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I

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

REGULATIONS

COMMISSION REGULATION (EC) No 770/2009**of 25 August 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 26 August 2009.

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

Done at Brussels, 25 August 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	MK	33,6
	XS	19,8
	ZZ	26,7
0707 00 05	MK	33,2
	TR	103,0
	ZZ	68,1
0709 90 70	TR	107,8
	ZZ	107,8
0805 50 10	AR	76,0
	UY	94,9
	ZA	67,3
	ZZ	79,4
0806 10 10	EG	174,8
	IL	86,7
	TR	106,8
	ZA	151,7
	ZZ	130,0
0808 10 80	AR	114,4
	BR	61,1
	CL	82,9
	NZ	85,6
	US	95,4
	UY	42,1
	ZA	83,2
	ZZ	80,7
0808 20 50	AR	113,9
	CN	60,3
	TR	130,3
	ZA	102,4
	ZZ	101,7
0809 30	TR	123,3
	ZZ	123,3
0809 40 05	TR	90,9
	ZZ	90,9

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

COMMISSION REGULATION (EC) No 771/2009**of 25 August 2009****amending Regulation (EC) No 1580/2007 as regards certain marketing standards in the fruit and vegetable sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Article 103a and Article 121(a) in conjunction with Article 4 thereof,

Whereas:

- (1) Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules of Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector ⁽²⁾ has been significantly amended by Commission Regulation (EC) No 1221/2008 ⁽³⁾ with effect from 1 July 2009 as regards the provisions on marketing standards. However, a newly introduced provision on products to be exempted from the general marketing standard should be clarified.
- (2) Article 53(7) of Regulation (EC) No 1580/2007 provides that the value of marketed production for the reference period shall be as calculated under the legislation applicable in the reference period referred to in that Article. It is desirable to apply this principle also to the value of the marketed production of producer groups.
- (3) In 2008 the Working Party on Agricultural Quality Standards of the United Nations Economic Commission for Europe (UNECE) revised the UNECE standards on lettuces, curled-leaved endives and broad-leaved (Batavian) endives, pears and tomatoes. In order to avoid unnecessary barriers to trade, where specific marketing standards for fruit and vegetables exist at

Community level, such standards should be the same as the UNECE standards. Therefore, the specific standards for those fruit and vegetables provided for in Regulation (EC) No 1580/2007 should be aligned with the new UNECE standards.

- (4) Regulation (EC) No 1580/2007 should therefore be amended accordingly.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1580/2007 is amended as follows:

1. In Article 3(3b), point (a) is replaced by the following:

‘(a) non-cultivated mushrooms of CN code 0709 59’;

2. In Article 44, the following paragraph 3 is added:

‘3. The value of the marketed production shall be as calculated under the legislation applicable as regards the period for which the aid is claimed.’;

3. Parts 4, 6 and 10 of Part B of Annex I are replaced by the text in Parts A, B and C in the Annex to this Regulation.

Article 2

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 from 1 September 2009.

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

Done at Brussels, 25 August 2009.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, p. 1.

⁽³⁾ OJ L 336, 13.12.2008, p. 1.

ANNEX

PART A

'Part 4: Marketing standard for lettuces, curled-leaved endives and broad-leaved (Batavian) endives

I. DEFINITION OF PRODUCE

This standard applies to:

- lettuces of varieties (cultivars) grown from:
 - *Lactuca sativa* L. var. *capitata* L. (head (cabbage) lettuces including crisphead and "Iceberg" type lettuces),
 - *Lactuca sativa* L. var. *longifolia* Lam. (cos or romaine lettuces),
 - *Lactuca sativa* L. var. *crispa* L. (leaf lettuces),
- crosses of these varieties and
 - curled-leaved endives of varieties (cultivars) grown from *Cichorium endivia* L. var. *crispa* Lam., and
 - broad-leaved (Batavian) endives (escaroles) of varieties (cultivars) grown from *Cichorium endivia* L. var. *latifolium* Lam.

to be supplied fresh to the consumer.

This standard does not apply to produce for industrial processing, produce presented as individual leaves, lettuces with root ball or lettuces in pots.

II. PROVISIONS CONCERNING QUALITY

The purpose of the standard is to define the quality requirements for produce after preparation and packaging.

A. Minimum requirements

In all classes, subject to the special provisions for each class and the tolerances allowed, the produce must be:

- intact
- sound; produce affected by rotting or deterioration such as to make it unfit for consumption is excluded
- clean and trimmed, i.e. practically free from all earth or other growing medium and practically free of any visible foreign matter
- fresh in appearance
- practically free from pests
- practically free from damage caused by pests
- turgescient
- not running to seed
- free of abnormal external moisture

- free of any foreign smell and/or taste.

In the case of lettuce, a reddish discolouration, caused by low temperature during growth, is allowed, unless it seriously affects the appearance of the lettuce.

The roots must be cut close to the base of the outer leaves and the cut must be neat.

The produce must be of normal development. The development and condition of the produce must be such as to enable it:

- to withstand transportation and handling
- to arrive in a satisfactory condition at the place of destination.

B. Classification

The produce is classified in two classes, as defined below:

(i) Class I

Produce in this class must be of good quality. It must be characteristic of the variety or commercial type, especially the colour.

The produce must also be:

- well formed
- firm, taking into account the cultivation methods and the type of produce
- free from damage or deterioration impairing edibility
- free from frost damage.

Head lettuces must have a single well-formed heart. However, in the case of head lettuces grown under protection, the heart may be small.

Cos lettuces must have a heart, which may be small.

The centre of curled-leaved endives and broad-leaved (Batavian) endives must be yellow in colour.

(ii) Class II

This class includes produce which do not qualify for inclusion in Class I, but satisfy the minimum requirements specified above.

The produce must be:

- reasonably well formed
- free from damage and deterioration which may seriously impair edibility.

The following defects may be allowed provided the produce retains its essential characteristics as regards the quality, the keeping quality and presentation:

- slight discolouration
- slight damage caused by pests.

Head lettuces must have a heart, which may be small. However, in the case of head lettuces grown under protection, absence of heart is permissible.

Cos lettuces may show no heart.

III. PROVISIONS CONCERNING SIZING

Size is determined by the weight of one unit.

A. Minimum weight

The minimum weight for Classes I and II is:

	Open grown	Grown under protection
Head lettuces (excluding crisphead and "Iceberg" type lettuces) and Cos or romaine lettuces (excluding "Little Gem" type lettuces)	150 g	100 g
Crisphead and "Iceberg" type lettuces	300 g	200 g
Leaf lettuces and "Little Gem" type lettuces	100 g	100 g
Curled-leaved endives and broad-leaved endives	200 g	150 g

B. Uniformity

(a) Lettuces

In all classes, the difference between the lightest and heaviest units in each package must not exceed:

- 40 g when the lightest unit weighs less than 150 g per unit
- 100 g when the lightest unit weighs between 150 g and 300 g per unit
- 150 g when the lightest unit weighs between 300 g and 450 g per unit
- 300 g when the lightest unit weighs more than 450 g per unit.

(b) Curled-leaved and broad-leaved (Batavian) endives

In all classes, the difference between the lightest and heaviest units in each package must not exceed 300g.

IV. PROVISIONS CONCERNING TOLERANCES

Tolerances in respect of quality and size shall be allowed in each lot for produce not satisfying the requirements of the class indicated.

