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EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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

RECOMMENDATIONS

2010/19/EU:

★ **Commission Recommendation of 13 January 2010 on the secure exchange of electronic data between Member States to check the uniqueness of driver cards that they issue** (*notified under document C(2010) 19*) ⁽¹⁾ 10

⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

REGULATIONS

COMMISSION REGULATION (EU) No 24/2010

of 13 January 2010

entering a name in the register of protected designations of origin and protected geographical indications [Jihočeská Niva (PGI)]

THE EUROPEAN COMMISSION,

with the procedure outlined in Article 15(2) of Regulation (EC) No 510/2006.

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

Having regard to Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs⁽¹⁾, and in particular the third and fourth subparagraphs of Article 7(5) thereof,

Whereas:

- (1) Pursuant to Article 6(2) and in accordance with Article 17(2) of Regulation (EC) No 510/2006, the Czech Republic's application to register the name 'Jihočeská Niva' was published in the *Official Journal of the European Union* ⁽²⁾.
- (2) Slovakia submitted an objection to the registration under Article 7(1) of Regulation (EC) No 510/2006. The objection was deemed admissible under points (b) and (c) of the first subparagraph of Article 7(3) of that Regulation.
- (3) Slovakia indicated in the objection that the registration of the name in question would be contrary to Article 3(4) of Regulation (EC) No 510/2006 and would jeopardise the existence of trademarks registered on the territory of Slovakia.
- (4) By a letter dated 24 June 2008, the Commission asked the Member States concerned to seek agreement among themselves in accordance with their internal procedures.
- (5) Given that no agreement was reached between Slovakia and the Czech Republic within the designated timeframe, the Commission must adopt a decision in accordance

- (6) In the light of the information provided by Slovakia, the Commission cannot conclude that the registration of the name 'Jihočeská Niva' would be contrary to Article 3(4) of Regulation (EC) No 510/2006. While the objector may have shown evidence that the name 'Jihočeská Niva' can be associated with a name 'Niva', no evidence has been provided of the degree of distinctiveness the trademark acquired due to its reputation, renown and the length of time it was used. Therefore, on the basis of the information available, it has not been shown that the registration of 'Jihočeská Niva' would be liable to mislead consumers as to the true identity of the product.
- (7) No evidence has been presented which would allow the Commission to conclude that having regard to the fair and traditional usage and the actual likelihood of confusion, registration of the name 'Jihočeská Niva' as a protected geographical indication would run counter to the provisions laid down in Article 7. According to the evidence presented to the Commission, the term 'Niva' was used in a generic way for a type of cheese, within the Czech and Slovak Republic, since tens of years. Moreover, registration of the said name as a protected geographical indication would not require the cancellation or invalidation of the trade marks, since they were applied for prior to the date of submission of the registration application to the Commission, nor hinder continued use of the same. Furthermore, according to the information available to the Commission, the exclusive right of the proprietor of the said trade marks would not entitle him to prohibit a third party from using, in the course of trade and in accordance with honest practices in industrial or commercial matters, an indication concerning geographical origin pursuant to Article 6 of Directive 2008/95/EC of the European Parliament and of the Council of 22 October 2008 to approximate the laws of the Member States relating to trade marks ⁽³⁾.

⁽¹⁾ OJ L 93, 31.3.2006, p. 12.⁽²⁾ OJ C 278, 21.11.2007, p. 13.⁽³⁾ OJ L 299, 8.11.2008, p. 25.

- (8) In the light of the above, the name 'Jihočeská Niva' should be entered in the 'Register of protected designations of origin and protected geographical indications'.

HAS ADOPTED THIS REGULATION:

Article 1

The designation contained in the Annex to this Regulation shall be entered in the register.

- (9) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Protected Geographical Indications and Protected Designations of Origin,

Article 2

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 13 January 2010.

