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⁽¹⁾ Text with EEA relevance

EN

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

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II

(Non-legislative acts)

REGULATIONS

COMMISSION REGULATION (EU) No 573/2010

of 30 June 2010

amending Regulation (EU) No 185/2010 laying down detailed measures for the implementation of the common basic standards on aviation security**(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 300/2008 of the European Parliament and of the Council of 11 March 2008 establishing common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002 ⁽¹⁾ and in particular Article 4(3) thereof,

Whereas:

- (1) In accordance with Article 4(3) of Regulation (EC) No 300/2008 the Commission should adopt detailed measures for the implementation of common basic standards referred to in Article 4(1) and of general measures supplementing common basic standards referred to in Article 4(2) of that Regulation.
- (2) If they contain sensitive security measures, these measures should be regarded as EU classified information within the meaning of Commission Decision 2001/844/EC, ECSC, Euratom of 29 November 2001 amending internal rules of procedure ⁽²⁾, as provided for by Article 18 point (a) of Regulation (EC) No 300/2008 and should therefore not be published. These measures should be adopted separately, by means of a Decision addressed to the Member States.
- (3) Regulation (EC) No 300/2008 shall apply in full as from the date specified in the implementing rules adopted in accordance with the procedures referred to in Article 4(2) and 4(3) of that Regulation but not later than 29 April

2010. This Regulation should therefore apply as from 29 April 2010 in order to harmonise the application of Regulation (EC) No 300/2008 and its implementing acts.

- (4) Commission Regulations (EC) No 1217/2003 of 4 July 2003 laying down common specifications for national civil aviation security quality control programmes ⁽³⁾, (EC) No 1486/2003 of 22 August 2003 laying down procedures for conducting Commission inspections in the field of civil aviation security ⁽⁴⁾, (EC) No 1138/2004 of 21 June 2004 establishing a common definition of critical parts of security restricted areas at airports ⁽⁵⁾ and (EC) No 820/2008 of 8 August 2008 laying down measures for the implementation of the common basic standards on aviation security ⁽⁶⁾, which all implemented Regulation (EC) No 2320/2002 of the European Parliament and of the Council of 16 December 2002 establishing common rules in the field of civil aviation security ⁽⁷⁾ should therefore be repealed.
- (5) Article 18 of Regulation (EC) No 300/2008 permits that, notwithstanding the general rule that the Commission shall publish measures that have a direct impact on passengers, certain measures containing aviation security sensitive information may be classified in accordance with Commission Decision 2001/844/EC, ECSC, Euratom of 29 November 2001 amending internal rules of procedure, and not published. These measures should be adopted separately, by means of a Decision addressed to Member States. The part of the Decision which contains security sensitive measures and procedures should not be published and should be made available only to those operators and entities with legitimate interest. Such measures include, in particular,

⁽¹⁾ OJ L 97, 9.4.2008, p. 72.⁽²⁾ OJ L 317, 3.12.2001, p. 1.⁽³⁾ OJ L 169, 8.7.2003, p. 44.⁽⁴⁾ OJ L 213, 23.8.2003, p. 3.⁽⁵⁾ OJ L 221, 22.6.2004, p. 6.⁽⁶⁾ OJ L 221, 19.8.2008, p. 8.⁽⁷⁾ OJ L 355, 30.12.2002, p. 1.

certain detailed procedures and exemptions there from, concerning the way aircrafts, vehicles, persons, baggage, mail and cargo are controlled when entering or within security restricted areas as well as the technical specifications for screening equipment.

- (6) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Civil Aviation Security set up by Article 19(1) of Regulation (EC) No 300/2008,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down detailed measures for the implementation of common basic standards for safeguarding civil aviation against acts of unlawful interference that jeopardise the security of civil aviation and general measures supplementing the common basic standards.

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

Done at Brussels, 30 June 2010.

Article 2

Implementation rules

1. The measures referred to in Article 1 are set out in the Annex.

2. In accordance with Article 10(1) of Regulation (EC) No 300/2008, national civil aviation security programmes shall take appropriate account of this Regulation.

Article 3

Entry into force

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

For the Commission

The President

José Manuel BARROSO

ANNEX

The Annex to Regulation (EU) No 185/2010 ⁽¹⁾ is amended as follows:

A. In Chapter 4, point 4.1.1.2 (c) is added:

‘(c) explosive detection dogs in combination with point (a).’

B. In Chapter 4, point 4.1.1.9 is added:

‘4.1.1.9 Explosive detection dogs may only be used as a supplementary means of screening.’

C. In Chapter 4, point 4.1.2.3 (d) is added:

‘(d) explosive detection dogs in combination with point (a).’

D. In Chapter 5, point 5.1.1 (e) is added:

‘(e) explosive detection dogs.’

E. In Chapter 12, point 9 is added:

‘12.9. EXPLOSIVE DETECTION DOGS

12.9.1. **General Principles**

12.9.1.1. An explosive detection dog (EDD) shall be able to detect and indicate specified and higher individual quantities of explosive material.

12.9.1.2. The detection shall be independent of the shape, position or orientation of the explosive materials.

12.9.1.3. An EDD shall give an alarm, in the form of a passive response, when it detects explosive materials set in Attachment 12-D of a separate Commission Decision.

12.9.1.4. An EDD and its handler can be used for screening if they both have been approved independently and in combination as a team.

12.9.1.5. An EDD and its handler shall be subject to initial and recurrent training to ensure that required competencies are learned and maintained and, where appropriate, new competencies are learned.

12.9.1.6. In order to be approved, an EDD team, consisting of an EDD and handler(s), shall have successfully passed a training course.

12.9.1.7. An EDD team shall be approved by or on behalf of the appropriate authority in accordance with the Attachment 12-E and 12-F of a separate Commission Decision.

12.9.1.8. After approval by the appropriate authority, an EDD team may be used for security screening by use of free running or remote explosive scent tracing method.

12.9.2. **Standards for EDD**

12.9.2.1. The performance requirements for an EDD are laid down in Attachment 12-D of a separate Commission Decision.

12.9.2.2. An EDD team used for the screening of persons, cabin baggage, items carried by persons other than passengers, vehicles, aircraft, in-flight supplies and airport supplies, and security restricted areas of an airport shall meet detection **standard 1**.