A. Quality tolerances

(i) Class I

A total tolerance of 10 %, by number of units, not satisfying the requirements of the class, but meeting those of Class II is allowed. Within this tolerance not more than 1 % in total may consist of produce neither satisfying the requirements of Class II quality nor the minimum requirements. Produce affected by rotting or any other deterioration rendering it unfit for consumption is excluded.

(ii) Class II

A total tolerance of 10 %, by number of units, satisfying neither the requirements of the class nor the minimum requirements is allowed. Produce affected by rotting or any other deterioration rendering it unfit for consumption is excluded.

B. Size tolerances

For all classes: a total tolerance of 10 %, by number of units, not satisfying the requirements as regards sizing, but weighing no more than 10 % over or under the size in question, is allowed.

V. PROVISIONS CONCERNING PRESENTATION

A. Uniformity

The contents of each package must be uniform and contain only produce of the same origin, variety or commercial type, quality and size.

However, a mixture of produce of distinctly different colours, varieties and/or commercial types may be packed together in a sales unit ⁽¹⁾, provided they are uniform in quality and, for each colour, variety and/or commercial type concerned, in origin.

The visible part of the contents of the package must be representative of the entire contents.

B. Packaging

The produce must be packed in such a way as to protect it properly. It must be reasonably packed having regard to the size and type of packaging, without empty spaces or crushing.

The materials used inside the package must be clean and of a quality such as to avoid causing any external or internal damage to the produce. The use of materials, particularly paper or stamps bearing trade specifications is allowed provided the printing or labelling has been done with non-toxic ink or glue.

Packages must be free of all foreign matter.

VI. PROVISIONS CONCERNING MARKING

Each package ⁽²⁾ must bear the following particulars in letters grouped on the same side, legibly and indelibly marked, and visible from the outside:

A. Identification

Packer and/or dispatcher/shipper:

— name and physical address (e.g. street/city/region/postal code and, if different from the country of origin, the country)

or

— a code mark officially recognised by the national authority ⁽³⁾.

B. Nature of produce

— "Lettuces", "butterhead lettuces", "Batavia", "crisphead lettuces (Iceberg)", "Cos lettuces", "leaf lettuce" (or, for example and if appropriate, "Oak leaf", "lollo bionda", "lollo rossa"), "curled-leaved endives" or "broad-leaved (Batavian) endives", or other synonyms if the contents are not visible from the outside

— "Little Gem" where appropriate or other synonyms

— An indication "grown under protection", or other appropriate indication, where appropriate

— Name of the variety (optional)

⁽¹⁾ The sales unit should be designed to be purchased in its entirety.

⁽²⁾ Package units of produce pre-packed for direct sale to the consumer shall not be subject to these marking provisions but shall conform to the national requirements. However, the markings referred to shall in any event be shown on the transport packaging containing such package units.

⁽³⁾ The national legislation of a number of countries requires the explicit declaration of the name and address. However, in the case where a code mark is used, the reference "packer and/or dispatcher (or equivalent abbreviations)" has to be indicated in close connection with the code mark, and the code mark should be preceded by the ISO 3166 (alpha) country/area code of the recognising country, if not the country of origin.

- In the case of sales units containing a mixture of distinctly different colours, varieties and/or commercial types of produce, "Mixture of salads", or equivalent denomination. If the produce is not visible from the outside, the colours, varieties or commercial types of the sales unit must be indicated.

C. Origin of produce

- Country of origin and, optionally, district where grown, or national, regional or local place name.
- In the case of sales units containing a mixture of distinctly different colours, varieties and/or commercial types of produce of different origins, the indication of each country of origin shall appear next to the name of the colour, variety and/or commercial type concerned.

D. Commercial specifications

- Class
- Size, expressed by the minimum weight per unit, or number of units
- Net weight (optional).

E. Official control mark (optional)

Packages need not bear the particulars mentioned in the first subparagraph, when they contain sales packages, clearly visible from the outside, and all bearing these particulars. These packages shall be free from any indications such as could mislead. When these packages are palletised, the particulars shall be given on a notice placed in an obvious position on at least two sides of the pallet.'

PART B

'Part 6: Marketing standard for pears

I. DEFINITION OF PRODUCE

This standard applies to pears of varieties (cultivars) grown from *Pyrus communis* L. to be supplied fresh to the consumer, pears for industrial processing being excluded.

II. PROVISIONS CONCERNING QUALITY

The purpose of the standard is to define the quality requirements of pears, after preparation and packaging.

A. Minimum requirements

In all classes, subject to the special provisions for each class and the tolerances allowed, pears must be:

- intact
- sound; produce affected by rotting or deterioration such as to make it unfit for consumption is excluded
- clean, practically free of any visible foreign matter
- practically free from pests
- free from damage caused by pests affecting the flesh
- free of abnormal external moisture
- free of any foreign smell and/or taste.

The development and condition of the pears must be such as to enable them:

- to continue their ripening process and to reach the degree of ripeness required in relation to the varietal characteristics

- to withstand transportation and handling
- to arrive in satisfactory condition at the place of destination.

B. Classification

Pears are classified in three classes defined below:

(i) "Extra" Class

Pears in this class must be of superior quality. In shape, size and colouring they must be characteristic of the variety and the stalk must be intact.

The flesh must be perfectly sound, and the skin free from rough russetting.

They must be free from defects with the exception of very slight superficial defects provided these do not affect the general appearance of the fruit, the quality, the keeping quality and presentation in the package.

Pears must not be gritty.

(ii) Class I

Pears in this class must be of good quality. In shape, size and colouring they must be characteristic of the variety ⁽¹⁾.

The flesh must be perfectly sound, and the skin free from rough russetting.

The following slight defects, however, may be allowed, on individual fruit provided these do not affect the general appearance of the produce, the quality, the keeping quality and presentation in the package:

- a slight defect in shape
- a slight defect in development
- slight defects in colouring
- slight skin defects which must not extend over more than:
 - 2 cm in length for defects of elongated shape
 - 1 cm² of total surface area for other defects, with the exception of scab (*Venturia pirina* and *V. inaequalis*), which must not extend over more than 0,25 cm² cumulative in area
- slight bruising not exceeding 1 cm² in area.

The stalk may be slightly damaged.

Pears must not be gritty.

(iii) Class II

This class includes pears which do not qualify for inclusion in the higher classes but satisfy the minimum requirements specified above.

The flesh must be free from major defects.

⁽¹⁾ A non-exhaustive list of large fruited and summer pear varieties is included in the Annex to this standard.

The following defects may be allowed provided the pears retain its essential characteristics as regards the quality, the keeping quality and presentation:

- defects in shape
- defects in development
- defects in colouring
- slight rough russetting
- skin defects which must not extend over more than:
 - 4 cm in length for defects of elongated shape
 - 2,5 cm² total surface area for other defects, with the exception of scab (*Venturia pirina* and *V. inaequalis*), which must not extend over more than 1 cm² cumulative in area
- slight bruising not exceeding 2 cm² in area.

III. PROVISIONS CONCERNING SIZING

Size is determined by maximum diameter of the equatorial section.

A minimum size is required for each class as follows:

	"Extra"	Class I	Class II
Large fruited varieties	60 mm	55 mm	55 mm
Other varieties	55 mm	50 mm	45 mm

Summer pears included in the Annex to this standard do not have to respect the minimum size.

