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Price: EUR 3

⁽¹⁾ Text with EEA relevance

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⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

REGULATIONS

COMMISSION REGULATION (EU) No 103/2010

of 5 February 2010

concerning the authorisation of manganese chelate of hydroxy analogue of methionine as a feed additive for chickens for fattening**(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition⁽¹⁾, and in particular Article 9(2) thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation.
- (2) In accordance with Article 7 of Regulation (EC) No 1831/2003, an application was submitted for the authorisation of the preparation set out in the Annex to this Regulation. That application was accompanied by the particulars and documents required under Article 7(3) of Regulation (EC) No 1831/2003.
- (3) The application concerns the authorisation of manganese chelate of hydroxy analogue of methionine as a feed additive for chickens for fattening, to be classified in the additive category 'nutritional additives'.
- (4) From the opinion of the European Food Safety Authority (the Authority) adopted on 15 September 2009⁽²⁾ in combination with the one of 15 April 2008⁽³⁾ it

results that manganese chelate of hydroxy analogue of methionine does not have an adverse effect on animal health, human health or the environment for chickens for fattening. According to the opinion of 15 April 2008, the use of that preparation may be considered as a source of available manganese and fulfils the criteria of a nutritional additive for chickens for fattening. The Authority recommends appropriate measures for user safety. It does not consider that there is a need for specific requirements of post-market monitoring. It also verified the report on the method of analysis of the feed additive in feed submitted by the Community Reference Laboratory set up by Regulation (EC) No 1831/2003.

- (5) The assessment of that preparation shows that the conditions for authorisation, as provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of that preparation should be authorised, as specified in the Annex to this Regulation.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

The preparation specified in the Annex, belonging to the additive category 'nutritional additives' and to the functional group 'compounds of trace elements', is authorised as an additive in animal nutrition subject to the conditions laid down in that Annex.

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.

⁽²⁾ *The EFSA Journal* (2009) 7(9): 1316.

⁽³⁾ *The EFSA Journal* (2008) 692, 1.

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, 5 February 2010.

For the Commission
The President
José Manuel BARROSO

ANNEX

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						Content of element (Mn) in mg/kg of complete feedingstuff with a moisture content of 12 %			
Category of nutritional additives. Functional group: compounds of trace elements									
3b5.10	—	Manganese chelate of hydroxy analogue of methionine	Characterisation of the additive: Manganese chelate of hydroxy analogue of methionine containing a minimum of 13 % chelated manganese and 76 % (2-hydroxy-4-methylthio) butanoic acid Mineral oil: ≤ 1 % Analytical method (1): Inductively coupled plasma atomic emission spectrometry (ICP-AES) according to EN 15510:2007	Chickens for fattening	—	—	150 (total)	1. The additive shall be incorporated into feed in form of a premixture. 2. For user safety: breathing protection, safety glasses and gloves should be worn during handling.	26.2.2020

⁽¹⁾ Details of the analytical methods are available at the following address of the Community Reference Laboratory: <http://irmm.jrc.ec.europa.eu/crl-feed-additives>

COMMISSION REGULATION (EU) No 104/2010**of 5 February 2010****concerning the authorisation of potassium diformate as a feed additive for sows (holder of authorisation BASF SE) and amending Regulation (EC) No 1200/2005****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition⁽¹⁾, and in particular Article 9(2) thereof,

Whereas:

(1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation. Article 10 of that Regulation provides for the re-evaluation of additives authorised pursuant to Council Directive 70/524/EEC⁽²⁾.

(2) Potassium diformate, solid form, was provisionally authorised in accordance with Directive 70/524/EEC as a feed additive for use on sows by Commission Regulation (EC) No 1200/2005 of 26 July 2005 concerning the permanent authorisation of certain additives in feedingstuffs and the provisional authorisation of a new use of an additive already authorised in feedingstuffs⁽³⁾. That additive was subsequently entered into the Community Register of feed additives as an existing product, in accordance with Article 10(1) of Regulation (EC) No 1831/2003.

(3) In accordance with Article 10(2) of Regulation (EC) No 1831/2003 in conjunction with Article 7 of that Regulation, an application was submitted for the re-evaluation of that additive, requesting that additive to be classified in the additive category 'zootechnical additives'. That application was accompanied by the particulars and documents required under Article 7(3) of Regulation (EC) No 1831/2003.

(4) The European Food Safety Authority ('the Authority') concluded in its opinion of 15 September 2009⁽⁴⁾ that the additive does not have an adverse effect on animal health, consumer health or the environment and that the use of that additive can improve the performance of the animals. The Authority recommends appropriate measures for user safety. It does not consider that there is a need for specific requirements of post market monitoring. The Authority also verified the report on the method of analysis of the feed additive in feed submitted by the Community Reference Laboratory set up by Regulation (EC) No 1831/2003.

(5) The assessment of that additive shows that the conditions for authorisation, as provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of that preparation should be authorised, as specified in the Annex to this Regulation.

(6) As a consequence, the provisions on that preparation in Regulation (EC) No 1200/2005 should be deleted.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

The preparation specified in the Annex, belonging to the additive category 'zootechnical additives' and to the functional group 'other zootechnical additives', is authorised as an additive in animal nutrition subject to the conditions laid down in that Annex.

Article 2

In Regulation (EC) No 1200/2005, Article 1 and Annex I are deleted.

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.

⁽²⁾ OJ L 270, 14.12.1970, p. 1.

⁽³⁾ OJ L 195, 27.7.2005, p. 6.

⁽⁴⁾ EFSA Journal 2009; 7(9): 1315.

Article 3

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, 5 February 2010.

For the Commission

The President

José Manuel BARROSO

ANNEX

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						mg/kg of complete feedingstuff with a moisture content of 12 %			
Category of zootechnical additives. Functional group: other zootechnical additives (improvement of zootechnical parameters)									
4d800	BASF SE	Potassium diformate	Additive composition: Potassium diformate, solid, min. 98 %, Silicate max. 1,5 %, Water max. 0,5 % Characterisation of the active substance: Potassium diformate, solid KH(COOH)₂ CAS No 20642-05-1 Analytical method ⁽¹⁾ Ion chromatography method equipped with electrical conductivity detection (IC/ECD)	Sows	—	10 000	12 000	The mixture of different sources of potassium diformate must not exceed the permitted maximum level in complete feedingstuff of 12 000 mg/kg of complete feedingstuff. The additive shall be incorporated in feed in form of a premixture. This product can produce risk of serious damage to the eye. Measures to protect workers shall be adopted.	26.2.2020

⁽¹⁾ Details of the analytical methods are available at the following address of the Community Reference Laboratory: www.irmm.jrc.be/crl-feed-additives

COMMISSION REGULATION (EU) No 105/2010**of 5 February 2010****amending Regulation (EC) No 1881/2006 setting maximum levels for certain contaminants in foodstuffs as regards ochratoxin A****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EEC) No 315/93 of 8 February 1993 laying down Community procedures for contaminants in food ⁽¹⁾, and in particular Article 2(3) thereof,

Whereas:

(1) Commission Regulation (EC) No 1881/2006 ⁽²⁾ sets maximum levels for certain contaminants in foodstuffs.