For the Commission
The President
José Manuel BARROSO

ANNEX

Agricultural products intended for human consumption listed in Annex I to the Treaty:

Class 1.3. Cheeses

CZECH REPUBLIC

Jihočeská Niva (PGI)

COMMISSION REGULATION (EU) No 25/2010**of 13 January 2010****derogating from Regulation (EC) No 796/2004 as regards the reduction of the amounts of the aid for farmers in Greece for 2009**

THE EUROPEAN COMMISSION,

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

Having regard to 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 ⁽¹⁾ and in particular Article 142(c) thereof,

Whereas:

- (1) Commission Regulation (EC) No 796/2004 of 21 April 2004 laying down detailed rules for the implementation of cross-compliance, modulation and the integrated administration and control system provided for in Council Regulations (EC) No 1782/2003 and (EC) No 73/2009, as well as for the implementation of cross-compliance provided for in Council Regulation (EC) No 479/2008 ⁽²⁾ provides, in its Article 21, for reductions to be applied in the case of late submission of an aid application as well as documents, contracts or declarations which are constitutive for the eligibility for the aid.
- (2) Pursuant to Article 6 of Regulation (EC) No 796/2004 Member States have to ensure that agricultural parcels are reliably identified and to require the single application to be accompanied by documents identifying the parcels in order to enable the implementation of the control system. Moreover, pursuant to Article 12(1) of that Regulation the single application shall contain all the information necessary to establish the eligibility for the aid. This includes particulars permitting identification of all agricultural parcels on the holding and their location.
- (3) In order to tackle the deficiencies related to the identification of agricultural parcels, which were regularly detected in the past, the Greek farmers were required for the first time in 2009, for their application to be eligible, to identify the agricultural parcels related to their application also in digital form, in addition to the identification in alpha-numeric form solely required in previous years.
- (4) However, Greece has experienced exceptional circumstances in its administration of the single application for 2009. The practical implementation of such digital identification was significantly delayed due to unexpected problems, linked to the severe technical difficulties experienced.
- (5) Apart from its intrinsic technical complexity, the digitisation process was hampered by the overall situation of Greek agricultural parcels, widely scattered and significantly entangled. Specific abilities and in-depth knowledge were accordingly required of farmers in order to ensure the smooth and accurate implementation of the digitisation process.
- (6) In this connection, extensive information and advice from the competent public and private bodies involved proved necessary. Specific large-scale and time-consuming arrangements for an appropriate training of Greek farmers were required.
- (7) In addition, a series of severe and persistent network failures and ill-functioning connections, in particular in remote areas, were experienced.
- (8) This situation has affected to a significant degree the Greek farmers' ability to lodge, within the deadline provided for in Article 11(2) of Regulation (EC) No 796/2004, a single application that would also encompass, from 2009 onwards, a digitised identification of the agricultural parcels. Indeed, only a very small number of farmers have been able to comply with the requirement of digitised identification within the deadline. Numerous other farmers have subsequently completed their application by adding such identification.
- (9) In view of this situation, it is appropriate that for the 2009 application year, no reductions or exclusion as laid down in Article 21(1) of Regulation (EC) No 796/2004 should apply on grounds of late digital identification of agricultural parcels, provided such digital identification is included in the farmers' single application by a date which takes into account both the fact that numerous Greek farmers have in the meantime been able to complete the missing data and the need to ensure a speedy treatment of applications received for 2009, avoiding unnecessary delays in the expenditure cycle. It

⁽¹⁾ OJ L 30, 31.1.2009, p. 16.

⁽²⁾ OJ L 141, 30.4.2004, p. 18.

appears appropriate to set 31 January 2010 as the latest date by which farmers should be allowed to supplement the digitised identification. However, in order to take into account their particular connection and transport problems, farmers in the smaller Aegean islands within the meaning of Article 1(2) of Council Regulation (EC) No 1405/2006 of 18 September 2006 laying down specific measures for agriculture in favour of the smaller Aegean islands and amending Regulation (EC) No 1782/2003⁽¹⁾ should be allowed to supplement such identification by 15 February 2010 at the latest.

- (10) Since the proposed derogation should cover the applications submitted for aid year 2009, it is appropriate that this Regulation applies retroactively.
- (11) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Direct Payments,

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from Article 21(1) of Regulation (EC) No 796/2004, in respect of the application year 2009 in Greece, no reductions or exclusion shall apply on grounds of late digital identification of agricultural parcels, provided that such digital identification is included in the farmers' single application by 31 January 2010 at the latest. However, for the farmers in the smaller Aegean islands within the meaning of Article 1(2) of Regulation (EC) No 1405/2006, such digital identification shall be included in the farmers' single application by 15 February 2010 at the latest.