12.9.2.3. An EDD team used for the screening of hold baggage, air carrier mail, air carrier materials, cargo and mail shall meet detection **standard 2**.

12.9.2.4. An EDD team approved to detect explosive materials using the remote explosive scent tracing method may only be used in screening of cargo, but no other areas included in **standard 2**.

12.9.2.5. An EDD used for screening of explosive materials shall be fitted with appropriate means to allow for the unique identification of the EDD.

⁽¹⁾ OJ L 55, 5.3.2010, p. 1.

12.9.2.6. When performing explosive detection duties, an EDD shall always be accompanied by the handler who is approved to work with the EDD.

12.9.2.7. An EDD approved for free running method shall only have one handler. One handler may be approved for leading a maximum of two EDDs.

12.9.2.8. An EDD approved for remote explosive scent tracing method shall be led by a maximum of two handlers per EDD.

12.9.3. **Training requirements**

General training obligations

12.9.3.1. The training of an EDD team shall include theoretical, practical and on-the-job training elements.

12.9.3.2. The content of training courses shall be specified or approved by the appropriate authority.

12.9.3.3. The training shall be conducted by or on behalf of the appropriate authority using instructors qualified according to point 11.5 of the Annex to Regulation (EU) No 185/2010.

12.9.3.4. Dogs to be trained for explosive detection shall be single purpose dogs.

12.9.3.5. During training, training aids representing explosive materials shall be used.

12.9.3.6. Training shall be provided to any persons handling the training aids so as to prevent contamination.

Initial training for EDD Teams

12.9.3.7. An EDD team shall be subject to initial training which shall be based on the criteria laid down in point 12.9.3 of a separate Commission Decision.

12.9.3.8. Initial training for EDD team shall include practical training in the intended work environment.

Recurrent training for EDD Teams

12.9.3.9. An EDD and the handler shall be subject to recurrent training requirements, both individually and in combination as a team.

12.9.3.10. Recurrent training shall maintain the existing competencies as required by the initial training and those acquired in line with security developments.

12.9.3.11. Recurrent training for an EDD team shall be performed at intervals of at least every 6 weeks. The minimum duration of the re-current training shall be no less than 4 hours in any 6 week period.

12.9.3.12. Point 11 shall not apply in the case where an EDD is subject to recognition training of all materials listed in Attachment 12-D of a separate Commission Decision on at least a weekly basis.

Training records for EDD Teams

12.9.3.13. The records of both initial and recurrent training shall be kept for both the EDD and its handler for at least the duration of their contract of employment and they shall be made available to the appropriate authority upon request.

Operational Training for EDD Teams

12.9.3.14. When EDD is deployed in the screening duties, the EDD shall be subject to operational training to ensure that it meets the performance set in Attachment 12-D of a separate Commission Decision.

12.9.3.15. Operational training shall be done on a continuous random basis during the deployment period, and shall measure EDD's detection performance by means of approved training aids.

12.9.4. **Approval Procedures**

12.9.4.1. The approval procedure shall ensure that the following competencies are measured:

(a) ability of the EDD to meet the detection performance laid down in the Attachment 12-D of a separate Commission Decision;

(b) ability of the EDD to give a passive indication on the presence of explosive materials;

(c) ability of the EDD and its handler(s) to work effectively as a team; and

(d) ability of the handler to correctly lead the EDD, interpret and respond appropriately to the EDD's reaction to the presence of an explosive material.

- 12.9.4.2. The approval procedure shall simulate each of the work areas in which the EDD team shall work.
- 12.9.4.3. The EDD team shall have successfully completed training in each area for which the approval is sought.
- 12.9.4.4. The approval procedures shall be carried out in accordance with the Attachments 12-E and 12-F of a separate Commission Decision.
- 12.9.4.5. The validity of each approval period shall not be longer than 12 months.
- 12.9.5. **Quality Control**
- 12.9.5.1. The EDD team shall be subject to quality control measures set out in the Attachment 12-G of a separate Commission Decision.
- 12.9.6. **Methodology of Screening**
- Further, detailed requirements are contained in a separate Commission Decision.'
-

COMMISSION REGULATION (EU) No 574/2010

of 30 June 2010

amending Regulation (EC) No 1126/2008 adopting certain international accounting standards in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council as regards International Financial Reporting Standard (IFRS) 1 and IFRS 7

(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 1606/2002 of the European Parliament and of the Council of 19 July 2002 on the application of international accounting standards ⁽¹⁾, and in particular Article 3(1) thereof,

Whereas:

- (1) By Commission Regulation (EC) No 1126/2008 ⁽²⁾ certain international standards and interpretations that were in existence at 15 October 2008 were adopted.
- (2) On 28 January 2010, the International Accounting Standards Board (IASB) published an amendment to International Financial Reporting Standard (IFRS) 1 *Limited Exemption from Comparative IFRS 7 Disclosures for First-time adopters*, hereinafter 'amendment to IFRS 1'. Realising that the relief regarding restatement of comparative disclosures in IFRS 7 concerning fair value measurements and liquidity risk if those comparative periods end before 31 December 2009 is not available to entities that apply IFRS for the first time, the aim of the amendment to IFRS 1 is to provide for an optional relief for those entities.
- (3) The consultation with the Technical Expert Group (TEG) of the European Financial Reporting Advisory Group (EFRAG) confirms that the amendment to IFRS 1 meets the technical criteria for adoption set out in Article 3(2) of Regulation (EC) No 1606/2002. In accordance with Commission Decision 2006/505/EC of 14 July 2006 setting up a Standards Advice Review Group to advise the Commission on the objectivity and neutrality of the European Financial Reporting Advisory Group's (EFRAG's) opinions ⁽³⁾, the Standards Advice Review Group considered EFRAG's opinion on endorsement and advised the Commission that it is well-balanced and objective.

(4) The adoption of the amendment to IFRS 1 implies, by way of consequence, amendments to International Financial Reporting Standard (IFRS) 7 in order to ensure consistency between international accounting standards.

(5) Regulation (EC) No 1126/2008 should therefore be amended accordingly.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Accounting Regulatory Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 1126/2008 is amended as follows:

1. International Financial Reporting Standard (IFRS) 1 is amended as set out in the Annex to this Regulation;
2. IFRS 7 is amended as set out in the Annex to this Regulation.