(2) The Scientific Panel on Contaminants in the Food Chain of the European Food Safety Authority (EFSA) has, on a request from the Commission, adopted on 4 April 2006 an updated scientific opinion relating to ochratoxin A (OTA) in food ⁽³⁾, taking into account new scientific information and derived a tolerable weekly intake (TWI) of 120 ng/kg b.w.

(3) It is foreseen in Regulation (EC) No 1881/2006 that the appropriateness of setting a maximum level for OTA in foodstuffs such as dried fruit other than dried vine fruit, cocoa and cocoa products, spices, meat products, green coffee, beer and liquorice, as well as a review of the existing maximum levels, in particular for OTA in dried vine fruit and grape juice, has to be considered in the light of the recent EFSA scientific opinion.

(4) On the basis of the opinion adopted by EFSA, the existing maximum levels appear appropriate to protect public health and have to be retained. As regards the foodstuffs not yet covered by Regulation (EC) No 1881/2006, it was considered necessary and appropriate for the protection of public health to establish maximum levels for ochratoxin A in those foodstuffs that are a significant contributor to the exposure of OTA (for the whole population, or for vulnerable group of the population, or for significant part of the population) or for those foodstuffs that are not necessarily a significant contributor to the exposure of OTA, but there is evidence that there can be found a very high level of

OTA in these commodities. A maximum level is appropriate to be set in these cases to avoid that those very highly contaminated commodities could enter the food chain.

(5) On the basis of the information available, it does not appear necessary for the protection of public health to set a maximum level of OTA in dried fruit other than dried vine fruit, cocoa and cocoa products, meat products, including edible offal and blood products and liqueur wines as they are not a significant contributor to OTA exposure and high levels of OTA have been found only seldom in those commodities. In the case of green coffee and beer, the presence of OTA is already controlled at another more appropriate stage of the production chain (respectively roasted coffee and malt).

(6) Very high levels of OTA have been observed at several occasions in spices and liquorice. It is therefore appropriate to set a maximum level for spices and liquorice.

(7) There is recent evidence that in some main producing countries of spices exporting to the Union no prevention measures and official controls are in place to control the presence of ochratoxin A in spices. In order to protect public health, it is appropriate to establish without delay a maximum level for ochratoxin A in spices. To enable the producing countries to put prevention measures in place and not to disrupt trade to an unacceptable extent, a higher maximum level, applicable within short notice, is established for a limited period of time, before the maximum level reflecting the level achievable by applying good practices enters into application. It is appropriate that an assessment of the achievability in the different producing regions in the world of the levels for ochratoxin A by applying good practices takes place before the stricter level applies.

(8) It is appropriate to continue the monitoring of OTA in foodstuffs for which no maximum level has been set and in the case of regular findings of unusually high levels of OTA, setting of a maximum level for OTA in those foodstuffs might be considered as appropriate.

(9) Regulation (EC) No 1881/2006 should therefore be amended accordingly.

(10) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

⁽¹⁾ OJ L 37, 13.2.1993, p. 1.

⁽²⁾ OJ L 364, 20.12.2006, p. 5.

⁽³⁾ http://www.efsa.europa.eu/en/scdocs/doc/contam_op_ej365_ochratoxin_a_food_en.pdf

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 1881/2006 is amended as follows:

1. point 2.2.11 is replaced by the following points:

‘2.2.11.	Spices	30 µg/kg as from 1.7.2010 until 30.6.2012
	<i>Capsicum</i> spp. (dried fruits thereof, whole or ground, including chillies, chilli powder, cayenne and paprika)	
	<i>Piper</i> spp. (fruits thereof, including white and black pepper)	
	<i>Myristica fragrans</i> (nutmeg)	15 µg/kg as from 1.7.2012
	<i>Zingiber officinale</i> (ginger)	
	<i>Curcuma longa</i> (turmeric)	
	Mixtures of spices containing one or more of the abovementioned spices	
2.2.12.	Liquorice (<i>Glycyrrhiza glabra</i> , <i>Glycyrrhiza inflata</i> and other species)	
2.2.12.1.	Liquorice root, ingredient for herbal infusion	20 µg/kg
2.2.12.2.	Liquorice extract ⁽⁴²⁾ , for use in food in particular beverages and confectionary	80 µg/kg’

2. The following footnote is added:

‘⁽⁴²⁾ The maximum level applies to the pure and undiluted extract, obtained whereby 1 kg of extract is obtained from 3 to 4 kg liquorice root).’

Article 2

Interested parties shall communicate to the Commission the results of investigations undertaken including occurrence data

and the progress with regard to the application of prevention measures to avoid contamination by ochratoxin A in spices.

Member States should report to the Commission findings on ochratoxin A in spices on a regular basis.

The Commission will make this information available to the Member States in view of an assessment, before the stricter level applies, of the achievability in the different producing regions in the world of the stricter level for ochratoxin A in spices by applying good practices.

Article 3

This Regulation shall not apply to products which were placed on the market at a date prior to 1 July 2010 in conformity with the provisions applicable at such date.

The maximum level for ochratoxin A established in point 2.2.11 of the Annex which is applicable as from 1 July 2012 shall not apply to products which were placed on the market at a date prior to 1 July 2012 in conformity with the provisions applicable at such date.

The burden of proving when the products were placed on the market shall be borne by the food business operator.

Article 4

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

It shall apply from 1 July 2010.

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

Done at Brussels, 5 February 2010.

For the Commission
The President
José Manuel BARROSO

COMMISSION REGULATION (EU) No 106/2010**of 5 February 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 6 February 2010.