To ensure there is uniformity of size within a package, the difference in diameter between fruit in the same package shall be limited to:

- 5 mm for "Extra" Class fruit and for Class I and II fruit packed in rows and layers
- 10 mm for Class I fruit packed loose in the package or in consumer packages.

There is no sizing uniformity limit for Class II fruit packed loose in the package or in consumer packages.

IV. PROVISIONS CONCERNING TOLERANCES

Tolerances in respect of quality and size shall be allowed in each lot for produce not satisfying the requirements of the class indicated.

A. Quality tolerances

(i) "Extra" Class

A total tolerance of 5 %, by number or weight, of pears not satisfying the requirements of the class but meeting those of Class I is allowed. Within this tolerance not more than 0,5 % in total may consist of produce satisfying the requirements of Class II quality.

(ii) *Class I*

A total tolerance of 10 %, by number or weight, of pears not satisfying the requirements of the class but meeting those of Class II is allowed. Within this tolerance not more than 1 % in total may consist of produce neither satisfying the requirements of Class II quality nor the minimum requirements. Produce affected by rotting or any other deterioration rendering it unfit for consumption is excluded. Pears without stalks are not included in this tolerance.

(iii) *Class II*

A total tolerance of 10 %, by number or weight, of pears satisfying neither the requirements of the class nor the minimum requirements is allowed. Produce affected by rotting or any other deterioration rendering it unfit for consumption is excluded.

Within this tolerance, a maximum of 2 % by number or weight of fruit is allowed which shows the following defects:

- slight damage or unhealed cracks
- very slight traces of rot
- presence of internal feeding pests and/or damage to the flesh caused by pests.

B. Size tolerances

For all classes:

- (a) for fruit which is subject to the rules of uniformity, 10 %, by number or weight, of fruit corresponding to the size immediately above or below that marked on the package, with, for fruit classified in the smallest grade allowed a maximum variation of 5 mm below the minimum;
- (b) for fruit which is not subject to the rules of uniformity, 10 %, by number or weight, of fruit below the minimum size laid down, with a maximum variation of 5 mm below the minimum size.

V. PROVISIONS CONCERNING PRESENTATION

A. Uniformity

The contents of each package must be uniform and contain only pears of the same origin, variety, quality, and size (if sized) and the same degree of ripeness.

In the case of the “Extra” Class, uniformity also applies to colouring.

However, a mixture of pears of distinctly different varieties may be packed together in a sales unit ⁽¹⁾, provided they are uniform in quality and, for each variety concerned, in origin.

The visible part of the contents of the package must be representative of the entire contents.

B. Packaging

Pears must be packed in such a way as to protect the produce properly.

The materials used inside the package must be clean and of a quality such as to avoid causing any external or internal damage to the produce. The use of materials, particularly of paper or stamps bearing trade specifications is allowed provided the printing or labelling has been done with non-toxic ink or glue.

Stickers individually affixed on the produce shall be such that, when removed, they neither leave visible traces of glue, nor lead to skin defects.

Packages must be free of all foreign matter.

⁽¹⁾ The sales unit should be designed to be purchased in its entirety.

VI. PROVISIONS CONCERNING MARKING

Each package ⁽¹⁾ must bear the following particulars, in letters grouped on the same side, legibly and indelibly marked, and visible from the outside.

A. Identification

Packer and/or dispatcher/shipper:

- name and physical address (e.g. street/city/region/postal code and, if different from the country of origin, the country)

or

- a code mark officially recognised by the national authority ⁽²⁾.

B. Nature of produce

- “Pears”, if the contents are not visible from the outside.
- Name of the variety. In the case of sales units containing a mixture of pears of different varieties, names of the different varieties.

C. Origin of produce

- Country of origin and, optionally, district where grown, or national, regional or local place name. In the case of sales units containing a mixture of distinctly different varieties of pears of different origins, the indication of each country of origin shall appear next to the name of the variety concerned.

D. Commercial specifications

- Class
- Size, or for fruit packed in rows and layers, number of units. If identification is by the size, this should be expressed:
 - (a) for produce subject to the uniformity rules, as minimum and maximum diameters
 - (b) for produce not subject to the uniformity rules, the diameter of the smallest fruit in the package followed by “and over” or equivalent denomination or, if appropriate, the diameter of the largest fruit in the package.

E. Official control mark (optional)

Packages need not bear the particulars mentioned in the first subparagraph, when they contain sales packages, clearly visible from the outside, and all bearing these particulars. These packages shall be free from any indications such as could mislead. When these packages are palletised, the particulars shall be given on a notice placed in an obvious position on at least two sides of the pallet.

⁽¹⁾ Package units of produce pre-packed for direct sale to the consumer shall not be subject to these marking provisions but shall conform to the national requirements. However, the markings referred to shall in any event be shown on the transport packaging containing such package units.

⁽²⁾ The national legislation of a number of countries requires the explicit declaration of the name and address. However, in the case where a code mark is used, the reference “packer and/or dispatcher (or equivalent abbreviations)” has to be indicated in close connection with the code mark, and the code mark should be preceded by the ISO 3166 (alpha) country/area code of the recognising country, if not the country of origin.

Appendix

Size criteria for pears

L = Large fruited variety

SP = Summer pear, for which no minimum size is required.

Non-exhaustive list of large fruited and summer pear varieties

Small fruited and other varieties which do not appear in the list may be marketed as long as they meet the size requirements for other varieties as described in Section III of the standard.

Some of the varieties listed in the following may be marketed under names for which trademark protection has been sought or obtained in one or more countries. The first and second columns of the table hereunder do not intend to include such trade names. Reference to known trademarks have been included in the third column for information only.

Variety	Synonyms	Trade names	Size
Abbé Fétel	Abate Fétel		L
Abugo o Siete en Boca			SP
Akça			SP
Alka			L
Alsa			L
Amfora			L
Alexandrine Douillard			L
Bergamotten			SP
Beurré Alexandre Lucas	Lucas		L
Beurré Bosc	Bosc, Beurré d'Apremont, Empereur Alexandre, Kaiser Alexander		L
Beurré Clairgeau			L
Beurré	Hardenpont		L
Beurré Giffard			SP
Beurré précoce Morettini	Morettini		SP
Blanca de Aranjuez	Agua de Aranjuez, Espadona, Blanquilla		SP
Carusella			SP
Castell	Castell de Verano		SP
Colorée de Juillet	Bunte Juli		SP
Comice rouge			L
Concorde			L
Condoula			SP
Coscia	Ercolini		SP
Curé	Curato, Pastoren, Del cura de Ouro, Espadon de invierno, Bella de Berry, Lombardia de Rioja, Batall de Campana		L
D'Anjou			L
Dita			L
D. Joaquina	Doyenné de Juillet		SP

Variety	Synonyms	Trade names	Size
Doyenné d'hiver	Winterdechant	Amber Grace™	L
Doyenné du Comice	Comice, Vereinsdechant		L
Erika			L
Etrusca			SP
Flamingo			L
Forelle			L
Général Leclerc			L
Gentile			SP
Golden Russet Bosc			L
Grand champion			L
Harrow Delight			L
Jeanne d'Arc			L
Joséphine			L
Kieffer			L
Klapa Milule			L
Leonardeta	Mosqueruela, Margallon, Colorada de Alcanadre, Leonarda de Magallon	Cascade®	SP
Lombacad			L
Moscarella			SP
Mramornaja			L
Mustafabey			SP
Packham's Triumph	Williams d'Automne		L
Passe Crassane	Passa Crassana		L
Perita de San Juan			SP
Pérola			SP
Pitmaston	Williams Duchesse		L
Précoce de Trévoux	Trévoux		SP
Président Drouard			L
Rosemarie			L
Suvenirs			L
Santa Maria	Santa Maria Morettini		SP
Spadoncina	Agua de Verano, Agua de Agosto		SP
Taylors Gold			L
Triomphe de Vienne			L
Vasarine Sviestine			L
Williams Bon Chrétien	Bon Chrétien, Bartlett, Williams, Summer Bartlett		L'

PART C

*Part 10: Marketing standard for tomatoes***I. DEFINITION OF PRODUCE**

This standard applies to tomatoes of varieties (cultivars) grown from *Lycopersicum esculentum* Mill to be supplied fresh to the consumer, tomatoes for industrial processing being excluded.