Article 2

Each company shall apply the amendments to IFRS 1 and IFRS 7, as set out in the Annex to this Regulation, at the latest, as from the commencement date of its first financial year starting after 30 June 2010.

*Article 3*This Regulation shall enter into force on the third 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, 30 June 2010.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 243, 11.9.2002, p. 1.⁽²⁾ OJ L 320, 29.11.2008, p. 1.⁽³⁾ OJ L 199, 21.7.2006, p. 33.

ANNEX

INTERNATIONAL ACCOUNTING STANDARDS

IFRS 1	Amendment to IFRS 1 <i>Limited Exemption from Comparative IFRS 7 Disclosures for First-time adopters</i>
IFRS 7	Amendment to IFRS 7 <i>Financial Instruments: Disclosures</i>

LIMITED EXEMPTION FROM COMPARATIVE IFRS 7 DISCLOSURES FOR FIRST-TIME ADOPTERS

(Amendment to IFRS 1)

Amendment to IFRS 1***First-time Adoption of International Financial Reporting Standards***

Paragraph 39C is added.

EFFECTIVE DATE

39C *Limited Exemption from Comparative IFRS 7 Disclosures for First-time Adopters*, (Amendment to IFRS 1) issued in January 2010, added paragraph E3. An entity shall apply that amendment for annual periods beginning on or after 1 July 2010. Earlier application is permitted. If an entity applies the amendment for an earlier period, it shall disclose that fact.

Appendix E**Short-term exemptions from IFRSs**

A heading, paragraph E3 and a footnote are added.

Disclosures about financial instruments

E3 A first-time adopter may apply the transition provisions in paragraph 44G of IFRS 7 (*).

(*) Paragraph E3 was added as a consequence of *Limited Exemption from Comparative IFRS 7 Disclosures for First-time Adopters* (Amendment to IFRS 1) issued in January 2010. To avoid the potential use of hindsight and to ensure that first-time adopters are not disadvantaged as compared with current IFRS preparers, the Board decided that first-time adopters should be permitted to use the same transition provisions permitted for existing preparers of financial statements prepared in accordance with IFRSs that are included in *Improving Disclosures about Financial Instruments* (Amendments to IFRS 7).

Appendix**Amendment to IFRS 7*****Financial Instruments: Disclosures***

Paragraph 44G is amended (new text is underlined and deleted text is struck through) and footnoted.

EFFECTIVE DATE AND TRANSITION

44G *Improving Disclosures about Financial Instruments* (Amendments to IFRS 7), issued in March 2009, amended paragraphs 27, 39 and B11 and added paragraphs 27A, 27B, B10A and B11A–B11F. An entity shall apply those amendments for annual periods beginning on or after 1 January 2009. An entity need not provide the disclosures required by the amendments for:

- (a) any annual or interim period, including any statement of financial position, presented within an annual comparative period ending before 31 December 2009, or
- (b) any statement of financial position as at the beginning of the earliest comparative period as at a date before 31 December 2009.

Earlier application is permitted. If an entity applies the amendments for an earlier period, it shall disclose that fact (*).

(*) Paragraph 44G was amended as a consequence of *Limited Exemption from Comparative IFRS 7 Disclosures for First-time Adopters* (Amendment to IFRS 1) issued in January 2010. The Board amended paragraph 44G to clarify its conclusions and intended transition for *Improving Disclosures about Financial Instruments* (Amendments to IFRS 7).

COMMISSION REGULATION (EU) No 575/2010**of 30 June 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 1 July 2010.

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

Done at Brussels, 30 June 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	MA	44,4
	MK	31,8
	TR	53,0
	ZZ	43,1
0707 00 05	MK	41,0
	TR	118,9
	ZZ	80,0
0709 90 70	TR	106,7
	ZZ	106,7
0805 50 10	AR	85,3
	TR	97,3
	US	84,1
	ZA	94,5
	ZZ	90,3
0808 10 80	AR	107,5
	BR	90,2
	CA	118,4
	CL	95,2
	CN	60,1
	NZ	112,2
	US	102,5
	ZA	100,8
	ZZ	98,4
0809 10 00	TR	231,7
	ZZ	231,7
0809 20 95	TR	303,6
	ZZ	303,6
0809 30	AR	133,5
	TR	155,8
	ZZ	144,7
0809 40 05	AU	258,9
	IL	210,4
	US	319,2
	ZZ	262,8

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

COMMISSION REGULATION (EU) No 576/2010**of 30 June 2010****fixing the import duties in the cereals sector applicable from 1 July 2010**

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 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 in respect of import duties in the cereals sector ⁽²⁾, and in particular Article 2(1) thereof,

Whereas:

- (1) Article 136(1) of Regulation (EC) No 1234/2007 states that the import duty on products falling within CN codes 1001 10 00, 1001 90 91, ex 1001 90 99 (high quality common wheat), 1002, ex 1005 other than hybrid seed, and ex 1007 other than hybrids for sowing, is to be equal to the intervention price valid for such products on importation increased by 55 %, minus the cif import price applicable to the consignment in question. However, that duty may not exceed the rate of duty in the Common Customs Tariff.

- (2) Article 136(2) of Regulation (EC) No 1234/2007 lays down that, for the purposes of calculating the import duty referred to in paragraph 1 of that Article, representative cif import prices are to be established on a regular basis for the products in question.

- (3) Under Article 2(2) of Regulation (EC) No 1249/96, the price to be used for the calculation of the import duty on products of CN codes 1001 10 00, 1001 90 91, ex 1001 90 99 (high quality common wheat), 1002 00, 1005 10 90, 1005 90 00 and 1007 00 90 is the daily cif representative import price determined as specified in Article 4 of that Regulation.

- (4) Import duties should be fixed for the period from 1 July 2010 and should apply until new import duties are fixed and enter into force,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 July 2010, the import duties in the cereals sector referred to in Article 136(1) of Regulation (EC) No 1234/2007 shall be those fixed in Annex I to this Regulation on the basis of the information contained in Annex II.

Article 2

This Regulation shall enter into force on 1 July 2010.

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

Done at Brussels, 30 June 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 161, 29.6.1996, p. 125.