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

Done at Brussels, 5 February 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	106,9
	JO	94,7
	MA	61,7
	TN	115,7
	TR	105,1
	ZZ	96,8
0707 00 05	MA	68,9
	TR	142,6
	ZZ	105,8
0709 90 70	MA	143,8
	TR	162,4
	ZZ	153,1
0709 90 80	EG	82,2
	ZZ	82,2
0805 10 20	EG	49,8
	IL	53,6
	MA	51,6
	TN	46,6
	TR	50,7
	ZZ	50,5
0805 20 10	IL	162,4
	MA	79,5
	TR	62,0
	ZZ	101,3
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	CN	55,1
	EG	61,9
	IL	84,7
	JM	106,7
	MA	128,4
	PK	38,1
	TR	68,0
	ZZ	77,6
0805 50 10	EG	88,6
	IL	88,6
	TR	71,1
	ZZ	82,8
0808 10 80	CA	95,3
	CL	60,1
	CN	77,1
	MK	24,7
	US	121,2
0808 20 50	ZZ	75,7
	CN	54,7
	TR	84,8
	US	111,6
	ZA	102,4
	ZZ	88,4

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

DECISIONS

COMMISSION DECISION

of 4 February 2010

on the clearance of the accounts of certain paying agencies in Greece, Malta, Portugal and Finland concerning expenditure financed by the European Agricultural Guarantee Fund (EAGF) for the 2007 financial year

*(notified under document C(2010) 474)***(Only the Finnish, Greek, Maltese, Portuguese and Swedish texts are authentic)**

(2010/62/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy ⁽¹⁾, and in particular Articles 30 and 32(8) thereof,

After consulting the Committee on the Agricultural Funds,

Whereas:

(1) Commission Decisions 2008/396/EC ⁽²⁾ and 2009/87/EC ⁽³⁾ cleared, for the 2007 financial year, the accounts of all the paying agencies except for the Greek paying agency 'OPEKEPE', the Italian paying agency 'ARBEA', the Maltese paying agency 'MRAE', the Portuguese paying agencies 'IFADAP' and 'IFAP' and the Finnish paying agency 'MAVI'.

(2) Following the transmission of new information and after additional checks, the Commission can now take a decision on the integrality, accuracy and veracity of the accounts submitted by the Greek paying agency 'OPEKEPE' the Maltese paying agency 'MRAE', the Portuguese paying agencies 'IFADAP' and 'IFAP' and the Finnish paying agency 'MAVI'.

(3) The first subparagraph of Article 10(2) of Commission Regulation (EC) No 885/2006 of 21 June 2006 laying down detailed rules for the application of Council Regulation (EC) No 1290/2005 as regards the accreditation of paying agencies and other bodies and the clearance of the accounts of the EAGF and of the EAFRD ⁽⁴⁾ lays down that the amounts that are recoverable from, or payable to, each Member State, in accordance with the accounts clearance decision referred to in the first subparagraph of Article 10(1) of the said Regulation, shall be determined by deducting advances paid during the financial year in question, i.e. 2007, from expenditure recognised for that year in accordance with paragraph 1. Such amounts are to be deducted from, or added to, the advances against expenditure from the second month following that in which the accounts clearance decision is taken.

(4) Pursuant to Article 32(5) of Regulation (EC) No 1290/2005, 50 % of the financial consequences of non-recovery of irregularities shall be borne by the Member State concerned and 50 % by the Community budget if the recovery of those irregularities has not taken place within 4 years of the primary administrative or judicial finding, or within 8 years if the recovery is taken to the national courts. Article 32(3) of the said Regulation obliges Member States to submit to the Commission, together with the annual accounts, a summary report on the recovery procedures undertaken in response to irregularities. Detailed rules on the application of the Member States' reporting obligation of the amounts to be recovered are laid down in Regulation (EC) No 885/2006. Annex III to the said Regulation provides the model tables 1 and 2 that have to be provided in 2008 by the Member States. On the basis of the tables completed by the Member States, the Commission should decide on the financial consequences of non-recovery of irregularities older than 4 or 8 years respectively. This Decision is without prejudice to future conformity decisions pursuant to Article 32(8) of Regulation (EC) No 1290/2005.

⁽¹⁾ OJ L 209, 11.8.2005, p. 1.

⁽²⁾ OJ L 139, 29.5.2008, p. 33.

⁽³⁾ OJ L 33, 3.2.2009, p. 38.

⁽⁴⁾ OJ L 171, 23.6.2006, p. 90.

- (5) Pursuant to Article 32(6) of Regulation (EC) No 1290/2005, Member States may decide not to pursue recovery. Such a decision may only be taken if the costs already and likely to be incurred total more than the amount to be recovered or if the recovery proves impossible owing to the insolvency, recorded and recognised under national law, of the debtor or the persons legally responsible for the irregularity. If that decision has been taken within 4 years of the primary administrative or judicial finding or within 8 years if the recovery is taken to the national courts, 100 % of the financial consequences of the non-recovery should be borne by the Community budget. In the summary report referred to in Article 32(3) of Regulation (EC) No 1290/2005 the amounts for which the Member State decided not to pursue recovery and the grounds for the decision are shown. These amounts are not charged to the Member States concerned and are consequently to be borne by the Community budget. This Decision is without prejudice to future conformity decisions pursuant to Article 32(8) of the said Regulation.
- (6) In clearing the accounts of the paying agencies concerned, the Commission must take account of the amounts already withheld from the Member States concerned on the basis of Decisions 2008/396/EC and 2009/87/EC.
- (7) In accordance with Article 30(2) of Regulation (EC) No 1290/2005, this Decision does not prejudice decisions taken subsequently by the Commission excluding from

Community financing expenditure not effected in accordance with Community rules,

HAS ADOPTED THIS DECISION:

Article 1

The accounts of the Greek paying agency 'OPEKEPE', the Maltese paying agency 'MRAE', the Portuguese paying agencies 'IFADAP' and 'IFAP' and the Finnish paying agency 'MAVI' concerning expenditure financed by the European Agricultural Guarantee Fund (EAGF), in respect of the 2007 financial year, are hereby cleared.

The amounts which are recoverable from, or payable to, each Member State concerned pursuant to this Decision, including those resulting from the application of Article 32(5) of Regulation (EC) No 1290/2005, are set out in the Annex.

Article 2

This Decision is addressed to the Republic of Greece, the Republic of Malta, the Portuguese Republic and the Republic of Finland.

