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⁽¹⁾ Text with EEA relevance

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⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

REGULATIONS

COMMISSION REGULATION (EU) No 316/2010

of 16 April 2010

entering a name in the register of protected designations of origin and protected geographical indications (Pommes des Alpes de Haute Durance (PGI))

THE EUROPEAN COMMISSION,

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 first subparagraph of Article 7(4) thereof,

Whereas:

- (1) Pursuant to the first subparagraph of Article 6(2) and in accordance with Article 17(2) of Regulation (EC) No 510/2006, France's application to register the name 'Pommes des Alpes de Haute Durance' was published in the *Official Journal of the European Union* ⁽²⁾.

- (2) As no statement of objection under Article 7 of Regulation (EC) No 510/2006 has been received by the Commission, that name should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name contained in the Annex to this Regulation is hereby entered in the register.

*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, 16 April 2010.

*For the Commission**The President*

José Manuel BARROSO

⁽¹⁾ OJ L 93, 31.3.2006, p. 12.⁽²⁾ OJ C 199, 25.8.2009, p. 19.

ANNEX

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

Class 1.6. Fruit, vegetables and cereals, fresh or processed

FRANCE

Pommes des Alpes de Haute Durance (PGI)

COMMISSION REGULATION (EU) No 317/2010**of 16 April 2010****adopting the specifications of the 2011 ad hoc module on employment of disabled people for the labour force sample survey provided for by Council Regulation (EC) No 577/98****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 577/98 of 9 March 1998 on the organisation of a labour force sample survey in the Community ⁽¹⁾, and in particular Article 4(2) thereof,

Whereas:

- (1) The United Nations Convention on the Rights of Persons with Disabilities (hereinafter referred to as 'the UN Convention'), signed by the European Community and all its Member States, lays down in its Article 31 on statistics and data collection that State Parties undertake to collect appropriate information, including statistical and research data to enable them to formulate and implement policies to give effect to the UN Convention including the provisions in Article 27 related to work and employment.
- (2) In its Resolution of 17 March 2008 on the situation of persons with disabilities in the European Union ⁽²⁾, the Council underlines that disability statistics are needed to establish a picture of the overall situation of persons with disabilities in Europe and that such statistical and research data allow informed disability policies to be formulated and implemented at the different levels of governance. The Council calls upon the Member States and the Commission, in accordance of their respective competences, to ensure that works begin on a European disability strategy to succeed the current European Disability Action Plan 2004-2010 including by assessing how national actions reflect the commitments made by the European Community and the Member States to fully implement the UN Convention at

European level, considering setting consistent and comparable national targets to that end.

- (3) A comprehensive and comparable set of data on employment of persons with disabilities is needed in order to monitor progress towards the implementation of Article 27 of the UN Convention and the objectives of the European Employment Strategy, the European Disability Strategy as well as to measure the evolution of labour market participation of persons with disabilities.
- (4) Commission Regulation (EC) No 365/2008 of 23 April 2008 adopting the programme of ad hoc modules, covering the years 2010, 2011 and 2012, for the labour force sample survey provided for by Council Regulation (EC) No 577/98 ⁽³⁾ includes an ad hoc module on employment of disabled people. The list of variables for this module should be defined.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the European Statistical System Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The detailed list of variables to be collected in 2011 by the ad hoc module on employment of disabled people shall be as set out in the Annex.

*Article 2*This Regulation shall enter into force on the seventh 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, 16 April 2010.

*For the Commission**The President*

José Manuel BARROSO

⁽¹⁾ OJ L 77, 14.3.1998, p. 3.⁽²⁾ OJ C 75, 26.3.2008, p. 1.⁽³⁾ OJ L 112, 24.4.2008, p. 22.

ANNEX

LABOUR FORCE SAMPLE SURVEY

Specifications of the 2011 ad hoc module on employment of disabled people

1. Member States and regions concerned: all.
2. The variables shall be coded as follows:

The codes for the variables of the Labour Force Sample Survey in the column 'Filter' refer to Annex III to Commission Regulation (EC) No 377/2008 of 25 April 2008 implementing Council Regulation (EC) No 577/98 on the organisation of a labour force sample survey in the Community as regards the codification to be used for data transmission from 2009 onwards, the use of a sub-sample for the collection of data on structural variables and the definition of the reference quarters ⁽¹⁾.