Tomatoes may be classified into four commercial types:

- “round”
- “ribbed”
- “oblong” or “elongated”
- “cherry” tomatoes (including “cocktail” tomatoes)

II. PROVISIONS CONCERNING QUALITY

The purpose of the standard is to define the quality requirements of tomatoes, after preparation and packaging.

A. Minimum requirements

In all classes, subject to the special provisions for each class and the tolerances allowed, the tomatoes must be:

- intact
- sound, produce affected by rotting or deterioration such as to make it unfit for consumption is excluded
- clean, practically free of any visible foreign matter
- fresh in appearance
- practically free from pests
- free from damage caused by pests affecting the flesh
- free of abnormal external moisture
- free of any foreign smell and/or taste.

In the case of trusses of tomatoes, the stalks must be fresh, healthy, clean and free from all leaves and any visible foreign matter.

The development and condition of the tomatoes must be such as to enable them:

- to withstand transportation and handling
- to arrive in satisfactory condition at the place of destination.

B. Classification

Tomatoes are classified in three classes, as defined below:

(i) *"Extra" Class*

Tomatoes in this class must be of superior quality. They must have firm flesh and must be characteristic of the variety as regards shape, appearance and development.

Their colouring, according to their state of ripeness, must be such as to satisfy the requirements set out in the last subparagraph of paragraph A above.

They must be free from greenbacks and other defects, with the exception of very slight superficial defects, provided these do not affect the general appearance of the produce, the quality, the keeping quality and presentation in the package.

(ii) *Class I*

Tomatoes in this class must be of good quality. They must be reasonably firm and characteristic of the variety.

They must be free of cracks and visible greenback. The following slight defects, however, may be allowed provided these do not affect the general appearance of the produce, the quality, the keeping quality and presentation in the package:

- a slight defect in shape
- slight defects in colouring
- slight skin defects
- very slight bruises.

Furthermore, "ribbed" tomatoes may show:

- healed cracks not more than 1 cm long
- no excessive protuberances
- small umbilicus, but no suberisation
- suberisation of the stigma up to 1 cm²
- fine blossom scar in elongated form (like a seam), but not longer than two-thirds of the greatest diameter of the fruit.

(iii) *Class II*

This class includes tomatoes which do not qualify for inclusion in the higher classes, but satisfy the minimum requirements specified above.

They must be reasonably firm (but may be slightly less firm than in Class I) and must not show unhealed cracks.

The following defects may be allowed provided the tomatoes retain their essential characteristics as regards the quality, the keeping quality and presentation:

- defects in shape, development and colouring
- skin defects or bruises, provided the fruit is not seriously affected
- healed cracks not more than 3 cm in length for round, ribbed or oblong tomatoes.

Furthermore, “ribbed” tomatoes may show:

- more pronounced protuberances than allowed under Class I, but without being misshapen
- an umbilicus
- suberisation of the stigma up to 2 cm²
- fine blossom scar in elongated form (like a seam).

III. PROVISIONS CONCERNING SIZING

Size is determined by the maximum diameter of the equatorial section, by weight or by count.

The following provisions shall not apply to trusses of tomatoes, and are optional for Class II.

To ensure there is uniformity in size:

(a) The maximum difference in diameter between tomatoes in the same package shall be limited to:

- 10 mm, if the diameter of the smallest fruit (as indicated on the package) is under 50 mm
- 15 mm, if the diameter of the smallest fruit (as indicated on the package) is 50 mm and over but under 70 mm
- 20 mm, if the diameter of the smallest fruit (as indicated on the package) is 70 mm and over but under 100 mm
- there is no limitation of difference in diameter for fruit equal or over 100 mm.

In case size codes are applied, the codes and ranges in the following table have to be respected:

Size code	Diameter (mm)
0	≤ 20
1	> 20 ≤ 25
2	> 25 ≤ 30
3	> 30 ≤ 35
4	> 35 ≤ 40
5	> 40 ≤ 47
6	> 47 ≤ 57
7	> 57 ≤ 67
8	> 67 ≤ 82
9	> 82 ≤ 102
10	> 102

- (b) For tomatoes sized by weight or by count, the difference in size should be consistent with (a).

IV. PROVISIONS CONCERNING TOLERANCES

Tolerances in respect of quality and size shall be allowed in each lot for produce not satisfying the requirements of the class indicated.

A. Quality tolerances

(i) "Extra" Class

A total tolerance of 5 %, by number or weight, of tomatoes not satisfying the requirements of the class but meeting those of Class I is allowed. Within this tolerance not more than 0,5 % in total may consist of produce satisfying the requirements of Class II quality.

(ii) Class I

A total tolerance of 10 %, by number or weight, of tomatoes not satisfying the requirements of the class but meeting those of Class II is allowed. Within this tolerance not more than 1 % in total may consist of produce neither satisfying the requirements of Class II quality nor the minimum requirements. Produce affected by rotting or any other deterioration rendering it unfit for consumption is excluded. In the case of trusses of tomatoes, 5 %, by number or weight, of tomatoes detached from the stalk.

(iii) Class II

A total tolerance of 10 %, by number or weight, of tomatoes satisfying neither the requirements of the class nor the minimum requirements is allowed. Produce affected by rotting or any other deterioration rendering it unfit for consumption is excluded. In the case of trusses of tomatoes, 10 %, by number or weight, of tomatoes detached from the stalk.

B. Size tolerances

For all classes: 10 %, by number or weight, of tomatoes conforming to the size immediately above or below that specified.

V. PROVISIONS CONCERNING PRESENTATION

A. Uniformity

The contents of each package must be uniform and contain only tomatoes of the same origin, variety or commercial type, quality and size (if sized).

The ripeness and colouring of tomatoes in "Extra" Class and Class I must be practically uniform. In addition, the length of "oblong" tomatoes must be sufficiently uniform.

However, a mixture of tomatoes of distinctly different colours, varieties and/or commercial types may be packed together in a sales unit ⁽¹⁾, provided they are uniform in quality and, for each colour, variety and/or commercial type concerned, in origin.

The visible part of the contents of the package must be representative of the entire contents.

B. Packaging

The tomatoes must be packed in such a way as to protect the produce properly.

The materials used inside the package must be clean and of a quality such as to avoid causing any external or internal damage to the produce. The use of materials, particularly paper or stamps bearing trade specifications is allowed provided the printing or labelling has been done with non-toxic ink or glue.

⁽¹⁾ The sales unit should be designed to be purchased in its entirety.

Packages must be free of all foreign matter.