Done at Brussels, 4 February 2010.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

CLEARANCE OF THE PAYING AGENCIES' ACCOUNTS

FINANCIAL YEAR 2007

AMOUNT TO BE RECOVERED FROM OR PAID TO THE MEMBER STATE

MS		2007 — Expenditure/Assigned Revenue for the Paying Agencies for which the accounts are		Total a + b	Reductions and suspensions for the whole financial year	Reductions according to Article 32 of Regulation (EC) No 1290/2005 ⁽¹⁾	Total including reductions and suspensions	Payments made to the Member State for the financial year	Amount to be recovered from (–) or paid to (+) the Member State	Amount recovered from (–) or paid to (+) the Member State under Decision 2008/396/EC	Amount recovered from (–) or paid to (+) the Member State under Decision 2009/87/EC	Amount to be recovered from (–) or paid to (+) the Member State ⁽²⁾
		cleared	disjoined									
		= expenditure / assigned revenue declared in the annual declaration	= total of the expenditure / assigned revenue in the monthly declarations									
		a	b	c = a + b	d	e	f = c + d + e	g	h = f – g	i	i'	j = h – i – i'
EL	EUR	2 377 709 692,71	0,00	2 377 709 692,71	– 3 777 975,35	– 5 925 969,19	2 368 005 748,17	2 374 149 976,67	– 6 144 228,50	0,00	0,00	– 6 144 228,50
MT	EUR	1 968 874,78	0,00	1 968 874,78	– 16 690,38	0,00	1 952 184,40	1 953 932,59	– 1 748,19	0,00	0,00	– 1 748,19
PT	EUR	718 788 155,94	0,00	718 788 155,94	– 283 116,74	– 210 898,70	718 294 140,50	717 209 444,82	1 084 695,68	0,00	295 352,51	789 343,17
FI	EUR	579 761 052,62	0,00	579 761 052,62	– 1 768 694,94	– 17 427,95	577 974 929,73	577 803 602,60	171 327,13	0,00	0,00	171 327,13

MS		Expenditure ⁽³⁾	Assigned revenue ⁽³⁾	Sugar Fund		Article 32 (=e)	Total (=h)
				Expenditure ⁽⁴⁾	Assigned revenue ⁽⁴⁾		
		05 07 01 06	6701	05 02 16 02	6803	6702	
		i	j	k	l	m	
EL	EUR	– 218 259,31	0,00	0,00	0,00	– 5 925 969,19	– 6 144 228,50
MT	EUR	– 1 682,32	– 65,87	0,00	0,00	0,00	– 1 748,19
PT	EUR	1 000 241,87	0,00	0,00	0,00	– 210 898,70	789 343,17
FI	EUR	189 819,66	– 1 064,58	0,00	0,00	– 17 427,95	171 327,13

⁽¹⁾ The reductions and suspensions are those taken into account in the payment system, to which are added in particular the corrections for the non respect of payment deadlines established in August, September and October 2008.

⁽²⁾ For the calculation of the amount to be recovered from or paid to the Member State the amount taken into account is, the total of the annual declaration for the expenditure cleared (column a), or the total of the monthly declarations for the expenditure disjoined (column b). Applicable exchange rate: Article 7(2) of Commission Regulation (EC) No 883/2006.

⁽³⁾ If the Assigned revenue part would be in advantage of Member State, it has to be declared under 05 07 01 06.

⁽⁴⁾ If the Assigned revenue part of the Sugar Fund, would be in the advantage of the Member State, it has to be declared under 05 02 16 02.

Note: Nomenclature 2010: 05 07 01 06, 05 02 16 02, 6701, 6702, 6803.

COMMISSION DECISION
of 4 February 2010
extending the period of application of Decision 2006/210/EC
(2010/63/EU)

THE EUROPEAN COMMISSION,

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

Whereas:

- (1) The group of high-level national regulatory experts (hereinafter the group) set up by Commission Decision 2006/210/EC ⁽¹⁾ is a consultative group of high-level national experts on better regulation.
- (2) The President of the Commission has indicated that better regulation will remain high on the Commission's political agenda ⁽²⁾.
- (3) A forum for the discussion of better regulation and promotion of cooperation with Member States on better regulation issues has an important role to play in taking forward that agenda.
- (4) The mandate of the group should therefore be extended for three years.
- (5) Decision 2006/210/EC should be extended accordingly.

- (6) In order to enable the group to continue its work, this Decision should take effect as from 1 January 2010,

HAS ADOPTED THIS DECISION:

Article 1

In Article 6 of Decision 2006/210/EC, the second sentence is replaced by the following:

‘It shall apply until 31 December 2012.’

Article 2

This Decision shall take effect as from 1 January 2010.

Done at Brussels, 4 February 2010.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 76, 15.3.2006, p. 3.

⁽²⁾ Political guidelines for the next Commission, document presented to the Members of the European Parliament on 15 September 2009.

COMMISSION DECISION

of 5 February 2010

on the adequacy of the competent authorities of certain third countries pursuant to Directive 2006/43/EC of the European Parliament and of the Council

*(notified under document C(2010) 590)***(Text with EEA relevance)**

(2010/64/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2006/43/EC of the European Parliament and of the Council of 17 May 2006 on statutory audits of annual accounts and consolidated accounts, amending Council Directives 78/660/EEC and 83/349/EEC and repealing Council Directive 84/253/EEC ⁽¹⁾, and in particular the first subparagraph of Article 47(3) thereof,

Whereas:

(1) In accordance with Article 47(1) and Article 53 of Directive 2006/43/EC, as of 29 June 2008, competent authorities of Member States may allow the transfer of audit working papers or other documents held by statutory auditors or audit firms to the competent authorities of a third country only if the authorities have been declared adequate by the Commission and there are reciprocal working arrangements between them and the competent authorities of the Member States concerned. It therefore needs to be determined which competent authorities of third countries are adequate for the purpose of transfer of audit working papers or other documents held by statutory auditors or audit firms to the competent authorities of a third country.

(2) A transfer of audit working papers or other documents held by statutory auditors or audit firms to the competent authorities of a third country reflects a substantial public interest related to carrying out independent public oversight. Accordingly, any such transfer by the competent authorities of Member States should be made solely for the purpose of the exercise of the competences of public oversight, external quality assurance and investigations of auditors and audit firms by the competent authorities of the third country concerned. The persons employed or formerly employed by competent authorities of the third country that receive the information are subject to obligations of professional secrecy.