ANNEX I

Import duties on the products referred to in Article 136(1) of Regulation (EC) No 1234/2007 applicable from 1 July 2010

CN code	Description	Import duties ⁽¹⁾ (EUR/t)
1001 10 00	Durum wheat, high quality	0,00
	medium quality	0,00
	low quality	0,00
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	High quality common wheat, other than for sowing	0,00
1002 00 00	Rye	11,79
1005 10 90	Maize seed other than hybrid	5,34
1005 90 00	Maize, other than seed ⁽²⁾	5,34
1007 00 90	Grain sorghum other than hybrids for sowing	11,79

⁽¹⁾ For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal the importer may benefit, under Article 2(4) of Regulation (EC) No 1249/96, from a reduction in the duty of:

- 3 EUR/t, where the port of unloading is on the Mediterranean Sea, or on the Black Sea,
- 2 EUR/t, where the port of unloading is in Denmark, Estonia, Ireland, Latvia, Lithuania, Poland, Finland, Sweden, the United Kingdom or the Atlantic coast of the Iberian peninsula.

⁽²⁾ The importer may benefit from a flatrate reduction of EUR 24 per tonne where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

ANNEX II

Factors for calculating the duties laid down in Annex I

16.6.2010-29.6.2010

1. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

(EUR/t)

	Common wheat ⁽¹⁾	Maize	Durum wheat, high quality	Durum wheat, medium quality ⁽²⁾	Durum wheat, low quality ⁽³⁾	Barley
Exchange	Minneapolis	Chicago	—	—	—	—
Quotation	170,70	111,08	—	—	—	—
Fob price USA	—	—	139,88	129,88	109,88	86,97
Gulf of Mexico premium	—	14,26	—	—	—	—
Great Lakes premium	40,50	—	—	—	—	—

⁽¹⁾ Premium of 14 EUR/t incorporated (Article 4(3) of Regulation (EC) No 1249/96).⁽²⁾ Discount of 10 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).⁽³⁾ Discount of 30 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

2. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

Freight costs: Gulf of Mexico–Rotterdam: 26,36 EUR/t

Freight costs: Great Lakes–Rotterdam: 58,26 EUR/t

COMMISSION REGULATION (EU) No 577/2010**of 30 June 2010****amending the representative prices and additional import duties for certain products in the sugar sector fixed by Regulation (EC) No 877/2009 for the 2009/10 marketing year**

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 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector ⁽²⁾, and in particular Article 36(2), second subparagraph, second sentence thereof,

Whereas:

- (1) The representative prices and additional duties applicable to imports of white sugar, raw sugar and certain syrups

for the 2009/10 marketing year are fixed by Commission Regulation (EC) No 877/2009 ⁽³⁾. These prices and duties have been last amended by Commission Regulation (EU) No 572/2010 ⁽⁴⁾.

- (2) The data currently available to the Commission indicate that those amounts should be amended in accordance with the rules and procedures laid down in Regulation (EC) No 951/2006,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties applicable to imports of the products referred to in Article 36 of Regulation (EC) No 951/2006, as fixed by Regulation (EC) No 877/2009 for the 2009/10, marketing year, are hereby amended as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 July 2010.

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

Done at Brussels, 30 June 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 178, 1.7.2006, p. 24.

⁽³⁾ OJ L 253, 25.9.2009, p. 3.

⁽⁴⁾ OJ L 163, 30.6.2010, p. 39.

ANNEX

Amended representative prices and additional import duties applicable to white sugar, raw sugar and products covered by CN code 1702 90 95 from 1 July 2010

(EUR)

CN code	Representative price per 100 kg net of the product concerned	Additional duty per 100 kg net of the product concerned
1701 11 10 ⁽¹⁾	41,21	0,00
1701 11 90 ⁽¹⁾	41,21	2,54
1701 12 10 ⁽¹⁾	41,21	0,00
1701 12 90 ⁽¹⁾	41,21	2,24
1701 91 00 ⁽²⁾	42,49	4,72
1701 99 10 ⁽²⁾	42,49	1,59
1701 99 90 ⁽²⁾	42,49	1,59
1702 90 95 ⁽³⁾	0,42	0,27

⁽¹⁾ For the standard quality defined in point III of Annex IV to Regulation (EC) No 1234/2007.⁽²⁾ For the standard quality defined in point II of Annex IV to Regulation (EC) No 1234/2007.⁽³⁾ Per 1 % sucrose content.

DECISIONS

COUNCIL DECISION

of 24 June 2010

on the conclusion of the Agreement between the European Community and the Council of Ministers of the Republic of Albania on certain aspects of air services

(2010/364/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2), in conjunction with Article 218(6)(a) and the first subparagraph of Article 218(8) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament,

Whereas:

- (1) On 5 June 2003, the Council authorised the Commission to open negotiations with third countries on the replacement of certain provisions in existing bilateral agreements with a Community agreement.
- (2) On behalf of the Community, the Commission negotiated an agreement with the Republic of Albania on certain aspects of air services (hereafter referred to as the 'Agreement') in accordance with the mechanisms and directives in the Annex to the Council Decision authorising the Commission to open negotiations with third countries on the replacement of certain provisions in existing bilateral agreements with a Community agreement.
- (3) The Agreement was signed on behalf of the Community on 5 May 2006 subject to its possible conclusion at a later date, in conformity with Council Decision 2006/716/EC ⁽¹⁾.
- (4) Following the entry into force of the Treaty of Lisbon on 1 December 2009, the European Union should make a

notification to the Republic of Albania as regards the European Union having replaced and succeeded the European Community.

- (5) The Agreement should be approved,

HAS ADOPTED THIS DECISION:

Article 1

The Agreement between the European Community and the Council of Ministers of the Republic of Albania on certain aspects of air services is hereby approved on behalf of the Union ⁽²⁾.

Article 2

The President of the Council is hereby authorised to designate the person empowered to make the notification provided for in Article 8(1) of the Agreement and to make the following notification:

'As a consequence of the entry into force of the Treaty of Lisbon on 1 December 2009, the European Union has replaced and succeeded the European Community and from that date exercises all rights and assumes all obligations of the European Community. Therefore, references to "the European Community" in the text of the Agreement are, where appropriate, to be read as "the European Union".'

Done at Luxembourg, 24 June 2010.

For the Council

The President

J. BLANCO LÓPEZ

⁽¹⁾ OJ L 294, 25.10.2006, p. 51.