VI. PROVISIONS CONCERNING MARKING

Each package ⁽¹⁾ must bear the following particulars in letters grouped on the same side, legibly and indelibly marked and visible from the outside:

A. Identification

Packer and/or dispatcher/shipper:

— name and physical address (e.g. street/city/region/postal code and, if different from the country of origin, the country)

or

— a code mark officially recognised by the national authority ⁽²⁾.

B. Nature of produce

“Tomatoes” or “trusses of tomatoes” and the commercial type if the contents are not visible from the outside. These details must always be provided for “cherry” (or “cocktail”) tomatoes, whether in trusses or not.

— “Mixture of tomatoes”, or equivalent denomination, in the case of sales units containing a mixture of distinctly different colours, varieties and/or commercial types of tomatoes. If the produce is not visible from the outside, the colours, varieties or commercial types of the sales unit must be indicated.

— Name of the variety (optional).

C. Origin of produce

Country of origin and, optionally, district where grown, or national, regional or local place name.

In the case of sales units containing a mixture of distinctly different colours, varieties and/or commercial types of tomatoes of different origins, the indication of each country of origin shall appear next to the name of the colour, variety and/or commercial type concerned.

D. Commercial specifications

— Class

— Size (if sized) expressed as minimum and maximum diameters.

E. Official control mark (optional)

— Packages need not to bear the particulars mentioned in the first subparagraph, when they contain sales packages, clearly visible from the outside, and all bearing these particulars. These packages shall be free from any indications such as could mislead. When these packages are palletised, the particulars shall be given on a notice placed in an obvious position on at least two sides of the pallet.

⁽¹⁾ “Package units of produce pre-packed for direct sale to the consumer shall not be subject to these marking provisions but shall conform to the national requirements. However, the markings referred to shall in any event be shown on the transport packaging containing such package units”.

⁽²⁾ The national legislation of a number of countries requires the explicit declaration of the name and address. However, in the case where a code mark is used, the reference “packer and/or dispatcher (or equivalent abbreviations)” has to be indicated in close connection with the code mark, and the code mark should be preceded by the ISO 3166 (alpha) country/area code of the recognising country, if not the country of origin.

COMMISSION REGULATION (EC) No 772/2009**of 25 August 2009****amending Regulation (EC) No 1580/2007 as regards the trigger levels for additional duties on tomatoes**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Article 143(b) thereof, in conjunction with Article 4,

Whereas:

- (1) Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules of Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector ⁽²⁾ provides for surveillance of imports of the products listed in Annex XVII thereto. That surveillance is to be carried out in accordance with the rules laid down in Article 308d of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽³⁾.
- (2) For the purposes of Article 5(4) of the Agreement on Agriculture ⁽⁴⁾ concluded during the Uruguay Round of

multilateral trade negotiations and in the light of the latest data available for 2006, 2007 and 2008, the trigger levels for additional duties of tomatoes should be adjusted.

- (3) As a result, Regulation (EC) No 1580/2007 should be amended accordingly.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Annex XVII to Regulation (EC) No 1580/2007 is replaced by the text set out in the Annex to this Regulation.

Article 2

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

It shall apply from 1 October 2009.

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

Done at Brussels, 25 August 2009.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, p. 1.

⁽³⁾ OJ L 253, 11.10.1993, p. 1.

⁽⁴⁾ OJ L 336, 23.12.1994, p. 22.

ANNEX

‘ANNEX XVII

ADDITIONAL IMPORT DUTIES: TITLE IV, CHAPTER II, SECTION 2

Without prejudice to the rules governing the interpretation of the combined nomenclature, the description of the products is deemed to be indicative only. The scope of the additional duties for the purposes of this Annex is determined by the scope of the CN codes as they exist at the time of the adoption of this Regulation.

Serial No	CN code	Description	Trigger period	Trigger level (tonnes)
78.0015	0702 00 00	Tomatoes	1 October to 31 May	415 907
78.0020			1 June to 30 September	40 107
78.0065	0707 00 05	Cucumbers	1 May to 31 October	19 309
78.0075			1 November to 30 April	17 223
78.0085	0709 90 80	Artichokes	1 November to 30 June	16 421
78.0100	0709 90 70	Courgettes	1 January to 31 December	65 893
78.0110	0805 10 20	Oranges	1 December to 31 May	700 277
78.0120	0805 20 10	Clementines	1 November to end of February	385 569
78.0130	0805 20 30 0805 20 50 0805 20 70 0805 20 90	Mandarins (including tangerines and satsumas); wilkings and similar citrus hybrids	1 November to end of February	95 620
78.0155	0805 50 10	Lemons	1 June to 31 December	329 947
78.0160			1 January to 31 May	61 422
78.0170	0806 10 10	Table grapes	21 July to 20 November	89 140
78.0175	0808 10 80	Apples	1 January to 31 August	824 442
78.0180			1 September to 31 December	327 526
78.0220	0808 20 50	Pears	1 January to 30 April	223 485
78.0235			1 July to 31 December	70 116
78.0250	0809 10 00	Apricots	1 June to 31 July	5 785
78.0265	0809 20 95	Cherries, other than sour cherries	21 May to 10 August	133 425
78.0270	0809 30	Peaches, including nectarines	11 June to 30 September	131 459
78.0280	0809 40 05	Plums	11 June to 30 September	129 925'

COMMISSION REGULATION (EC) No 773/2009**of 20 August 2009****establishing a prohibition of fishing for cod in VI; EC waters of Vb; EC and international waters of XII and XIV by vessels flying the flag of France**

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 43/2009 of 16 January 2009 fixing for 2009 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 2009.
- (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 2009.

- (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 2009 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 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, 20 August 2009.

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 22, 26.1.2009, p. 1.

ANNEX

No	7/T&Q
Member State	France
Stock	COD/561214
Species	Cod (<i>Gadus morhua</i>)
Zone	VI; EC waters of Vb; EC and international waters of XII and XIV
Date	1.7.2009

COMMISSION REGULATION (EC) No 774/2009**of 25 August 2009****amending for the 112th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freeze of funds and other financial resources in respect of the Taliban of Afghanistan⁽¹⁾ and in particular the first indent of Article 7(1) thereof,

Whereas:

- (1) Annex I to Regulation (EC) No 881/2002 lists the persons, groups and entities covered by the freezing of funds and economic resources under that Regulation.

- (2) On 10 August 2009, the Sanctions Committee of the United Nations Security Council decided to amend the list of persons, groups and entities to whom the freezing of funds and economic resources should apply.

- (3) Annex I should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 881/2002 is hereby amended as set out 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, 25 August 2009.

For the Commission

Eneko LANDÁBURU

Director-General for External Relations

⁽¹⁾ OJ L 139, 29.5.2002, p. 9.