Article 2

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

It shall apply as from 1 January 2009.

It shall expire on 16 February 2010.

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

Done at Brussels, 13 January 2010.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 265, 26.9.2006, p. 1.

COMMISSION REGULATION (EU) No 26/2010**of 12 January 2010****amending Council Regulation (EC) No 872/2004 concerning further restrictive measures in relation to Liberia**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 872/2004 of 29 April 2004 concerning further restrictive measures in relation to Liberia, ⁽¹⁾ and in particular Article 11(a) thereof,

Whereas:

- (1) Annex I to Regulation (EC) No 872/2004 lists the natural and legal persons, bodies and entities covered by the freezing of funds and economic resources under that Regulation.

- (2) On 16 December 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. Annex I should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 872/2004 is hereby amended as 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*.

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

Done at Brussels, 12 January 2010.

*For the Commission,
On behalf of the President,
João Vale DE ALMEIDA
Director General for External Relations*

⁽¹⁾ OJ L 162, 30.4.2004, p. 32.

ANNEX

Annex I to Regulation (EC) No 872/2004, is amended as follows:

The following natural person shall be removed:

‘Ali **Kleilat** (alias (a) Ali **Qoleilat**, (b) Ali Koleilat Delbi, (c) Ali Ramadhan Kleilat Al-Delbi, (d) Ali Ramadan Kleilat Al-Dilby, (e) Ali Ramadan **Kleilat**, (f) Ali Ramadan Kleilat Sari). Date of birth: 10.7.1970 (year of birth given on some of his passports is 1963). Place of birth: Beirut, Lebanon. Nationality: Lebanese. Passports No: (a) 0508734, (b) 1432126 (Lebanon), (c) Regular-RL0160888 (Lebanon), (d) D00290903 (Liberia), (e) Z01037744 (Netherlands), (f) Regular-B0744958 (Venezuela). National Registry No: 2016, Mazraa. Date of designation referred to in Article 6(b): 23.6.2004.’

COMMISSION REGULATION (EU) No 27/2010**of 13 January 2010****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

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

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 14 January 2010.

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

Done at Brussels, 13 January 2010.

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

Jean-Luc DEMARTY
*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, p. 1.

ANNEX

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

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	IL	122,3
	MA	72,6
	TN	113,4
	TR	92,1
	ZZ	100,1
0707 00 05	EG	174,9
	JO	115,2
	MA	76,9
	TR	118,5
	ZZ	121,4
0709 90 70	MA	170,4
	TR	119,1
	ZZ	144,8
0709 90 80	EG	225,1
	ZZ	225,1
0805 10 20	EG	49,2
	IL	56,2
	MA	50,7
	TN	56,6
	TR	53,8
	ZZ	53,3
0805 20 10	MA	96,0
	TR	64,0
	ZZ	80,0
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	CN	52,9
	EG	67,7
	HR	59,0
	IL	68,7
	JM	115,8
	MA	83,8
	TR	64,1
	ZZ	73,1
0805 50 10	EG	63,9
	IL	88,6
	MA	65,5
	TR	72,5
	US	87,7
	ZZ	75,6
0808 10 80	CA	84,4
	CN	88,7
	MK	24,7
	US	109,6
	ZZ	76,9
0808 20 50	CN	51,2
	US	100,6
	ZZ	75,9

⁽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 (EU) No 28/2010**of 13 January 2010****laying down the allocation coefficient to be applied to import licence applications lodged from 1 to 8 January 2010 under the tariff quota opened by Regulation (EC) No 955/2005 for rice originating in Egypt**

THE EUROPEAN COMMISSION,

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

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

Having regard to Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences ⁽²⁾, and in particular Article 7(2) thereof,

Whereas:

- (1) Commission Regulation (EC) No 955/2005 ⁽³⁾ opened an annual import tariff quota for 5 605 tonnes of rice falling within CN code 1006 originating in Egypt (order No 09.4097).
- (2) The notification made in accordance with Article 5(a) of Regulation (EC) No 955/2005 shows that the applications lodged from 13.00 (Brussels time) on 1 January 2010 until 13.00 on 8 January 2010 in accordance with Article 4(1) of that Regulation relate to quantities in excess of those available. The extent to which licences may be issued should therefore be determined and the

allocation coefficient to be applied to the quantities applied for should be laid down.