Name	Column	Code	Description	Filter
HEALTHMA	197-198		Type of longstanding health condition or disease (code first main type)	Everybody aged 15 to 64
		01	Problems with arms or hands (which includes arthritis or rheumatism)	
		02	Problems with legs or feet (which includes arthritis or rheumatism)	
		03	Problems with back or neck (which includes arthritis or rheumatism)	
		04	Cancer	
		05	Skin conditions, including allergic reactions and severe disfigurement	
		06	Heart, blood pressure or circulation problems	
		07	Chest or breathing problems, including asthma and bronchitis	
		08	Stomach, liver, kidney or digestive problems	
		09	Diabetes	
		10	Epilepsy (include fits)	
		11	Severe headache such as migraine	
		12	Learning difficulties (reading, spelling or math disability)	
		13	Chronic anxiety	
		14	Depression	
		15	Other mental, nervous or emotional problems	
		16	Other progressive illnesses (which include multiple sclerosis, HIV, Alzheimer's disease, Parkinson's disease)	
		17	Other longstanding health problems	
		18	No longstanding health conditions or diseases	

⁽¹⁾ OJ L 114, 26.4.2008, p. 57.

Name	Column	Code	Description	Filter
HEALTHSE	199-200	99	Not applicable (not included in the filter)	Everybody aged 15 to 64 and HEALTHMA = 1-17
		Blank	No answer	
			Type of longstanding health condition or disease (code second main type)	
		01	Problems with arms or hands (which includes arthritis or rheumatism)	
		02	Problems with legs or feet (which includes arthritis or rheumatism)	
		03	Problems with back or neck (which includes arthritis or rheumatism)	
		04	Cancer	
		05	Skin conditions, including allergic reactions and severe disfigurement	
		06	Heart, blood pressure or circulation problems	
		07	Chest or breathing problems, including asthma and bronchitis	
		08	Stomach, liver, kidney or digestive problems	
		09	Diabetes	
		10	Epilepsy (include fits)	
		11	Severe headache such as migraine	
		12	Learning difficulties (reading, spelling or math disability)	
		13	Chronic anxiety	
		14	Depression	
		15	Other mental, nervous or emotional problems	
		16	Other progressive illnesses (which include multiple sclerosis, HIV, Alzheimer's disease, Parkinson's disease)	
		17	Other longstanding health problems	
		18	No other longstanding health conditions or diseases	
DIFFICMA	201-202	99	Not applicable (not included in the filter)	Everybody aged 15 to 64
		Blank	No answer	
			First basic activity difficulty (code the most important difficulty)	
		01	Seeing, even if wearing glasses	
		02	Hearing, even if using a hearing aid	

Name	Column	Code	Description	Filter
DIFFICSE	203-204	03	Walking, climbing steps	Everybody aged 15 to 64 and DIFFICMA = 1-10
		04	Sitting or standing	
		05	Remembering, concentrating	
		06	Communicating, for example understanding or being understood	
		07	Reaching or stretching	
		08	Lifting and carrying	
		09	Bending	
		10	Holding, gripping, or turning	
		11	None	
		99	Not applicable (not included in the filter)	
		Blank	No answer	
			Second basic activity difficulty (code the second most important difficulty)	
		01	Seeing, even if wearing glasses	
		02	Hearing, even if using a hearing aid	
		03	Walking, climbing steps	
		04	Sitting or standing	
		05	Remembering, concentrating	
		06	Communicating, for example understanding or being understood	
		07	Reaching or stretching	
		08	Lifting and carrying	
LIMHOURS	205	09	Bending	Everybody aged 15 to 64 and (HEALTHMA = 1-17 or DIFFICMA = 1-10)
		10	Holding, gripping, or turning	
		11	None	
		99	Not applicable (not included in the filter)	
		Blank	No answer	
			The health condition(s) or disease(s) or difficulty(ies) cause(s) the person's limitation in the number of hours that he/she can work in a week	
		1	Yes, the health condition(s) or disease(s)	
		2	Yes, the activity difficulty(ies)	