(3) Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data ⁽²⁾ applies to the processing of personal data carried out pursuant to this Directive. Accordingly, where a transfer of audit working papers or other documents held by statutory auditors or audit firms to the competent authorities of the third countries below involves the disclosure of personal data, it should always be carried out in accordance with the provisions of Directive 95/46/EC. Member States should ensure, through working arrangements in accordance with Chapter IV of Directive 95/46/EC between their competent authorities and the competent authorities of third countries that the latter would not further disclose personal data comprised in transferred audit working papers or other documents held by statutory auditors or audit firms without the prior agreement of the competent authorities of the Member States concerned. The European Data Protection Supervisor was consulted in respect of the present Decision.

(4) The adequacy of competent authorities of a third country should be assessed in the light of the cooperation requirements pursuant to Article 36 of Directive 2006/43/EC or essentially equivalent functional results. In particular, the adequacy should be assessed in the light of the competences exercised by the competent authorities of the third country concerned, the safeguards against breaching professional secrecy and confidentiality rules implemented by them and their ability under their laws and regulations to cooperate with the competent authorities of Member States.

(5) As auditors and audit firms of Community companies which have issued securities in Canada, Japan or Switzerland, or which form part of a group issuing statutory consolidated accounts in those countries are regulated under the domestic laws of those countries, it should be decided whether the competent authorities of Member States may transfer audit working papers or other documents held by statutory auditors or audit firms to the competent authorities of those countries solely for the purposes of the exercise of their competences of public oversight, external quality assurance and investigations of auditors and audit firms.

⁽¹⁾ OJ L 157, 9.6.2006, p. 87.

⁽²⁾ OJ L 281, 23.11.1995, p. 31.

- (6) Adequacy assessments for the purposes of Article 47 of Directive 2006/43/EC have been carried out with respect to the competent authorities of Canada, Japan and Switzerland. Adequacy decisions should be taken on the basis of those assessments with respect to those authorities.
- (7) The Canadian Public Accountability Board has competence in the public oversight, external quality assurance and investigations of auditors and audit firms. It implements adequate safeguards banning and sanctioning disclosure by its current or former employees of confidential information to any third person or authority. It would use the transferred audit working papers or other documents held by statutory auditors or audit firms solely for purposes related to the public oversight, external quality assurance and investigations of auditors and audit firms. Under the laws and regulations of Canada, it may transfer audit working papers or other documents held by Canadian auditors or audit firms to the competent authorities of any Member State. On this basis, the Canadian Public Accountability Board should be declared adequate for the purpose of Article 47(1) of Directive 2006/43/EC.
- (8) The Financial Services Agency of Japan and the Certified Public Accountants and Auditing Oversight Board within the Financial Services Agency of Japan have competence in the public oversight, external quality assurance and investigations of auditors and audit firms. This Decision should only cover the competences of the Financial Services Agency to investigate auditors and audit firms. The Financial Services Agency of Japan and the Certified Public Accountants and Auditing Oversight Board of Japan implement adequate safeguards banning and sanctioning disclosure by their current or former employees of confidential information to any third person or authority and would use the transferred audit working papers or other documents held by statutory auditors or audit firms solely for purposes related to the public oversight, external quality assurance and investigations of auditors and audit firms. Under the laws and regulations of Japan, they may transfer audit working papers or other documents held by Japanese auditors or audit firms to the competent authorities of any Member State. On this basis, the Financial Services Agency of Japan and the Certified Public Accountants and Auditing Oversight Board of Japan should be declared adequate for the purpose of Article 47(1) of Directive 2006/43/EC.
- (9) The Federal Audit Oversight Authority of Switzerland has competence in the public oversight, external quality assurance and investigations of auditors and audit firms. It implements adequate safeguards banning and sanctioning disclosure by its current or former employees of confidential information to any third person or authority. It would use the transferred audit working papers or other documents held by statutory auditors or audit firms solely for purposes related to the public oversight, external quality assurance and investigations of auditors and audit firms. Under the laws and regulations of Switzerland, it may transfer audit working papers or other documents held by Swiss auditors or audit firms to the competent authorities of any Member State. On this basis, the Federal Audit Oversight Authority of Switzerland should be declared adequate for the purpose of Article 47(1) of Directive 2006/43/EC.
- (10) Transfer of audit working papers should include access to or transmission to the authorities declared adequate under this Decision of audit working papers or other documents held by statutory auditors or audit firms, upon prior agreement of the competent authorities of Member States, and access to or transmission of such papers by the competent authorities of Member States to those authorities. As a consequence, statutory auditors and audit firms should not be allowed to grant access, nor to transmit audit working papers or other documents held by statutory auditors or audit firms to those authorities under other conditions than the ones set out in this Decision and in Article 47 of Directive 2006/43/EC, for example on the basis of consent of the statutory auditor, the audit firms or the client company.
- (11) This Decision should be without prejudice to the cooperation arrangements referred to in Article 25(4) of Directive 2004/109/EC of the European Parliament and of the Council of 15 December 2004 on the harmonisation of transparency requirements in relation to information about issuers whose securities are admitted to trading on a regulated market and amending Directive 2001/34/EC ⁽¹⁾.
- (12) As this Decision is taken in the context of the transitional period granted to certain third country auditors and audit firms by Commission Decision 2008/627/EC of 29 July 2008 concerning a transitional period for audit activities of certain third country auditors and audit entities ⁽²⁾, this Decision should not pre-empt any final equivalence decisions that the Commission may adopt pursuant to Article 46 of Directive 2006/43/EC.
- (9) The Federal Audit Oversight Authority of Switzerland has competence in the public oversight, external quality

⁽¹⁾ OJ L 390, 31.12.2004, p. 38.

⁽²⁾ OJ L 202, 31.7.2008, p. 70.

- (13) The present Decision aims at facilitating effective cooperation between the competent authorities of the Member States and those of Canada, Japan and Switzerland to allow the exercise of their functions of public oversight, external quality assurance and investigations and, at the same time, to protect the rights of the parties concerned. Member States should communicate to the Commission the working arrangements concluded with those authorities to allow the Commission to assess if cooperation takes place in accordance with Article 47 of the Directive 2006/43/EC.
- (14) The ultimate objective of cooperation with Canada, Japan and Switzerland in audit oversight is to reach mutual reliance on each other's oversight systems where transfers of audit working papers would be exceptional. The mutual reliance would be based on the equivalence of Community and those countries' auditor oversight systems.
- (15) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 48(1) of Directive 2006/43/EC,

HAS ADOPTED THIS DECISION:

Article 1

The following competent authorities of third countries shall be considered adequate for the purpose of Article 47(1) of Directive 2006/43/EC:

1. the Canadian Public Accountability Board;
2. the Financial Services Agency of Japan;
3. the Certified Public Accountants and Auditing Oversight Board of Japan;
4. the Federal Audit Oversight Authority of Switzerland.