- (3) The submission of new import licence applications should also be suspended under Regulation (EC) No 955/2005 until the end of the current quota period, in accordance with Article 4(2) of that Regulation.
- (4) In order to ensure sound management of the procedure of issuing import licences, the present Regulation should enter into force immediately after its publication,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for import licences for rice originating in Egypt under the quota referred to in Regulation (EC) No 955/2005 lodged from 13.00 (Brussels time) on 1 January 2010 until 13.00 on 8 January 2010 shall be accepted for the quantities applied for multiplied by an allocation coefficient of 8,623076 %.

2. The submission of new import licence applications from 13.00 (Brussels time) on Friday 8 January 2010 is hereby suspended until the end of the current quota period.

Article 2

This Regulation shall enter into force on the day 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, 13 January 2010.

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

Jean-Luc DEMARTY
*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 238, 1.9.2006, p. 13.

⁽³⁾ OJ L 164, 24.6.2005, p. 5.

RECOMMENDATIONS

COMMISSION RECOMMENDATION

of 13 January 2010

on the secure exchange of electronic data between Member States to check the uniqueness of driver cards that they issue

(notified under document C(2010) 19)

(Text with EEA relevance)

(2010/19/EU)

THE EUROPEAN COMMISSION,

control and use of driver cards issued throughout the European Union.

Having regard to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and in particular Article 292 thereof,

- (6) It is desirable that issuing authorities have effective processes and procedures in place to properly manage data about the issuance of tachograph cards in general, and driver cards in particular.

Whereas:

- (1) Article 14 of Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport⁽¹⁾ requires the competent authority of a Member State to issue, at the request of a driver who has his normal residence in that Member State, a driver card, as defined in Annex IB to that Regulation.
- (2) Requirement 268a of Regulation (EEC) No 3821/85 requires Member States to exchange data electronically in order to ensure the uniqueness of the driver card that they issue. According to this requirement, the competent authorities of Member States may also exchange data electronically when carrying out checks of driver cards at the roadside or at company premises in order to verify the uniqueness and status of the cards.
- (3) The competent authority should ensure that applicants do not already hold a valid driver card.
- (4) Driver cards issued by Member States are mutually recognised.
- (5) The security, integrity and trustworthiness of the digital tachograph system should be assured by the proper
- (7) Member State issuing authorities should be able to check quickly, and reliably exchange, information about issued driver cards, and thereby prevent drivers being in possession of more than one valid driver card.
- (8) It should be possible for the responsible national authorities to verify during road side checks whether a driver is in possession of a driver card and to check the validity status of a given driver card.
- (9) The use of the TACHOnet messaging system is an established and trustworthy tool for the electronic exchange of data between Member States concerning the issuance and control of driver cards, and to which already 28 European countries are connected. The TACHOnet messaging system is defined by a set of reference documents, including XML messaging Reference Guide, all of which are published on the website of the Commission services responsible for the social aspects of the road transport policy.
- (10) The performance of the TACHOnet messaging system relies on the respective performances of the national systems. A minimum service level that Member States should endeavour to achieve in regard to availability of the system should therefore be set out,

⁽¹⁾ OJ L 370, 31.12.1985, p. 8.

HAS ADOPTED THIS RECOMMENDATION:

Use of TACHOnet

1. As regards the exchange of information when checking the uniqueness of the driver cards issued in accordance with Regulation (EEC) No 3821/85, Member States should use the TACHOnet messaging system.

Use of other compatible systems

2. A group of Member States may also use, to exchange electronic data between themselves, a compatible system, which complies at least with the TACHOnet XML messaging Reference Guide published on the Commission website, as long as they exchange electronic data with all other Member States through TACHOnet.

Procedure to check the uniqueness of driver cards

3. Member States should, when checking the uniqueness of the driver card, use the procedure set out in Annex I.

Use of TACHOnet or equivalent systems by National Control Bodies

4. Member States should enable, encourage and support their national enforcement and control bodies to use TACHOnet and/or equivalent systems in order to facilitate effective checks of the validity, status and uniqueness of driver cards, notably either at the roadside, or at the premises of undertaking.