Name	Column	Code	Description	Filter
LIMTYPEW	206	3	Yes, both, the health condition(s)/disease(s) and the activity difficulty(ies)	Everybody aged 15 to 64 and (HEALTHMA = 1-17 or DIFFICMA = 1-10)
		4	No	
		9	Not applicable (not included in the filter)	
		Blank	No answer	
			The health condition(s) or disease(s) or difficulty(ies) cause(s) the person's limitation in the type of work (for instance, having problems in carrying heavy loads, working outdoors, sitting for a long time) that he/she can do	
		1	Yes, the health condition(s) or disease(s)	
		2	Yes, the activity difficulty(ies)	
		3	Yes, both, the health condition(s)/disease(s) and the activity difficulty(ies)	
		4	No	
		9	Not applicable (not included in the filter)	
LIMTRANS	207	Blank	No answer	Everybody aged 15 to 64 and (HEALTHMA = 1-17 or DIFFICMA = 1-10)
			The health condition(s) or disease(s) or difficulty(ies) cause(s) the person's limitation in getting to and from work	
		1	Yes, the health condition(s) or disease(s)	
		2	Yes, the activity difficulty(ies)	
		3	Yes, both, the health condition(s)/disease(s) and the activity difficulty(ies)	
		4	No	
		9	Not applicable (not included in the filter)	
		Blank	No answer	
			Because of the health condition(s)/disease(s) or activity difficulty(ies) the person needs (not employed persons)/uses (employed persons) personal assistance to enable him/her to work	
		1	Yes	
NEEDHELP	208	2	No	Everybody aged 15 to 64 and (HEALTHMA = 1-17 or DIFFICMA = 1-10)
		9	Not applicable (not included in the filter)	
		Blank	No answer	
			Because of the health condition(s)/disease(s) or activity difficulty(ies) the person needs (not employed persons)/uses (employed persons) personal assistance to enable him/her to work	
		1	Yes	

Name	Column	Code	Description	Filter
NEEDADAP	209		Because of the health condition(s)/disease(s) or activity difficulty(ies) the person needs (not employed persons)/uses (employed persons) special equipment or needs (not employed persons)/has (employed persons) workplace adaptations to enable him/her to work	Everybody aged 15 to 64 and (HEALTHMA = 1-17 or DIFFICMA = 1-10)
		1	Yes	
		2	No	
		9	Not applicable (not included in the filter)	
		Blank	No answer	
NEEDORGA	210		Because of the health condition(s)/disease(s) or activity difficulty(ies) the person needs (not employed persons)/has (employed persons) special working arrangements to enable him/her to work (such as, sedentary jobs, teleworking, flexible hours or less strenuous work)	Everybody aged 15 to 64 and (HEALTHMA = 1-17 or DIFFICMA = 1-10)
		1	Yes	
		2	No	
		9	Not applicable (not included in the filter)	
		Blank	No answer	
LIMREAS	211-212		Main reason for limitation in work (number of hours, type, getting to and from work) that is not caused by the longstanding health conditions/diseases or basic activity difficulties	Everybody aged 15 to 64
		01	Lack of qualifications/experience	
		02	Lack of appropriate job opportunities	
		03	Lack or poor transportation to and from workplace	
		04	Employers' lack of flexibility	
		05	Affects receipt of benefits	
		06	Family/caring responsibilities	
		07	Personal reasons	
		08	Other reason	
		09	No limitation in work	
		99	Not applicable (not included in the filter)	
		Blank	No answer	

Name	Column	Code	Description	Filter
	213/218		Weighting factor for the 2010 ad hoc module (optional)	Everybody aged 15 to 64
		0000-9999	Columns 213-216 contain whole numbers	
		00-99	Columns 217-218 contain decimal places	

COMMISSION REGULATION (EU) No 318/2010**of 16 April 2010****amending for the 124th 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 EUROPEAN COMMISSION,

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

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 Article 7(1)(a) 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 29 March 2010 the Sanctions Committee of the United Nations Security Council decided to remove one natural person from its list of persons, groups and entities to whom the freezing of funds and economic resources should apply.

- (3) Annex I should therefore be updated 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, 16 April 2010.

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

João VALE DE ALMEIDA
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 entry under the heading 'Natural persons' is deleted:

'Azahari **Husin**. Title: Dr. Address: Taman Sri Pulai, Johor, Malaysia. Date of birth: 14.9.1957. Place of birth: Negeri Sembilan, Malaysia. Nationality: Malaysian. Passport No: A 11512285. National identification No: 570914-05-5411. Other information: Reportedly deceased in 2005. Date of designation referred to in Article 2a(4)(b): 9.9.2003.'