Article 2

1. Without prejudice to Article 47(4) and in accordance with Article 53 of Directive 2006/43/EC, as of 29 June 2008, any transfer of audit working papers or other documents held by statutory auditors or audit firms shall be either subject to prior approval by the competent authority of the Member State concerned, or it shall be carried out by the competent authority of the Member State concerned.

2. The transfer of audit working papers or other documents held by statutory auditors or audit firms shall not serve any other purposes than the public oversight, external quality assurance or investigations of auditors and audit firms.

3. Where audit working papers or other documents held by statutory auditors or audit firms are exclusively held by a statutory auditor or audit firm registered in a Member State other than the Member State where the group auditor is registered and whose competent authority has received a request from any of the authorities referred to in Article 1, such papers or documents shall be transferred to the competent authority of the third country concerned only if the competent authority of the first Member State has given its express agreement to the transfer.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 5 February 2010.

For the Commission
Charlie MCCREEVY
Member of the Commission

COMMISSION DECISION

of 5 February 2010

amending Decision 2005/880/EC granting a derogation requested by the Netherlands pursuant to Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources

*(notified under document C(2010) 606)***(Only the Dutch version is authentic)**

(2010/65/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources ⁽¹⁾, and in particular the third subparagraph of paragraph 2 of Annex III thereto,

Whereas:

(1) If the amount of manure that a Member State intends to apply per hectare each year is different from the one specified in the first sentence of the second subparagraph of paragraph 2 of Annex III to Directive 91/676/EEC and in point (a) thereof, that amount has to be fixed so as not to prejudice the achievement of the objectives specified in Article 1 of that Directive and has to be justified on the basis of objective criteria, such as, in the present case, long growing seasons and crops with high nitrogen uptake. On 8 December 2005, the Commission adopted Decision 2005/880/EC ⁽²⁾ allowing the Netherlands the application of 250 kg nitrogen per hectare per year from livestock manure in farms with at least 70 % grassland.

(2) The derogation thus granted concerned approximately 25 000 farms in the Netherlands and approximately 900 000 hectares and applied to the period 1 January 2006 to 31 December 2009. The derogation was granted because:

(a) the Dutch legislation implementing Directive 91/676/EEC included application standards both for nitrogen and phosphate and application standards related to phosphate aimed to achieve an equilibrium in phosphate fertilisation by 2015;

(b) the Netherlands addressed the issue of nutrient surplus from manure and mineral fertilisers through several policy instruments and in the period 1992 to 2002 decreased cattle numbers by 17 %, pigs by 14 % and sheep and goats by 21 %. Nitrogen and phosphorus in manure decreased respectively by 29 and 34 % in the period 1985 to 2002. Nitrogen and phosphorus surpluses decreased respectively by 25 and 37 %, in the period 1992 to 2002;

(c) the available water quality data showed a downwards trend in groundwater nitrate concentration and in nutrient concentration (including phosphorus) in surface water;

(d) the technical and scientific documents presented in the Dutch notification showed that the proposed amount of 250 kg per hectare per year nitrogen from cattle manure in farms with at least 70 % grassland was compatible with the achievement of the level of 11,3 mg/l N (corresponding to 50 mg/l NO₃) in water in all soil types, and to approximately a zero phosphorus surplus, under conditions of optimal management;

(e) the technical and scientific documents presented showed that the proposed amount of 250 kg per hectare per year nitrogen from cattle manure in farms with at least 70 % grassland was justified on the basis of objective criteria such as long growing season and crops with high nitrogen uptake.

⁽¹⁾ OJ L 375, 31.12.1991, p. 1.

⁽²⁾ OJ L 324, 10.12.2005, p. 89.

- (3) The Commission considered therefore that the amount of manure requested by the Netherlands would not prejudice the achievement of the objectives of Directive 91/676/EEC, subject to certain strict conditions being met. These conditions included the establishment of fertiliser plans on a farm by farm basis, the recording of fertiliser practices through fertiliser accounts, periodic soil analysis, green cover in winter after maize, specific provisions on grass ploughing, no manure application before grass ploughing and adjustment of fertilisation to take into account the contribution of leguminous crops. These provisions were aimed at ensuring fertilisation based on crop needs and reduction and prevention of nitrogen losses to water.
- (4) In order to avoid that the application of the 2006-2009 derogation granted by Decision 2005/880/EC would lead to intensification, the competent authorities were compelled to ensure that manure production both in terms of nitrogen and phosphorus would not increase beyond the level of the year 2002 in accordance with the Dutch third national action programme.
- (5) The Netherlands have communicated the maps and reports referred to in Article 8 and Article 10 of Decision 2005/880/EC in time.
- (6) On 14 July 2009 the Netherlands submitted to the Commission a request for an extension of the derogation. The request referred to a detailed justification and to the approval of fourth Nitrates Action Programme (2010-2013) by the Dutch House of Representatives. This fourth action programme indicates the (considerable) progress made in line with the conditions of the 2006-2009 derogation and the challenges ahead. It builds further on the third action programme and contains reinforced measures including stricter nitrogen application standards on sandy soils; stricter phosphorus application standards based on the soil phosphorus status and longer closed periods for land application of fertilisers⁽¹⁾. These legal measures aim at a further reduction of nutrient surplus and further improvement of water quality, if need be by further reinforced action beyond the period 2010-2013.
- (7) Water quality shows a further downward trend in groundwater nitrate concentration and in nutrient concentration (including phosphorus) in surface water with main effects of the third action programme still to be expected in the upcoming years.
- (8) Results of monitoring and controls show that, in the period 2006-2009 approximately 24 000 grassland farms corresponding to approximately 830 000 ha of cultivated land were encompassed by the derogation.
- (9) In order to avoid that the application of the requested derogation leads to intensification, the competent authorities should continue to ensure that manure production both in terms of nitrogen and phosphorus does not increase the level of the year 2002.
- (10) The results achieved so far by the Netherlands are in line with the conditions set out in Decision 2005/880/EC.
- (11) The necessary legal framework for implementing Directive 91/676/EEC and executing the fourth action programme has been adopted and applies equally to the requested derogation.
- (12) Given the measures the Netherlands have committed themselves to in the action programme for the period 2010-2013 the Commission considers that the amount of manure requested by the Netherlands for the period 2010-2013 would not prejudice the achievement of the objectives of Directive 91/676/EEC if the same strict conditions established by Decision 2005/880/EC are met.
- (13) Decision 2005/880/EC expires on 31 December 2009.
- (14) For the purpose of ensuring that the cattle farms concerned may continue to benefit from a derogation, it is appropriate to extend the validity of Decision 2005/880/EC to 31 December 2013 under the same conditions as those set out in articles 4 to 10 of Decision 2005/880/EC.
- (15) The deadline for reporting to the Commission, set by Article 10 of Decision 2005/880/EC, should however be adapted and aligned with the deadline for reporting obligations under article 8 of Decision 2005/880/EC.
- (16) The measures provided for in this Decision are in accordance with the opinion of the Nitrates Committee set up pursuant to Article 9 of Directive 91/676/EEC,
- ⁽¹⁾ Act of 26 November 2009 amending the Fertiliser Act, (Staatsblad Koninkrijk der Nederlanden 2009, 551); Government Order of 9 November 2009 amending the government order on fertiliser use and the Government Order on greenhouse horticulture (Staatsblad Koninkrijk der Nederlanden 2009, 477); Government order of 14 December 2009 amending Government Order on implementation Fertiliser Act (Staatsblad Koninkrijk der Nederlanden 2009, 601); Order of the Minister of Agriculture, Nature and Food Safety of 15 December 2009, amending the implementation regulation Fertiliser Act (Staatscourant Koninkrijk der Nederlanden, 30 December 2009, 20342).