Minimum level of service

5. Member States should provide the minimum level of service of TACHOnet or a compatible system of point 2, as described in Annex II.

Follow-up

6. Member States are invited to inform the Commission of actions taken in light of this Recommendation by 30 June 2010.

Review

7. Should an equivalent system for the electronic exchange of data, applicable to all Member States, be available, the Commission should review this Recommendation, at the request of at least five Member States and after consultation of the Committee set up by Article 18(1) of Regulation (EEC) No 3821/85.

Addressees

8. The Recommendation is addressed to the Member States.

Done at Brussels, 13 January 2010.

For the Commission

Antonio TAJANI

Vice-President

ANNEX I

CHECKING THE UNIQUENESS OF THE DRIVER CARD

1. All applications for driver cards should be checked against the driver card registry of the Member State where the application is made.
 2. In cases where the applicant holds a driving licence issued in the country of application, Member State card issuing authorities may use the TACHOnet messaging system or a compatible system to carry out random checks in order to establish whether the applicant has applied for and/or received a driver card in another Member State. These random checks should cover at least 2 % of all applications.
 3. In cases where the applicant holds a driving licence issued in another Member State than the country of application, Member State card issuing authorities should always use the TACHOnet messaging system or a compatible system.
 4. Member States issuing a driver card to a driver holding a driving licence issued in another Member State should immediately notify through TACHOnet or a compatible system this Member State that a driver card has been issued.
 5. A Member State which receives notification from another Member State that a driver card has been issued to a driver holding a driving licence issued in the notified Member State, should register this information in his driver card registry. This registration is not necessary if Member State card issuing authorities use TACHOnet or a compatible system in 100 % of the applications.
-

ANNEX II

MINIMUM LEVEL OF SERVICE

Member States should apply the following minimum service standards with regard to TACHOnet or a compatible electronic data exchange system:

1. *Service time frame and coverage:*

24 hours/7 days

2. *System Availability rate:*

98 %

System Availability rate represents the percentage of time when a system is operational.

Availability of	means an unavailability of		
	Daily	Monthly	Yearly
98 %	20 minutes	10 hours	5 days

3. *System Response time:*

Maximum 60 seconds

If a system does not meet the requested response time the Member State should undertake all necessary steps to bring the system back to normal response time as quickly as possible.

4. *Maintenance procedure:*

Member State should notify other Member States and the Commission of any maintenance activities via the tool 'Schedule Maintenance' which is available on the TACHOnet web portal

<https://webgate.cec.eu-admin.net/tachonet/prod/tachonetportal/>

(access limited to connections via s-TESTA network).

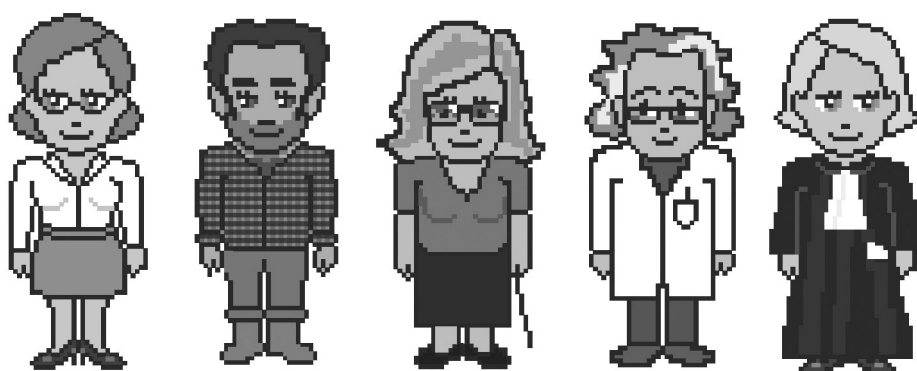
5. *Incident escalation:*

In case an incident cannot be rectified within 30 minutes the following escalation procedure should be applied by the Member State whose system is at origin of the incident

- (a) notification to the other Member States via the tool 'Schedule Maintenance' — copy gets automatically forwarded to Commission;
- (b) immediately after system has recovered send a notification that system is back to normal.

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