COMMISSION REGULATION (EU) No 318/2010**of 16 April 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 17 April 2010.

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

Done at Brussels, 16 April 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	JO	87,5
	MA	80,1
	TN	109,3
	TR	111,1
	ZZ	97,0
0707 00 05	MA	93,5
	TR	124,4
	ZZ	109,0
0709 90 70	MA	49,0
	TR	99,2
	ZZ	74,1
0805 10 20	EG	51,1
	IL	52,2
	MA	52,7
	TN	56,0
	TR	64,0
	ZZ	55,2
0805 50 10	EG	66,0
	TR	60,3
	ZA	64,4
	ZZ	63,6
0808 10 80	AR	90,3
	BR	85,3
	CA	111,7
	CL	85,8
	CN	86,7
	MK	22,1
	NZ	105,3
	US	135,1
	UY	72,5
	ZA	81,8
0808 20 50	ZZ	87,7
	AR	87,4
	CL	86,3
	CN	50,4
	ZA	105,4
	ZZ	82,4

⁽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 16 April 2010

amending Decision 2006/415/EC as regards certain protection measures in relation to an outbreak of highly pathogenic avian influenza of the subtype H5N1 in poultry in Romania

(notified under document C(2010) 2348)

(Text with EEA relevance)

(2010/218/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽¹⁾, and in particular Article 9(4) thereof,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽²⁾, and in particular Article 10(4) thereof,

Having regard to Regulation (EC) No 998/2003 of the European Parliament and of the Council of 26 May 2003 on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC ⁽³⁾, and in particular the first paragraph of Article 18 thereof,

Having regard to Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian influenza and repealing Directive 92/40/EEC ⁽⁴⁾, and in particular Article 63(3) thereof,

Whereas:

- (1) Commission Decision 2006/415/EC of 14 June 2006 concerning certain protection measures in relation to highly pathogenic avian influenza of the subtype H5N1 in poultry in the Community ⁽⁵⁾ lays down certain protection measures to be applied in order to prevent the spread of that disease, including the establishment of areas A and B following a suspected or confirmed outbreak of the disease. Those areas are listed in the table set out in the Annex to that Decision.

- (2) Following a confirmed outbreak of highly pathogenic avian influenza of subtype H5N1 in Romania, that Member State took protection measures pursuant to Decision 2006/415/EC, including the establishment of areas A and B, as provided for in Article 4 of that Decision.
- (3) Commission Decision 2010/158/EU of 16 March 2010 concerning certain interim protective measures in relation to highly pathogenic avian influenza of subtype H5N1 in poultry in Romania ⁽⁶⁾ was adopted following an outbreak of that disease in Romania. That Decision defines the areas within which the protection measures provided for in Decision 2006/415/EC are to apply and the period of application of those measures.
- (4) Those interim protective measures have now been reviewed within the framework of the Standing Committee on the Food Chain and Animal Health.
- (5) A further outbreak has been confirmed since the adoption of Decision 2010/158/EU within an area already subject to the interim protective measures thereof. Therefore, it is appropriate to take that new outbreak into account in the definition of the size of Area A and of the period of application of the protective measures which should now be confirmed.
- (6) The Annex to Decision 2006/415/EC should therefore be amended accordingly.
- (7) In the interests of clarity of Union legislation, Decision 2010/158/EU should be expressly repealed.
- (8) 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 2006/415/EC is replaced by the text in the Annex to this Decision.

⁽¹⁾ OJ L 395, 30.12.1989, p. 13.

⁽²⁾ OJ L 224, 18.8.1990, p. 29.

⁽³⁾ OJ L 146, 13.6.2003, p. 1.

⁽⁴⁾ OJ L 10, 14.1.2006, p. 16.

⁽⁵⁾ OJ L 164, 16.6.2006, p. 51.

⁽⁶⁾ OJ L 67, 17.3.2010, p. 10.

Article 2

Decision 2010/158/EU is repealed.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 16 April 2010.