HAS ADOPTED THIS DECISION:

Article 1

Decision 2005/880/EC is amended as follows:

1. Article 1 is replaced by the following:

'Article 1

The derogation requested by the Netherlands by letter of 8 April 2005 and the extension requested by letter of 14 July 2009, for the purpose of allowing a higher amount of livestock manure than that provided for in the first sentence of the second subparagraph of paragraph 2 of Annex III to Directive 91/676/EEC and in point (a) thereof, is granted.'

2. Article 10, paragraph 1, second subparagraph is replaced by the following:

'The report shall be transmitted to the Commission annually in the second quarter of the year following the year of activity.'

3. Article 11 is replaced by the following:

'Article 11

Application

This Decision shall apply until 31 December 2013 in the context of the fourth Dutch Nitrates Action Programme.'

Article 2

This Decision is addressed to the Kingdom of The Netherlands.

Done at Brussels, 5 February 2010.

For the Commission

Stavros DIMAS

Member of the Commission

COMMISSION DECISION
of 5 February 2010
amending Decision 2009/719/EC authorising certain Member States to revise their annual BSE
monitoring programmes

(notified under document C(2010) 626)

(Text with EEA relevance)

(2010/66/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies ⁽¹⁾, and in particular the second subparagraph of Article 6(1b) thereof,

Whereas:

- (1) Regulation (EC) No 999/2001 lays down rules for the prevention, control and eradication of transmissible spongiform encephalopathies (TSEs) in animals. It requires each Member State to carry out an annual monitoring programme for TSEs, in accordance with Annex III to that Regulation. Those programmes are to cover as a minimum certain subpopulations of bovine animals belonging to specified age groups.
- (2) That Regulation also provides that Member States which can demonstrate an improvement of the epidemiological situation of their country, according to certain criteria, may have their annual monitoring programmes revised.
- (3) Commission Decision 2009/719/EC ⁽²⁾ authorises the Member States listed in the Annex to that Decision to revise their annual monitoring programmes. It also provides that their programmes are to apply at least to all animals belonging to certain subpopulations of bovine animals above 48 months of age.
- (4) On 2 October 2008, Cyprus submitted an application to the Commission to revise its annual monitoring programme as regards BSE.
- (5) The Food and Veterinary Office carried out an inspection in Cyprus from 29 June 2009 to 3 July 2009 in order to verify compliance with the epidemiological criteria laid down in point 7 of Part I of Chapter A of Annex III to Regulation (EC) No 999/2001.

- (6) The results of that inspection acknowledged the proper implementation in Cyprus of the rules on protective measures regarding bovine spongiform encephalopathies (BSE) laid down in Regulation (EC) No 999/2001. In addition, all the requirements laid down in the third subparagraph of Article 6(1b) and all the epidemiological criteria set out in point 7 of Part I of Chapter A of Annex III to that Regulation were checked and found to be met by Cyprus.
- (7) In view of all available information, the application submitted by Cyprus to revise its annual monitoring programme as regards BSE has been favourably evaluated. It is therefore appropriate to authorise Cyprus to revise its annual monitoring programme so that 48 months is the new age limit for BSE testing in that Member State.
- (8) The Annex to Decision 2009/719/EC should be amended accordingly.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 2009/719/EC is replaced by the text in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 5 February 2010.

For the Commission
Androulla VASSILIOU
Member of the Commission

⁽¹⁾ OJ L 147, 31.5.2001, p. 1.

⁽²⁾ OJ L 256, 29.9.2009, p. 35.

ANNEX

'ANNEX

List of Member States authorised to revise their BSE annual monitoring programmes

- Belgium
 - Denmark
 - Germany
 - Ireland
 - Greece
 - Spain
 - France
 - Italy
 - Cyprus
 - Luxembourg
 - Netherlands
 - Austria
 - Portugal
 - Slovenia
 - Finland
 - Sweden
 - United Kingdom'
-

COMMISSION DECISION
of 5 February 2010
setting up the GMES Partners Board
(2010/67/EU)

THE EUROPEAN COMMISSION,

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

Whereas:

- (1) Global Monitoring for Environment and Security (GMES) is an Earth observation initiative led by the European Union and carried out in partnership with the Member States. Its objective is to foster better exploitation of the industrial potential of policies of innovation, research and technological development in the field of Earth observation and to provide information services.
- (2) In order to achieve the objective of GMES on a sustainable basis, it is necessary to coordinate the activities of the various partners involved in GMES and to develop, establish and operate a service and observation capacity meeting the demands of users. For this purpose, the Commission may need to call upon the expertise of specialists in an advisory body.
- (3) In its Communication entitled 'Global Monitoring for Environment and Security (GMES): we care for a safer planet' ⁽¹⁾, the Commission announced the establishment of a Partners Board to assist the Commission in the overall coordination of GMES.
- (4) It is therefore necessary to set up a group of experts in the field of GMES and Earth observation and to define its tasks and its structure.
- (5) The group should help to ensure the coordination of contributions to GMES by all partners, making best use of existing capacities and identifying gaps to be addressed at Union level. It should assist the Commission in monitoring the coherent implementation of the European Earth Observation Programme (GMES). It should monitor the evolution of policy and enable exchange of good practices in GMES and Earth observation.
- (6) The Partners Board should be composed of representatives of the Member States with competence in the Earth observation, environment and security sectors. Representatives should be nominated by their national authorities responsible for Earth observation in their Member State.
- (7) Rules on disclosure of information by members of the Board should be provided for, without prejudice to the Commission's rules on security as set out in the Annex to Commission Decision 2001/844/EC, ECSC, Euratom ⁽²⁾.
- (8) Personal data relating to members of the Board should be processed in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ⁽³⁾.
- (9) Provision should be made for the participation of Norway and Switzerland, members of the European Space Agency, in the work of the group. Representatives of organisations involved in Earth observation, in particular former members of the GMES Advisory Council, should be able to attend meetings of the group as observers.
- (10) It is appropriate to fix a period for the application of this Decision. The Commission will in due time consider the advisability of an extension,