ANNEX

Annex I to Regulation (EC) No 881/2002 is amended as follows:

The following entries under the heading 'Natural persons' are deleted:

1. Ali Ghaleb **Himmat**. Address: (a) Via Posero 2, CH-6911 Campione D'Italia, Italy (b) other location in Italy, (c) Syria. Date of birth: 16.6.1938. Place of birth: Damascus, Syria. Nationality: Italian since 1990.
 2. Mustapha Nasri Ben Abdul Kader **Ait El Hadi**. Date of birth: 5.3.1962. Place of birth: Tunis, Tunisia. Nationality: (a) Algerian, (b) German. Other information: (a) son of Abdelkader and Amina Aissaoui. (b) residing in Bonn, Germany, as of February 1999.
-

DIRECTIVES

COMMISSION DIRECTIVE 2009/112/EC

of 25 August 2009

amending Council Directive 91/439/EEC on driving licences

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/439/EEC of 29 July 1991 on driving licences ⁽¹⁾, and in particular Article 7a(2) thereof,

Whereas:

- (1) The minimum requirements for fitness to drive are not harmonised to the full extent. Member States are allowed to impose standards that are stricter than the minimum European requirements, as laid down in Annex III point 5 to Directive 91/439/EEC.
- (2) Since the existence of different requirements in different Member States may affect the principle of free movement the Council specifically asked for a review of the medical standards for driver licensing set out in Annex III to Directive 91/439/EEC in its resolution of 26 June 2000.
- (3) In line with this Council resolution, the Commission advised that medium- and long-term work should be undertaken in order to adapt Annex III to scientific and technical progress as laid down in Article 7a(2) of Directive 91/439/EEC.
- (4) Eyesight, diabetes and epilepsy were identified as being medical conditions affecting fitness to drive which needed to be considered; to that end working groups comprised of specialists appointed by Member States were set up.
- (5) These working groups produced reports with a view to updating the relevant points of Annex III to Directive 91/439/EEC.
- (6) Directive 91/439/EEC should therefore be amended accordingly.

- (7) The measures provided for in this Directive are in accordance with the opinion of the Committee on driving licences,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex III to Directive 91/439/EEC is amended as set out in the Annex.

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive no later than one year after entry into force of this Directive. They shall forthwith inform the Commission thereof.

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 texts of the main provisions of national law which they adopt in the field governed by this Directive.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 25 August 2009.

For the Commission
Antonio TAJANI
Vice-President

⁽¹⁾ OJ L 237, 24.8.1991, p. 1.

ANNEX

Annex III to Directive 91/439/EEC is amended as follows:

1. point 6 is replaced by the following:

EYESIGHT

6. All applicants for a driving licence shall undergo an appropriate investigation to ensure that they have adequate visual acuity for driving power-driven vehicles. Where there is reason to doubt that the applicant's vision is adequate, he/she shall be examined by a competent medical authority. At this examination attention shall be paid, in particular, to the following: visual acuity, field of vision, twilight vision, glare and contrast sensitivity, diplopia and other visual functions that can compromise safe driving.

For group 1 drivers, licensing may be considered in "exceptional cases" where the visual field standard or visual acuity standard cannot be met; in such cases the driver should undergo examination by a competent medical authority to demonstrate that there is no other impairment of visual function, including glare, contrast sensitivity and twilight vision. The driver or applicant should also be subject to a positive practical test conducted by a competent authority.

Group 1:

- 6.1. Applicants for a driving licence or for the renewal of such a licence shall have a binocular visual acuity, with corrective lenses if necessary, of at least 0,5 when using both eyes together.

Moreover, the horizontal visual field should be at least 120 degrees, the extension should be at least 50 degrees left and right and 20 degrees up and down. No defects should be present within a radius of the central 20 degrees.

When a progressive eye disease is detected or declared, driving licences may be issued or renewed subject to the applicant undergoing regular examination by a competent medical authority.

- 6.2. Applicants for a driving licence, or for the renewal of such a licence, who have total functional loss of vision in one eye or who use only one eye (e.g. in the case of diplopia) must have a visual acuity of at least 0,5, with corrective lenses if necessary. The competent medical authority must certify that this condition of monocular vision has existed for a sufficiently long time to allow adaptation and that the field of vision in this eye meets the requirement laid down in paragraph 6.1.
- 6.3. After any recently developed diplopia or after the loss of vision in one eye, there should be an appropriate adaptation period (for example six months), during which driving is not allowed. After this period, driving is only allowed following a favourable opinion from vision and driving experts.

Group 2:

- 6.4. Applicants for a driving licence or for the renewal of such a licence shall have a visual acuity, with corrective lenses if necessary, of at least 0,8 in the better eye and at least 0,1 in the worse eye. If corrective lenses are used to attain the values of 0,8 and 0,1, the minimum acuity (0,8 and 0,1) must be achieved either by correction by means of glasses with a power not exceeding plus eight dioptres, or with the aid of contact lenses. The correction must be well tolerated.

Moreover, the horizontal visual field with both eyes should be at least 160 degrees, the extension should be at least 70 degrees left and right and 30 degrees up and down. No defects should be present within a radius of the central 30 degrees.

Driving licences shall not be issued to or renewed for applicants or drivers suffering from impaired contrast sensitivity or from diplopia.

After a substantial loss of vision in one eye, there should be an appropriate adaptation period (for example six months) during which the subject is not allowed to drive. After this period, driving is only allowed after a favourable opinion from vision and driving experts;'

2. point 10 is replaced by the following:

'DIABETES MELLITUS

10. In the following paragraphs, a severe hypoglycaemia means that the assistance of another person is needed and a recurrent hypoglycaemia is defined as a second severe hypoglycaemia during a period of 12 months.

Group 1:

- 10.1. Driving licences may be issued to, or renewed for, applicants or drivers who have diabetes mellitus. When treated with medication, they should be subject to authorised medical opinion and regular medical review, appropriate to each case, but the interval should not exceed five years.
- 10.2. Driving licences shall not be issued to, nor renewed for, applicants or drivers who have recurrent severe hypoglycaemia or/and impaired awareness of hypoglycaemia. A driver with diabetes should demonstrate an understanding of the risk of hypoglycaemia and adequate control of the condition.

Group 2:

- 10.3. Consideration may be given to the issuing/renewal of group 2 licences to drivers with diabetes mellitus. When treated with medication which carries a risk of inducing hypoglycaemia (that is, with insulin, and some tablets), the following criteria should apply:

- no severe hypoglycaemic events have occurred in the previous 12 months,
- the driver has full hypoglycaemic awareness,
- the driver must show adequate control of the condition by regular blood glucose monitoring, at least twice daily and at times relevant to driving,
- the driver must demonstrate an understanding of the risks of hypoglycaemia,
- there are no other debarring complications of diabetes.

Moreover, in these cases, such licences should be issued subject to the opinion of a competent medical authority and to regular medical review, undertaken at intervals of not more than three years.

- 10.4. A severe hypoglycaemic event during waking hours, even unrelated to driving, should be reported and should give rise to a reassessment of the licensing status;'

3. point 12 is replaced by the following:

'EPILEPSY

12. Epileptic seizures or other sudden disturbances of the state of consciousness constitute a serious danger to road safety if they occur in a person driving a power-driven vehicle.

Epilepsy is defined as having had two or more epileptic seizures, less than five years apart. A provoked epileptic seizure is defined as a seizure which has a recognisable causative factor that is avoidable.

A person who has an initial or isolated seizure or loss of consciousness should be advised not to drive. A specialist report is required, stating the period of driving prohibition and the requested follow-up.

It is extremely important that the person's specific epilepsy syndrome and seizure type are identified so that a proper evaluation of the person's driving safety can be undertaken (including the risk of further seizures) and the appropriate therapy instituted. This should be done by a neurologist.

Group 1:

- 12.1. Drivers assessed under group 1 with epilepsy should be under licence review until they have been seizure-free for at least five years.

If the person has epilepsy, the criteria for an unconditional licence are not met. Notification should be given to the licensing authority.