For the Commission

John DALLI

Member of the Commission

ANNEX

'ANNEX

PART A

Area A as established in accordance with Article 4(2):

ISO country code	Member State	Area A		Date until applicable in accordance with Article 4(4)(b)(iii)
		Code (if available)	Name	
RO	Romania	00038	Area comprising:	17.4.2010
			Protection zone: Letea	
			Surveillance zone: C.A. Rosetti Sfiștofca Cardon	
RO	Romania	00038	Protection zone: Plauru	27.4.2010

PART B

Area B as established in accordance with Article 4(2):

ISO country code	Member State	Area B		Date until applicable in accordance with Article 4(4)(b)(iii)
		Code (if available)	Name	
RO	Romania	00038	The areas of the county of Tulcea other than those listed in Part A	27.4.2010'

COMMISSION DECISION

of 16 April 2010

repealing Decision 2006/236/EC on special conditions governing fishery products imported from Indonesia and intended for human consumption

*(notified under document C(2010) 2354)***(Text with EEA relevance)**

(2010/219/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries ⁽¹⁾, and in particular Article 22(6) thereof,

Having regard to Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety ⁽²⁾, and in particular Article 53(1)(b) thereof,

Whereas:

- (1) Commission Decision 2006/236/EC of 21 March 2006 on special conditions governing fishery products imported from Indonesia and intended for human consumption ⁽³⁾ was adopted as the result of the European Commission inspection visits to Indonesia, which revealed serious shortcomings as regards hygiene in the handling of fishery products in that third country.
- (2) Decision 2006/236/EC was amended by Commission Decision 2008/660/EC ⁽⁴⁾ which lifted requirement to test fishery products originating from Indonesia for the presence of histamine and heavy metals in aquaculture products.
- (3) Decision 2006/236/EC provides that Member States are to ensure that each consignment of fishery products other than aquaculture origin imported from Indonesia undergoes the necessary tests to make sure that the products do not exceed certain maximum levels for heavy metals.

(4) Decision 2006/236/EC also provides that that Decision is to be reviewed on the basis of the guarantees provided by the competent Indonesian authorities and on the basis of the results of the tests carried out by the Member States.

(5) The results of the tests carried out by the Member States on fishery products imported from Indonesia are favourable as regards heavy metals. In addition, Indonesia has now provided the Commission with the appropriate guarantees. It is therefore no longer necessary to test each consignment of fishery products for heavy metals.

(6) Decision 2006/236/EC should therefore be repealed accordingly.

(7) 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

Decision 2006/236/EC is hereby repealed.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 16 April 2010.

For the Commission

John DALLI

Member of the Commission

⁽¹⁾ OJ L 24, 30.1.1998, p. 9.

⁽²⁾ OJ L 31, 1.2.2002, p. 1.

⁽³⁾ OJ L 83, 22.3.2006, p. 16.

⁽⁴⁾ OJ L 215, 12.8.2008, p. 6.

COMMISSION DECISION

of 16 April 2010

on emergency measures applicable to consignments of farmed fishery products imported from Indonesia and intended for human consumption*(notified under document C(2010) 2358)***(Text with EEA relevance)**

(2010/220/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety ⁽¹⁾, and in particular Article 53(1)(b)(ii) thereof,

Whereas:

- (1) The results of a Commission inspection to Indonesia in November 2009 have revealed shortcomings as regards the residue control system in aquaculture animals and farmed fishery products and a lack of appropriate laboratory facilities capacity for detecting residues of certain pharmacologically active substances in aquaculture animals and farmed fishery products as required by Council Directive 96/23/EC of 29 April 1996 on measures to monitor certain substances and residues thereof in live animals and animal products and repealing Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC ⁽²⁾ and Commission Decision 2002/657/EC of 14 August 2002 implementing Council Directive 96/23/EC concerning the performance of analytical methods and the interpretation of results ⁽³⁾.
- (2) As a result there is a risk that farmed fishery products intended for human consumption imported from Indonesia contain residues of certain pharmacologically active substances used to combat diseases or to enhance production in aquaculture animals that are harmful to human health. These substances are in particular: chloramphenicol, nitrofurans, and tetracyclines. Measures should therefore be taken to mitigate that risk. The measures should be proportional and not restrict trade more than necessary in order to achieve a high level of consumer protection.

- (3) If a significant portion of the aquaculture products imported from Indonesia undergoes mandatory testing

for relevant residues before they are placed on the market, this will reduce the risk that consignments containing residues are placed on the market, produce more precise information on the actual contamination of Indonesian fishery products with residues and will deter producers in Indonesia misuse of substances.

