seed potatoes of the category 'certified seed potatoes' does not exceed the percentage set out in the Annex;
- (b) the official label states the percentage of plants showing symptoms of severe virus infection in the direct progeny of seed potatoes of the category 'certified seed potatoes' ascertained in the official examination pursuant to Article 2(c)(iv) of Directive 2002/56/EC;
- (c) seed potatoes are placed on the market in accordance with Article 2 of this Decision.

Article 2

Any seed potato supplier wishing to place on the market the seed potatoes referred to in Article 1 shall apply for authorisation to the Member State in which he is established or importing.

The Member State concerned shall authorise the supplier to place those seed potatoes on the market, unless:

- (a) there is sufficient evidence to doubt whether the supplier is able to place on the market the amount of seed potatoes for which he has applied for authorisation; or
- (b) the total quantity authorised to be marketed pursuant to the derogation concerned would exceed the maximum quantity specified in the Annex.

⁽¹⁾ OJ L 193, 20.7.2002, p. 60.

Article 3

The Member States shall assist each other administratively in the application of this Decision.

Sweden shall act as coordinating Member State in order to ensure that the total amount authorised does not exceed the maximum quantity specified in the Annex.

Any Member State receiving an application under Article 2 shall immediately notify the coordinating Member State of the amount covered by the application. The coordinating Member State shall immediately inform the notifying Member State as to whether authorisation would result in the maximum quantity being exceeded.

Article 4

Member States shall immediately notify the Commission and the other Member States of the quantities in respect of which they have granted marketing authorisation pursuant to this Decision.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 8 May 2009.

For the Commission
Androulla VASSILIOU
Member of the Commission

ANNEX

Species	Type of variety	Maximum quantity (tonnes)	Number of plants showing symptoms of severe virus infection in the direct progeny (%)
Potato	(starch varieties) Seresta	150	15

COMMISSION DECISION

of 11 May 2009

setting the amounts which, pursuant to Council Regulations (EC) No 1782/2003, (EC) No 378/2007, (EC) No 479/2008 and (EC) No 73/2009 are made available to the EAFRD and the amounts available for EAGF expenditure

(2009/379/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy ⁽¹⁾, and in particular Article 12(2) and (3) thereof,

Whereas:

- (1) Certain amounts available for the budget years 2007 to 2013 to the European Agricultural Fund for Rural Development (EAFRD) are set out in the Annex to Commission Decision 2006/410/EC of 24 May 2006 setting the amounts which, pursuant to Articles 10(2), 143d and 143e of Council Regulation (EC) No 1782/2003, Article 4(1) of Council Regulation (EC) No 378/2007 and Article 23(2) of Council Regulation (EC) No 479/2008 are made available to the EAFRD and the amounts available for EAGF expenditure ⁽²⁾.
- (2) 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 ⁽³⁾, has been repealed and replaced by Council Regulation (EC) No 73/2009 of 19 January 2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, amending Regulations (EC) No 1290/2005, (EC) No 247/2006, (EC) No 378/2007 and repealing Regulation (EC) No 1782/2003 ⁽⁴⁾ as from 1 January 2009.
- (3) Regulation (EC) No 73/2009 has introduced in its Article 7 new increased rates for compulsory modulation. In accordance with Article 1(5) of Council Regulation

(EC) No 378/2007 of 27 March 2007 laying down rules for voluntary modulation of direct payments ⁽⁵⁾ the increase in compulsory modulation rates has to be deducted from the voluntary modulation rate.

- (4) Consequently, the amounts of voluntary and compulsory modulation to be made available to the EAFRD have changed.
- (5) In the interest of clarity Decision 2006/410/EC should be repealed and replaced by a new text,

HAS DECIDED AS FOLLOWS:

Article 1

The amounts available for the budget years 2007 to 2013 to the European Agricultural Fund for Rural Development (EAFRD) pursuant to Articles 10(2) and 143d of Regulation (EC) No 1782/2003, Article 4(1) of Regulation (EC) No 378/2007, Article 23(2) of Council Regulation (EC) No 479/2008 ⁽⁶⁾ and Articles 9(1), 10(3), 134 and 135 of Regulation (EC) No 73/2009, as well as the net balance available for European Agricultural Guarantee Fund (EAGF) expenditure are set out in the Annex to this Decision.

Article 2

Decision 2006/410/EC is repealed.

Done at Brussels, 11 May 2009.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 209, 11.8.2005, p. 1.

⁽²⁾ OJ L 163, 15.6.2006, p. 10.

⁽³⁾ OJ L 270, 21.10.2003, p. 1.

⁽⁴⁾ OJ L 30, 31.1.2009, p. 16.

⁽⁵⁾ OJ L 95, 5.4.2007, p. 1.

⁽⁶⁾ OJ L 148, 6.6.2008, p. 1.

ANNEX

(EUR million)

Budget year	Article 10(2) of Regulation (EC) No 1782/2003	Article 143d of Regulation (EC) No 1782/2003	Amounts made available for EAFRD					Net balance available for EAGF expenditure
			Article 9(1) and 10(3) of Regulation (EC) No 73/2009	Article 134 of Regulation (EC) No 73/2009	Article 135 of Regulation (EC) No 73/2009	Article 4(1) of Regulation (EC) No 378/2007	Article 23(2) of Regulation (EC) No 479/2008	
2007	984	22						44 753
2008	1 241	22				362		44 592
2009	1 305,7	22				424	40,66	44 886,64
2010			1 867,1	22		429,8	82,11	44 744,99
2011			2 095,3	22	484	403,9	122,61	44 489,19
2012			2 355,3	22	484	372,3	122,61	44 736,79
2013			2 640,9	22	484	334,9	122,61	44 969,59

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