⁽²⁾ The Agreement between the European Community and the Council of Ministers of the Republic of Albania on certain aspects of air services has been published in OJ L 294, 25.10.2006, p. 52 together with the decision on signature.

COUNCIL DECISION

of 29 June 2010

on the application of the provisions of the Schengen *acquis* relating to the Schengen Information System in the Republic of Bulgaria and Romania

(2010/365/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the 2005 Act of Accession, and in particular Article 4(2) thereof,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas:

(1) Article 4(2) of the 2005 Act of Accession provides that the provisions of the Schengen *acquis*, other than those mentioned in Annex II to that Act, shall apply in Bulgaria and Romania (hereinafter the 'Member States concerned') only pursuant to a Council Decision to that effect, after verification that the necessary conditions for the application of that *acquis* have been met.

(2) The Council has verified that the Member States concerned ensure satisfactory levels of data protection by taking the following steps:

A full questionnaire was forwarded to the Member States concerned, whose replies were recorded, and verification and evaluation visits were made to those Member States, in accordance with the applicable Schengen evaluation procedures as set out in the Decision of the Executive Committee setting up a Standing Committee on the evaluation and implementation of Schengen (SCH/Com-ex (98) 26 def.) ⁽²⁾, in the area of Data Protection.

(3) On 26 April 2010, the Council concluded that the conditions in this area had been fulfilled by the Member States concerned. It is therefore possible to set a date from which the Schengen *acquis* relating to the Schengen Information System (SIS) may apply in those Member States.

(4) The entry into force of this Decision should allow for real SIS data to be transferred to the Member States concerned. The concrete use of this data should allow the Council, through the applicable Schengen evaluation procedures as set out in SCH/Com-ex (98) 26 def., to verify the correct application of the provisions of the Schengen *acquis* relating to the SIS in the Member States concerned. Once these evaluations have been carried out, the Council should decide on the lifting of checks at the internal borders with those Member States.

(5) A separate Council Decision should be adopted setting a date for the lifting of checks at internal borders. Until the date set out in that Decision, certain restrictions on the use of the SIS should be imposed.

(6) As regards Iceland and Norway, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen *acquis* ⁽³⁾ which fall within the area referred to in Article 1, point G, of Council Decision 1999/437/EC ⁽⁴⁾ on certain arrangements for the application of that Agreement.

(7) As regards Switzerland, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* ⁽⁵⁾, which fall within the area referred to in Article 1, point G of Council Decision 1999/437/EC of 17 May 1999, read in conjunction with Article 3 of Council Decision 2008/149/JHA ⁽⁶⁾ and with Article 3 of Council Decision 2008/146/EC ⁽⁷⁾,

HAS ADOPTED THIS DECISION:

Article 1

1. From 15 October 2010, the provisions of the Schengen *acquis* relating to the SIS, as referred to in Annex I, shall apply to the Republic of Bulgaria and Romania amongst themselves and in their relations with the Kingdom of Belgium, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the Kingdom of Spain, the Republic of France, the Italian Republic, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Hungary, Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia and the Slovak Republic, the Republic of Finland and the Kingdom of Sweden as well as the Republic of Iceland, the Kingdom of Norway and the Swiss Confederation.

⁽³⁾ OJ L 176, 10.7.1999, p. 36.

⁽⁴⁾ OJ L 176, 10.7.1999, p. 31.

⁽⁵⁾ OJ L 53, 27.2.2008, p. 52.

⁽⁶⁾ OJ L 53, 27.2.2008, p. 50.

⁽⁷⁾ OJ L 53, 27.2.2008, p. 1.

⁽¹⁾ Opinion delivered on 17 June 2010 (not yet published in the Official Journal).

⁽²⁾ OJ L 239, 22.9.2000, p. 138.

2. The provisions of the Schengen *acquis* relating to the SIS, as referred to in Annex II, shall apply from the date specified therein to the Republic of Bulgaria and Romania amongst themselves and in their relations with the Kingdom of Belgium, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the Kingdom of Spain, the Republic of France, the Italian Republic, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Hungary, Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia and the Slovak Republic, the Republic of Finland and the Kingdom of Sweden as well as the Republic of Iceland, the Kingdom of Norway and the Swiss Confederation.

3. From 29 June 2010 real SIS data may be transferred to the Member States concerned.

From 15 October 2010, the Member States concerned, like the Member States in respect of which the Schengen *acquis* has already been implemented, shall be able to enter data into the SIS and use SIS data, subject to the provisions of paragraph 4.

4. Until the date of the lifting of checks at internal borders with the Member States concerned, those Member States:

(a) shall not be obliged to refuse entry to their territory or to expel nationals of third States for whom a SIS alert has been issued by another Member State for the purposes of refusing entry;

(b) shall refrain from entering the data covered by the provisions of Article 96 of the Convention of 19 June 1990 implementing the Schengen Agreement of 14 June 1985 between the governments of the States of Benelux economic union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders (hereinafter the 'Schengen Convention') ⁽¹⁾.

Article 2

This Decision shall enter into force on the day of its adoption.

Article 3

This Decision shall be published in the *Official Journal of the European Union*.

Done at Luxembourg, 29 June 2010.

For the Council

The President

E. ESPINOSA

⁽¹⁾ OJ L 239, 22.9.2000, p. 19.

ANNEX I

List of the provisions of the Schengen *acquis* relating to the SIS within the meaning of Article 4(2) of the 2005 Act of Accession to be rendered applicable to the Member States concerned

1. In respect of the provisions of the Schengen Convention:

Article 64 and Articles 92 to 119 of the Schengen Convention;

2. Other provisions concerning SIS:

(a) Decisions of the Executive Committee established by the Schengen Convention:

Decision of the Executive Committee of 15 December 1997 amending the financial regulation on C. SIS (SCH/Com-ex(97)35) ⁽¹⁾;

(b) Declarations of the Executive Committee established by the Schengen Convention:

(i) Declaration of the Executive Committee of 18 April 1996 defining the concept of an alien (SCH/Com-ex (96) decl. 5) ⁽²⁾,

(ii) Declaration of the Executive Committee of 28 April 1999 on the structure of the SIS (SCH/Com-ex (99) decl. 2 rev) ⁽³⁾,