- (4) It is necessary to set uniform testing requirements for the importation of the consignments of farmed fishery products from Indonesia at a defined minimum level because the products may be imported via several Member States.
- (5) Member States are requested to report to the Commission the detection of the presence of pharmacologically active substances not authorised for use in food producing animals by Regulation (EC) No 470/2009 of the European Parliament and of the Council ⁽⁴⁾ or residues of pharmacologically active substances of a levels that exceeds the maximum residue limits established according to Regulation (EC) No 470/2009 via Rapid Alert System set up by Regulation (EC) No 178/2002 and regularly submit reports of all tests to provide the Commission with the necessary information to consider whether it is necessary to maintain or modify this interim measure in the light of the information provided.
- (6) 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

This Decision shall apply to the importation of consignments of farmed fishery products from Indonesia intended for human consumption.

Article 2

1. Member States shall, by using appropriate sampling plans, ensure that samples are taken from at least 20 % of the consignments referred to in Article 1 presented for import at Border Inspection Posts on their territory.

⁽¹⁾ OJ L 31, 1.2.2002, p. 1.

⁽²⁾ OJ L 125, 23.5.1996, p. 10.

⁽³⁾ OJ L 221, 17.8.2002, p. 8.

⁽⁴⁾ OJ L 152, 16.6.2009, p. 11.

2. The samples taken pursuant to paragraph 1 shall undergo analytical tests for the detection of residues of pharmacologically active substances defined in Article 2(a) of Regulation (EC) No 470/2009, and in particular of chloramphenicol, metabolites of nitrofurans and tetracyclines (at least tetracycline, oxytetracycline and chlortetracycline).

Article 3

The consignments from which samples have been taken pursuant to Article 2(1) shall be kept under official detention by the competent authority of the Member State concerned, until analytical tests have been completed. Those consignments may be placed on the market only if the results of the analytical tests confirm the compliance of the consignments with Regulation (EC) No 470/2009.

Article 4

1. Member States shall immediately inform the Commission of the results of the analytical tests if those tests reveal:

- (a) the presence of any pharmacologically active substances classified in accordance with Article 14(2)(a), (b) or (c) of Regulation (EC) No 470/2009 at a levels exceeding the maximum residue limit established pursuant to that Regulation; or
- (b) the presence of pharmacologically active substances not classified in accordance with Article 14(2)(a), (b) or (c) of Regulation (EC) No 470/2009 except where a reference point for action has been set for that substance pursuant to this Regulation or Commission Decision 2002/657/EC of 12 August 2002 implementing Council Directive 96/23/EC concerning the performance of analytical methods and the

interpretation of results ⁽¹⁾ and the level of residues does not equal or exceed that reference point for action.

The results of those tests shall be sent to the Commission via the rapid alert system set up by Regulation (EC) No 178/2002.

2. Member States shall prepare every three months a report giving account of all the results of all analytical tests carried out in the previous three months on consignments of farmed fishery products from Indonesia intended for human consumption.

Those reports shall be submitted to the Commission during the month following each period, in April, July, October, and January.

Article 5

All expenditure incurred in the application of this Decision shall be charged to the consignor, the consignee or the agent of either.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 16 April 2010.

For the Commission

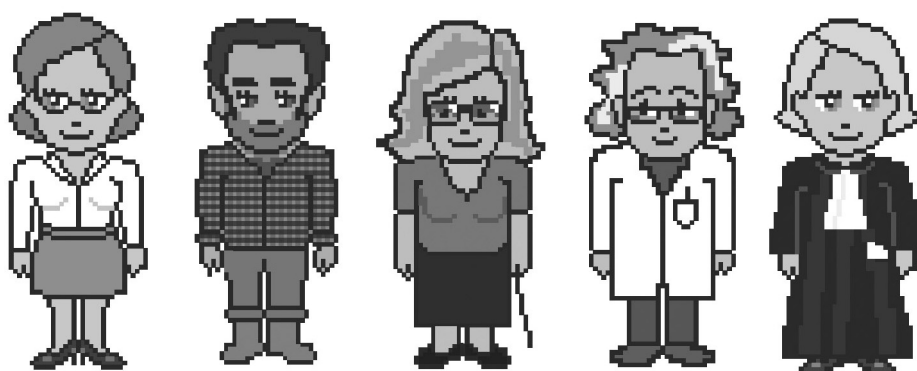
John DALLI

Member of the Commission

⁽¹⁾ OJ L 221, 17.8.2002, p. 8.

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