- 12.2. Provoked epileptic seizure: the applicant who has had a provoked epileptic seizure because of a recognisable provoking factor that is unlikely to recur at the wheel can be declared able to drive on an individual basis, subject to neurological opinion (the assessment should be, if appropriate, in accordance with other relevant sections of Annex III (e.g. in the case of alcohol or other co-morbidity).
- 12.3. First or single unprovoked seizure: the applicant who has had a first unprovoked epileptic seizure can be declared able to drive after a period of six months without seizures, if there has been an appropriate medical assessment. National authorities may allow drivers with recognised good prognostic indicators to drive sooner.
- 12.4. Other loss of consciousness: the loss of consciousness should be assessed according to the risk of recurrence while driving.
- 12.5. Epilepsy: drivers or applicants can be declared fit to drive after a one-year period free of further seizures.
- 12.6. Seizures exclusively in sleep: the applicant or driver who has never had any seizures other than seizures during sleep can be declared fit to drive so long as this pattern has been established for a period which must not be less than the seizure-free period required for epilepsy. If there is an occurrence of attacks/seizure arising while awake, a one-year period free of further event before licensing is required (see "Epilepsy").
- 12.7. Seizures without influence on consciousness or the ability to act: the applicant or driver who has never had any seizures other than seizures which have been demonstrated exclusively to affect neither consciousness nor cause any functional impairment can be declared fit to drive so long as this pattern has been established for a period which must not be less than the seizure-free period required for epilepsy. If there is an occurrence of any other kind of attacks/seizures a one-year period free of further event before licensing is required (see "Epilepsy").
- 12.8. Seizures because of a physician-directed change or reduction of anti-epileptic therapy: the patient may be advised not to drive from the commencement of the period of withdrawal and thereafter for a period of six months after cessation of treatment. Seizures occurring during physician-advised change or withdrawal of medication require three months off driving if the previously effective treatment is reinstated.
- 12.9. After curative epilepsy surgery: see "Epilepsy".

Group 2:

- 12.10. The applicant should be without anti-epileptic medication for the required period of seizure freedom. An appropriate medical follow-up has been done. On extensive neurological investigation, no relevant cerebral pathology was established and there is no epileptiform activity on the electroencephalogram (EEG). An EEG and an appropriate neurological assessment should be performed after the acute episode.

- 12.11. Provoked epileptic seizure: the applicant who has had a provoked epileptic seizure because of a recognisable provoking factor that is unlikely to recur at the wheel can be declared able to drive on an individual basis, subject to neurological opinion. An EEG and an appropriate neurological assessment should be performed after the acute episode.

A person with a structural intra-cerebral lesion who has increased risk of seizures should not be able to drive vehicles of group 2 until the epilepsy risk has fallen to at least 2 % per annum. The assessment should be, if appropriate, in accordance with other relevant sections of Annex III (e.g. in the case of alcohol).

- 12.12. First or single unprovoked seizure: the applicant who has had a first unprovoked epileptic seizure can be declared able to drive once five years freedom from further seizures has been achieved without the aid of anti-epileptic drugs, if there has been an appropriate neurological assessment. National authorities may allow drivers with recognised good prognostic indicators to drive sooner.
- 12.13. Other loss of consciousness: the loss of consciousness should be assessed according to the risk of recurrence while driving. The risk of recurrence should be 2 % per annum or less.
- 12.14. Epilepsy: 10 years freedom from further seizures shall have been achieved without the aid of anti-epileptic drugs. National authorities may allow drivers with recognised good prognostic indicators to drive sooner. This also applies in case of "juvenile epilepsy".

Certain disorders (e.g. arterio-venous malformation or intra-cerebral haemorrhage) entail an increased risk of seizures, even if seizures have not yet occurred. In such a situation an assessment should be carried out by a competent medical authority; the risk of having a seizure should be 2 % per annum or less to allow licensing.

COMMISSION DIRECTIVE 2009/113/EC**of 25 August 2009****amending Directive 2006/126/EC of the European Parliament and of the Council on driving licences**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2006/126/EC of the European Parliament and of the Council of 20 December 2006 on driving licences ⁽¹⁾, and in particular Article 8 thereof,

Whereas:

- (1) The minimum requirements for fitness to drive are not harmonised to the full extent. Member States are allowed to impose standards that are stricter than the minimum European requirements, as laid down in Annex III point 5 to Directive 2006/126/EC.
- (2) Since the existence of different requirements in different Member States may affect the principle of free movement the Council specifically asked for a review of the medical standards for driver licensing in its resolution of 26 June 2000.
- (3) In line with this Council resolution, the Commission advised that medium- and long-term work should be undertaken in order to adapt Annex III to scientific and technical progress as laid down in Article 8 of Directive 2006/126/EC.
- (4) Eyesight, diabetes and epilepsy were identified as being medical conditions affecting fitness to drive which needed to be considered; to that end working groups comprised of specialists appointed by Member States were set up.
- (5) These working groups produced reports with a view to updating the relevant points of Annex III to Directive 2006/126/EC.

(6) Directive 2006/126/EC should therefore be amended accordingly.

(7) The measures provided for in this Directive are in accordance with the opinion of the Committee on driving licences,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex III to Directive 2006/126/EC is amended as set out in the Annex.

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive no later than one year after entry into force of this Directive. They shall forthwith inform the Commission thereof.

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 texts of the main provisions of national law which they adopt in the field governed by this Directive.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 25 August 2009.

For the Commission

Antonio TAJANI
Vice-President

⁽¹⁾ OJ L 403, 30.12.2006, p. 18.

ANNEX

Annex III to Directive 2006/126/EC is amended as follows:

1. point 6 is replaced by the following:

EYESIGHT

6. All applicants for a driving licence shall undergo an appropriate investigation to ensure that they have adequate visual acuity for driving power-driven vehicles. Where there is reason to doubt that the applicant's vision is adequate, he/she shall be examined by a competent medical authority. At this examination attention shall be paid, in particular, to the following: visual acuity, field of vision, twilight vision, glare and contrast sensitivity, diplopia and other visual functions that can compromise safe driving.

For group 1 drivers, licensing may be considered in "exceptional cases" where the visual field standard or visual acuity standard cannot be met; in such cases the driver should undergo examination by a competent medical authority to demonstrate that there is no other impairment of visual function, including glare, contrast sensitivity and twilight vision. The driver or applicant should also be subject to a positive practical test conducted by a competent authority.

Group 1:

- 6.1. Applicants for a driving licence or for the renewal of such a licence shall have a binocular visual acuity, with corrective lenses if necessary, of at least 0,5 when using both eyes together.

Moreover, the horizontal visual field should be at least 120 degrees, the extension should be at least 50 degrees left and right and 20 degrees up and down. No defects should be present within a radius of the central 20 degrees.

When a progressive eye disease is detected or declared, driving licences may be issued or renewed subject to the applicant undergoing regular examination by a competent medical authority.

- 6.2. Applicants for a driving licence, or for the renewal of such a licence, who have total functional loss of vision in one eye or who use only one eye (e.g. in the case of diplopia) must have a visual acuity of at least 0,5, with corrective lenses if necessary. The competent medical authority must certify that this condition of monocular vision has existed for a sufficiently long time to allow adaptation and that the field of vision in this eye meets the requirement laid down in paragraph 6.1.
- 6.3. After any recently developed diplopia or after the loss of vision in one eye, there should be an appropriate adaptation period (for example, six months), during which driving is not allowed. After this period, driving is only allowed following a favourable opinion from vision and driving experts.