(c) other instruments:

(i) Council Decision 2000/265/EC of 27 March 2000 on the establishment of a financial regulation governing the budgetary aspects of the management by the Deputy Secretary-General of the Council, of contracts concluded in his name, on behalf of certain Member States, relating to the installation and the functioning of the communication infrastructure for the Schengen environment, 'Sisnet' ⁽⁴⁾,

(ii) The SIRENE Manual ⁽⁵⁾,

(iii) Council Regulation (EC) No 871/2004 of 29 April 2004 concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism ⁽⁶⁾, and any subsequent decisions on the date of application of those functions,

(iv) Council Decision 2005/211/JHA of 24 February 2005 concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism ⁽⁷⁾, and any subsequent decisions on the date of application of those functions,

(v) Regulation (EC) No 1160/2005 of the European Parliament and of the Council of 6 July 2005 amending the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at common borders, as regards access to the Schengen Information System by the services in the Member States responsible for issuing registration certificates for vehicles ⁽⁸⁾,

(vi) Article 5(4)(a) and the provisions of Title II and the annexes thereto referring to the Schengen Information System (SIS) of Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) ⁽⁹⁾,

(vii) Council Regulation (EC) No 1104/2008 of 24 October 2008 on migration from the Schengen Information System (SIS 1+) to the second generation Schengen Information System (SIS II) ⁽¹⁰⁾,

(viii) Council Decision 2008/839/JHA of 24 October 2008 on migration from the Schengen Information System (SIS 1+) to the second generation Schengen Information System (SIS II) ⁽¹¹⁾.

⁽¹⁾ OJ L 239, 22.9.2000, p. 444.

⁽²⁾ OJ L 239, 22.9.2000, p. 458.

⁽³⁾ OJ L 239, 22.9.2000, p. 459.

⁽⁴⁾ OJ L 85, 6.4.2000, p. 12.

⁽⁵⁾ Parts of the SIRENE manual were published in OJ C 38, 17.2.2003, p. 1. The manual was amended by Commission Decisions 2006/757/EC (OJ L 317, 16.11.2006, p. 1) and 2006/758/EC (OJ L 317, 16.11.2006, p. 41).

⁽⁶⁾ OJ L 162, 30.4.2004, p. 29.

⁽⁷⁾ OJ L 68, 15.3.2005, p. 44.

⁽⁸⁾ OJ L 191, 22.7.2005, p. 18.

⁽⁹⁾ OJ L 105, 13.4.2006, p. 1.

⁽¹⁰⁾ OJ L 299, 8.11.2008, p. 1.

⁽¹¹⁾ OJ L 299, 8.11.2008, p. 43.

ANNEX II

List of the provisions of the Schengen *acquis* relating to the SIS within the meaning of Article 4(2) of the 2005 Act of Accession to be rendered applicable to the Member States concerned from the date provided in those provisions

1. Regulation (EC) No 1986/2006 of the European Parliament and of the Council of 20 December 2006 regarding access to the Second Generation Schengen Information System (SIS II) by the services in the Member States responsible for issuing vehicle registration certificates ⁽¹⁾;
 2. Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II) ⁽²⁾;
 3. Decision 2007/533/JHA of the Council of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II) ⁽³⁾.
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⁽¹⁾ OJ L 381, 28.12.2006, p. 1.

⁽²⁾ OJ L 381, 28.12.2006, p. 4.

⁽³⁾ OJ L 205, 7.8.2007, p. 63.

COUNCIL DECISION
of 29 June 2010
appointing one Romanian member of the Committee of the Regions
(2010/366/EU)

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS DECISION:

Article 1

Having regard to the Treaty on the functioning of the European Union, and in particular Article 305 thereof,

The following is hereby appointed to the Committee of the Regions as member for the remainder of the current term of office, which runs until 25 January 2015:

Having regard to the proposal of the Romanian Government,

— Dl Romeo STAVARACHE

Whereas:

Primarul municipiului Bacău, județul Bacău

Article 2

- (1) On 22 December 2009 and on 18 January 2010, the Council adopted Decisions 2009/1014/EU and 2010/29/EU appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2010 to 25 January 2015 ⁽¹⁾.

This Decision shall take effect on the day of its adoption.

Done at Luxembourg, 29 June 2010.

- (2) A member's seat on the Committee of the Regions has become vacant following the end of term of Mr Cristian ANGHEL,

For the Council

The President

E. ESPINOSA

⁽¹⁾ OJ L 348, 29.12.2009, p. 22 and OJ L 12, 19.1.2010, p. 11.

COMMISSION DECISION

of 25 June 2010

on the implementation by Member States of surveillance programmes for avian influenza in poultry and wild birds

(notified under document C(2010) 4190)

(Text with EEA relevance)

(2010/367/EU)

THE EUROPEAN COMMISSION,

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

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 ⁽¹⁾, and in particular Article 10(4) 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 ⁽²⁾ and in particular Article 4(2) thereof,

Whereas:

- (1) Avian influenza is an infectious viral disease in birds, including poultry. Infections with avian influenza viruses in domestic poultry cause two main forms of that disease that are distinguished by their virulence. The low pathogenic form generally only causes mild symptoms, while the highly pathogenic form results in very high mortality rates in most poultry species. That disease may have a severe impact on the profitability of poultry farming.
- (2) Directive 2005/94/EC sets out measures for the control of outbreaks, in poultry and other captive birds, of highly pathogenic avian influenza (HPAI) and low pathogenic avian influenza caused by avian influenza viruses of the H5 and H7 subtypes (LPAI), as defined in that Directive. Directive 2005/94/EC also provides for certain preventive measures relating to the surveillance and the early detection of avian influenza viruses.
- (3) Directive 2005/94/EC provides that compulsory surveillance programmes are to be implemented by the Member States. Those surveillance programmes aim at identifying the circulation of LPAI viruses in poultry, in particular in waterfowl poultry species, before they become widespread in the poultry population, so that

control measures can be taken to possibly prevent a mutation into a HPAI virus which might have devastating consequences.