HAS DECIDED AS FOLLOWS:

Article 1

The GMES Partners Board

The GMES Partners Board, hereinafter referred to as 'the Board', is hereby set up.

⁽¹⁾ COM(2008) 748 final.

⁽²⁾ OJ L 317, 3.12.2001, p. 1.

⁽³⁾ OJ L 8, 12.1.2001, p. 1.

Article 2

Tasks

The tasks of the Board shall be:

1. to establish cooperation between Member States bodies and the Commission on questions related to GMES, in order to help ensure coordination of contributions by national and European Union's activities to GMES, make best use of existing capacities and identify gaps to be addressed at European level;
2. to assist the Commission in monitoring the coherent implementation of the European Earth Observation Programme (GMES), which includes funding from the Research Framework Programme, for which the Commission is assisted by the Committee established pursuant to Article 8 of Council Decision 2006/971/EC ⁽¹⁾, and from other EU funding sources, and which builds on the GMES Space Component programme of the European Space Agency (ESA), the execution of which is monitored by the ESA Programme Board for Earth Observation;
3. to assist the Commission with the preparation of a strategic implementation framework of the European Earth Observation Programme (GMES), including: (i) indicative annual and multi-annual planning of the EU programme activities; (ii) indicative implementation schemes; (iii) GMES activities cost assessment and preliminary budgetary strategy; and (iv) programme specification and participation rules;
4. to bring about an exchange of experience and good practice in the field of GMES and Earth observation.

Article 3

Consultation

1. The Commission may consult the Board on any matter relating to the development and implementation of GMES.
2. The Chairperson of the Board may advise the Commission that it is desirable to consult the Board on a specific question.

Article 4

Membership — Appointment

1. The Board shall be composed of 27 members.
2. The members of the Board shall be appointed by the Commission from specialists with competence in the Earth observation, environment and security sectors.

The members shall be nominated by national authorities of the Member States.

3. Alternate members for the members of the Board shall be appointed in equal numbers and on the same conditions as the members. Alternate members shall automatically replace members who are absent.

4. The Commission may invite representatives of organisations involved in Earth observation to attend meetings as observers.

A representative of Switzerland and a representative of Norway shall be invited as permanent observers.

5. The members shall be appointed as representatives of a public authority.

6. Members of the Board shall be appointed for a one-year renewable term of office. They shall remain in office until such time as they are replaced or their term of office ends.

7. Members who are no longer capable of contributing effectively to the Board's deliberations, who resign or who do not comply with the conditions set out in Article 339 of the Treaty, may be replaced for the remainder of their term of office.

Article 5

Operation

1. The Board shall be chaired by the Commission.
2. When discussing matters related to the Space component of the GMES programme, the Commission shall be assisted by the European Space Agency.

When discussing matters related to the in situ component of the GMES programme, the Commission shall be assisted by the European Environment Agency.

3. In agreement with the Commission, sub-groups may be set up to examine specific questions under terms of reference established by the Board. Such groups shall be dissolved as soon as their mandates are fulfilled.

4. The Commission's representative may ask experts or observers with specific competence on a subject on the agenda to participate in the Board's or sub-group's deliberations if this is useful and/or necessary.

5. Information obtained by participating in the Board's or sub-group's deliberations shall not be divulged if, in the opinion of the Commission, that information relates to confidential matters.

⁽¹⁾ OJ L 400, 30.12.2006, p. 86.

6. The Board and its sub-groups shall normally meet on Commission premises in accordance with the procedures and schedule established by it. The Commission shall provide secretarial services. Other Commission officials with an interest in the proceedings may attend meetings of the Board and its sub-groups.

7. The Board shall adopt its rules of procedure on the basis of the standard rules of procedure adopted by the Commission.

8. The Commission may publish on the Internet, in the original language of the document concerned, any summary, conclusion, or partial conclusion or working document of the Board.

Article 6

Meeting expenses

1. The Commission shall reimburse travel and, where appropriate, subsistence expenses for members, experts and observers in connection with the Board's activities in accordance with the Commission's rules on the compensation of external experts.

2. The Board members, experts and observers shall not be remunerated for the services they render.

3. Meeting expenses shall be reimbursed within the limits of the annual budget allocated to the Board by the responsible Commission departments.

Article 7

Entry into force and applicability

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

It shall apply until 31 December 2011.

Done at Brussels, 5 February 2010.

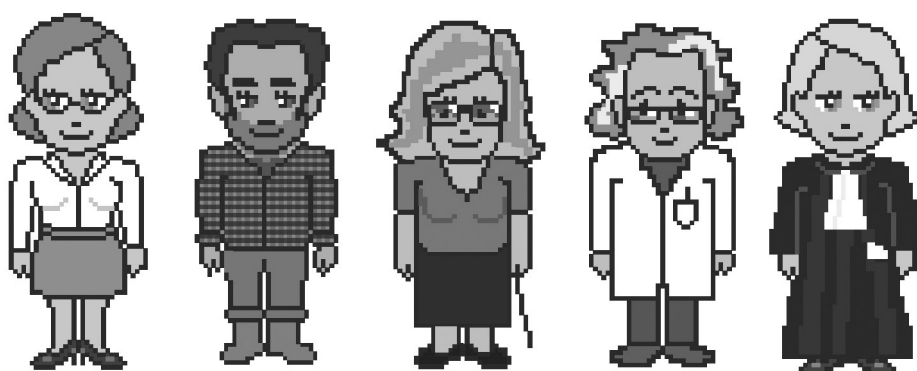
For the Commission

The President

José Manuel BARROSO

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