Group 2:

- 6.4. Applicants for a driving licence or for the renewal of such a licence shall have a visual acuity, with corrective lenses if necessary, of at least 0,8 in the better eye and at least 0,1 in the worse eye. If corrective lenses are used to attain the values of 0,8 and 0,1, the minimum acuity (0,8 and 0,1) must be achieved either by correction by means of glasses with a power not exceeding plus eight dioptries, or with the aid of contact lenses. The correction must be well tolerated.

Moreover, the horizontal visual field with both eyes should be at least 160 degrees, the extension should be at least 70 degrees left and right and 30 degrees up and down. No defects should be present within a radius of the central 30 degrees.

Driving licences shall not be issued to or renewed for applicants or drivers suffering from impaired contrast sensitivity or from diplopia.

After a substantial loss of vision in one eye, there should be an appropriate adaptation period (for example six months) during which the subject is not allowed to drive. After this period, driving is only allowed after a favourable opinion from vision and driving experts.’;

2. point 10 is replaced by the following:

‘DIABETES MELLITUS

10. In the following paragraphs, a severe hypoglycaemia means that the assistance of another person is needed and a recurrent hypoglycaemia is defined as a second severe hypoglycaemia during a period of 12 months.

Group 1:

- 10.1. Driving licences may be issued to, or renewed for, applicants or drivers who have diabetes mellitus. When treated with medication, they should be subject to authorised medical opinion and regular medical review, appropriate to each case, but the interval should not exceed five years.
- 10.2. Driving licences shall not be issued to, nor renewed for, applicants or drivers who have recurrent severe hypoglycaemia or/and impaired awareness of hypoglycaemia. A driver with diabetes should demonstrate an understanding of the risk of hypoglycaemia and adequate control of the condition.

Group 2:

- 10.3. Consideration may be given to the issuing/renewal of group 2 licences to drivers with diabetes mellitus. When treated with medication which carries a risk of inducing hypoglycaemia (that is, with insulin, and some tablets), the following criteria should apply:

- no severe hypoglycaemic events have occurred in the previous 12 months,
- the driver has full hypoglycaemic awareness,
- the driver must show adequate control of the condition by regular blood glucose monitoring, at least twice daily and at times relevant to driving,
- the driver must demonstrate an understanding of the risks of hypoglycaemia,
- there are no other debarring complications of diabetes.

Moreover, in these cases, such licences should be issued subject to the opinion of a competent medical authority and to regular medical review, undertaken at intervals of not more than three years.

- 10.4. A severe hypoglycaemic event during waking hours, even unrelated to driving, should be reported and should give rise to a reassessment of the licensing status.’;

3. point 12 is replaced by the following:

‘EPILEPSY

12. Epileptic seizures or other sudden disturbances of the state of consciousness constitute a serious danger to road safety if they occur in a person driving a power-driven vehicle.

Epilepsy is defined as having had two or more epileptic seizures, less than five years apart. A provoked epileptic seizure is defined as a seizure which has a recognisable causative factor that is avoidable.

A person who has an initial or isolated seizure or loss of consciousness should be advised not to drive. A specialist report is required, stating the period of driving prohibition and the requested follow-up.

It is extremely important that the person's specific epilepsy syndrome and seizure type are identified so that a proper evaluation of the person's driving safety can be undertaken (including the risk of further seizures) and the appropriate therapy instituted. This should be done by a neurologist.

Group 1:

- 12.1. Drivers assessed under group 1 with epilepsy should be under licence review until they have been seizure-free for at least five years.

If the person has epilepsy, the criteria for an unconditional licence are not met. Notification should be given to the licensing authority.

- 12.2. Provoked epileptic seizure: the applicant who has had a provoked epileptic seizure because of a recognisable provoking factor that is unlikely to recur at the wheel can be declared able to drive on an individual basis, subject to neurological opinion (the assessment should be, if appropriate, in accordance with other relevant sections of Annex III (e.g. in the case of alcohol or other co-morbidity).
- 12.3. First or single unprovoked seizure: the applicant who has had a first unprovoked epileptic seizure can be declared able to drive after a period of six months without seizures, if there has been an appropriate medical assessment. National authorities may allow drivers with recognised good prognostic indicators to drive sooner.
- 12.4. Other loss of consciousness: the loss of consciousness should be assessed according to the risk of recurrence while driving.
- 12.5. Epilepsy: drivers or applicants can be declared fit to drive after a one-year period free of further seizures.
- 12.6. Seizures exclusively in sleep: the applicant or driver who has never had any seizures other than seizures during sleep can be declared fit to drive so long as this pattern has been established for a period which must not be less than the seizure-free period required for epilepsy. If there is an occurrence of attacks/seizure arising while awake, a one-year period free of further event before licensing is required (see "Epilepsy").
- 12.7. Seizures without influence on consciousness or the ability to act: the applicant or driver who has never had any seizures other than seizures which have been demonstrated exclusively to affect neither consciousness nor cause any functional impairment can be declared fit to drive so long as this pattern has been established for a period which must not be less than the seizure-free period required for epilepsy. If there is an occurrence of any other kind of attacks/seizures a one-year period free of further event before licensing is required (see "Epilepsy").
- 12.8. Seizures because of a physician-directed change or reduction of anti-epileptic therapy: the patient may be advised not to drive from the commencement of the period of withdrawal and thereafter for a period of six months after cessation of treatment. Seizures occurring during physician-advised change or withdrawal of medication require three months off driving if the previously effective treatment is reinstated.
- 12.9. After curative epilepsy surgery: see "Epilepsy".

Group 2:

- 12.10. The applicant should be without anti-epileptic medication for the required period of seizure freedom. An appropriate medical follow-up has been done. On extensive neurological investigation, no relevant cerebral pathology was established and there is no epileptiform activity on the electroencephalogram (EEG). An EEG and an appropriate neurological assessment should be performed after the acute episode.

- 12.11. Provoked epileptic seizure: the applicant who has had a provoked epileptic seizure because of a recognisable provoking factor that is unlikely to recur at the wheel can be declared able to drive on an individual basis, subject to neurological opinion. An EEG and an appropriate neurological assessment should be performed after the acute episode.

A person with a structural intra-cerebral lesion who has increased risk of seizures should not be able to drive vehicles of group 2 until the epilepsy risk has fallen to at least 2 % per annum. The assessment should be, if appropriate, in accordance with other relevant sections of Annex III (e.g. in the case of alcohol).

- 12.12. First or single unprovoked seizure: the applicant who has had a first unprovoked epileptic seizure can be declared able to drive once five years' freedom from further seizures has been achieved without the aid of anti-epileptic drugs, if there has been an appropriate neurological assessment. National authorities may allow drivers with recognised good prognostic indicators to drive sooner.
- 12.13. Other loss of consciousness: the loss of consciousness should be assessed according to the risk of recurrence while driving. The risk of recurrence should be 2 % per annum or less.
- 12.14. Epilepsy: 10 years freedom from further seizures shall have been achieved without the aid of anti-epileptic drugs. National authorities may allow drivers with recognised good prognostic indicators to drive sooner. This also applies in case of "juvenile epilepsy".

Certain disorders (e.g. arterio-venous malformation or intra-cerebral haemorrhage) entail an increased risk of seizures, even if seizures have not yet occurred. In such a situation an assessment should be carried out by a competent medical authority; the risk of having a seizure should be 2 % per annum or less to allow licensing.'

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