- (4) Directive 2005/94/EC also provides for surveillance programmes to be carried out in wild birds in order to contribute, on the basis of a regularly updated risk assessment, to the current knowledge on the threats posed by wild birds in relation to any influenza virus of avian origin in birds.
- (5) Commission Decision 2007/268/EC of 13 April 2007 on the implementation of surveillance programmes for avian influenza in poultry and wild birds to be carried out in the Member States and amending Decision 2004/450/EC ⁽³⁾ was adopted in order to lay down guidelines for the implementation of such surveillance programmes.
- (6) Since the date of adoption of that Decision, the experience gained in the Member States in carrying out surveillance programmes and advances in scientific knowledge and research conclusions, indicate that certain poultry species and poultry production categories are at a higher risk of becoming infected with avian influenza viruses than others, also taking into account the location of the holding and other risk factors.
- (7) The threat of the introduction of the HPAI virus of the H5N1 subtype from South East Asia to Europe by its westward spread during 2005 has prompted the adoption of additional measures for preparedness and early detection of that virus type in poultry and wild birds.
- (8) Commission Decision 2005/731/EC of 17 October 2005 laying down additional requirements for the surveillance of avian influenza in wild birds ⁽⁴⁾ requires that Member States arrange for the notification to the competent authorities of any abnormal mortality or significant disease outbreaks occurring in wild birds and in particular wild water birds. Sampling and laboratory testing for avian influenza virus must also be carried out.

⁽¹⁾ OJ L 224, 18.8.1990, p. 29.

⁽²⁾ OJ L 10, 14.1.2006, p. 16.

⁽³⁾ OJ L 115, 3.5.2007, p. 3.

⁽⁴⁾ OJ L 274, 20.10.2005, p. 93.

- (9) It is appropriate to include the requirements laid down in Decision 2005/731/EC in the present Decision.
- (10) From 2006 to 2009, more than 350 000 wild birds have been sampled and tested for avian influenza. On average, surveillance in Member States was carried out by sampling 75 % of live birds and 25 % of sick or dead birds.
- (11) More than 1 000 birds found dead or sick have tested positive for HPAI of the H5N1 subtype, while only about five birds sampled as healthy live birds tested positive for that virus during that 4-year period. LPAI subtypes were almost exclusively isolated from samples taken from live birds.
- (12) The conclusions drawn up in the annual reports on avian influenza surveillance⁽¹⁾ in the Union compiled by the EU Reference Laboratory (EURL) for avian influenza, the scientific opinions of the European Food Safety Authority (EFSA)⁽²⁾,⁽³⁾,⁽⁴⁾ and the work of the recently established Task Force on Animal Disease Surveillance (TFADS) have highlighted that certain amendments to the current surveillance strategy in poultry and wild birds should be introduced to further foster a risk-based approach which is deemed the most suitable surveillance strategy to inform competent authorities for disease prevention and control purposes aimed at protecting poultry and other captive bird holdings.
- (13) Risk-based surveillance should complement early detection systems for avian influenza infection in poultry, such as those already provided for in Article 2 of Commission Decision 2005/734/EC of 19 October 2005 laying down biosecurity measures to reduce the risk of transmission of highly pathogenic avian influenza caused by Influenza virus A subtype H5N1 from birds living in the wild to poultry and other captive birds and providing for an early detection system in areas at particular risk⁽⁵⁾ and in Chapter II(2) of the Annex to Commission Decision 2006/437/EC of 4 August 2006 approving a Diagnostic Manual for avian influenza as provided for in Council Directive 2005/94/EC⁽⁶⁾.
- (14) The guidelines for surveillance for avian influenza in poultry and wild birds laid down in Decision 2007/268/EC should therefore be reviewed in the light of experience and scientific insight gained and replaced by the guidelines laid down in this Decision.
- (15) In the interests of consistency of Union legislation, sampling and laboratory testing should be carried out in accordance with the procedures laid down in Decision 2006/437/EC, unless stated otherwise.
- (16) In the interests of consistency of Union legislation, when implementing surveillance programmes in wild birds, full regard should be paid to the requirements of Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds⁽⁷⁾ in particular as regards the surveillance design and sampling procedures described in Sections 2 and 3 of Part 1 of Annex II to this Decision.
- (17) Decisions 2005/731/EC and 2007/268/EC should be repealed.
- (18) 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

Member States shall take the necessary measures to ensure that the competent authorities make appropriate arrangements with wild bird observation and ringing organisations, hunting and other relevant organisations in order to ensure that those organisations are required to notify the competent authorities without delay of any abnormal mortality or significant disease outbreaks occurring in wild birds and in particular wild water birds.

Article 2

1. Member States shall ensure that immediately following receipt by the competent authority of any notification, as provided for in Article 1, and whenever no clear cause of disease other than avian influenza is identified, the competent authority shall arrange for:

- (a) appropriate samples to be collected from dead birds and if possible from other birds which have been in contact with the dead birds;
- (b) those samples must be subjected to laboratory tests for the detection of the avian influenza virus.

2. Sampling and testing procedures shall be carried out in accordance with Chapters II to VIII of the Diagnostic Manual for avian influenza approved by Decision 2006/437/EC.

⁽¹⁾ European Commission website: http://ec.europa.eu/food/animal/diseases/controlmeasures/avian/eu_resp_surveillance_en.htm

⁽²⁾ *The EFSA Journal* (2005) 266, 1-21; Scientific Opinion on Animal health and welfare aspects of Avian Influenza.

⁽³⁾ *The EFSA Journal* (2008) 715, 1-161, Scientific Opinion on Animal health and welfare aspects of avian influenza and the risks of its introduction into the EU poultry holdings.

⁽⁴⁾ *The EFSA Journal* (2006) 357, 1-46, Opinion on Migratory birds and their possible role in the spread of highly pathogenic Avian Influenza.

⁽⁵⁾ OJ L 274, 20.10.2005, p. 105.

⁽⁶⁾ OJ L 237, 31.8.2006, p. 1.

⁽⁷⁾ OJ L 20, 26.1.2010, p. 7.

3. Member States shall inform the Commission without delay in the event of the laboratory tests provided for in paragraph 1(b) showing positive results for highly pathogenic avian influenza virus (HPAI).

Article 3

The surveillance programmes for avian influenza in poultry and wild birds to be carried out by Member States, in accordance with Article 4(1) of Directive 2005/94/EC, shall comply with the guidelines set out in Annexes I and II to this Decision.

Article 4

Without prejudice to the requirements provided for in Union legislation, the competent authority shall ensure that all positive and negative results of both serological and virological investigations for avian influenza obtained under the surveillance programmes for poultry and wild birds are reported every 6 months to the Commission. They shall be submitted via the

Commission's online system each year by 31 July for the preceding 6 months (1 January to 30 June) and by 31 January for the preceding 6 months (1 July to 31 December).

Article 5

Decisions 2005/731/EC and 2007/268/EC are repealed.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 25 June 2010.

For the Commission

John DALLI

Member of the Commission

ANNEX I

Guidelines on the implementation of surveillance programmes for avian influenza in poultry**1. Objectives of surveillance programmes**

The objectives of the surveillance programmes for avian influenza in poultry are to inform the competent authority of circulating avian influenza virus with a view to controlling the disease in accordance with Directive 2005/94/EC by the annual detection through active surveillance for:

- (a) low pathogenic avian influenza (LPAI) of subtypes H5 and H7 in gallinaceous birds (namely chickens, turkeys, guinea fowl, pheasants, partridges and quails) and ratites thereby complementing other existing early detection systems;
- (b) LPAI of subtypes H5 and H7 and highly pathogenic avian influenza (HPAI) in domestic waterfowl (namely ducks, geese and mallards for re-stocking supplies of game);

2. Surveillance design

Sampling and serological testing in poultry holdings shall be carried out in order to detect the presence of antibodies to avian influenza, as defined in Directive 2005/94/EC.

That active surveillance complements the early detection systems already in place in Member States, as provided for in Decision 2005/734/EC and in Chapter II of the Diagnostic Manual for avian influenza approved by Commission Decision 2006/437/EC (the Diagnostic Manual); in particular those implemented in poultry holdings that are deemed at being at a higher risk for avian influenza introduction.

Two main internationally recognised methods exist for animal disease surveillance: (a) risk-based surveillance; and (b) surveillance based on representative sampling.

2.1. Risk-Based Surveillance (RBS)

RBS shall be the preferred method for the carrying out of surveillance for avian influenza in a targeted and resource efficient way.

Member States choosing that method shall specify the relevant risk pathways for infection of poultry flocks and the sampling frame for poultry holdings identified as being at a higher risk of becoming infected with avian influenza.

The criteria and risk factors listed in Section 4.1 are not exhaustive, but give an indication of how to target sampling and testing of poultry species and poultry production categories in different husbandry systems. Depending of the individual animal health situation in the Member State concerned, they may need to be weighted differently.

2.2. Surveillance based on Representative Sampling

If a Member State is not in a position to carry out a sufficiently evidence based assessment of the risk pathways for infection of poultry flocks on its territory, it shall implement surveillance based on a representative sampling scheme. The number of poultry holdings to be sampled must correspond to those in Tables 1 and 2, depending on the poultry species.

Sampling for serological testing for avian influenza shall be stratified throughout the whole territory of the Member State, so that samples can be considered as representative for the whole of the Member State.

3. Target populations

The sampling of the following poultry species and production categories shall be included in the surveillance programme:

- (a) laying hens;
- (b) free range laying hens;
- (c) chicken breeders;
- (d) turkey breeders;
- (e) duck breeders;
- (f) geese breeders;

- (g) fattening turkeys;
- (h) fattening ducks;
- (i) fattening geese;
- (j) farmed game birds (gallinaceous) focusing on adult birds such as breeding birds;
- (k) farmed game birds (waterfowl);
- (l) ratites.

However, in the following specified exceptional circumstances, the following poultry categories may also be included:

- (m) broilers, but only when: (i) they are kept in significant numbers in free range production and (ii) they are considered to pose a higher risk of infection with avian influenza;
- (n) backyard flocks: they generally play a minor role in virus circulation and spread and sampling them is resource intensive; however, in certain Member States backyard flocks may pose a higher risk of avian influenza due to their presence in significant numbers, their proximity to commercial poultry holdings, involvement in local/regional trade and other criteria and risk factors as listed in Section 4.1 in particular as regards the species composition.

However, where a well reasoned justification as regards the level of risk is provided for a poultry production category (such as chicken breeders kept under high biosecurity conditions), it may also be omitted from the sampling.

4. Risk-based surveillance (RBS) method

The choice of RBS must be determined by an assessment at Member State level, which shall consider at least the following criteria and risk factors:

4.1. Criteria and Risk factors

4.1.1. Criteria and risk factors for virus introduction into poultry holdings due to direct or indirect exposure to wild birds in particular those of identified 'target species'

- (a) The location of the poultry holding in proximity to wet areas, ponds, swamps, lakes, rivers or sea shores where migratory wild water birds may gather.
- (b) The location of the poultry holding in areas with a high density of migratory wild birds, in particular of those birds that are characterised as 'target species' (TS) for HPAI H5N1 detection and listed in Part 2 of Annex II.
- (c) The location of poultry holding in proximity to resting and breeding places of migratory wild water birds, in particular where these areas are linked through migratory birds' movements to areas where HPAI H5N1 is known to occur in wild birds or poultry.
- (d) Poultry holdings with free range production, or poultry holdings where poultry or other captive birds are kept in the open-air in any premises in which contact with wild birds cannot be sufficiently prevented.
- (e) Low biosecurity level in the poultry holding, including the method of storage of feed and the use of surface water.

4.1.2. Criteria and risk factors of virus spread within the poultry holding and between poultry holdings, as well as the consequences (impact) of the spread of avian influenza from poultry to poultry and between poultry holdings

- (a) The presence of more than one poultry species in the same poultry holding, in particular the presence of domestic ducks and geese together with other poultry species.
- (b) The type of poultry production and the poultry species on the holding for which surveillance data have shown an increased detection rate of avian influenza infection in the Member State, such as duck holdings and poultry intended for re-stocking supplies of game (in particular farmed mallards).

- (c) The location of the poultry holding in areas with high densities of poultry holdings.
- (d) Trade patterns, including imports and related intensity of movements, both direct and indirect, of poultry and other factors including vehicles, equipment and persons.
- (e) The presence of long lived poultry categories and multi-age groups of poultry on the holding (such as layers).

4.2. *Targeting of populations at risk*

The level of targeting must reflect the number and local weighting of risk factors present on the poultry holding.

The competent authority may consider other risk factors in its assessment in designing its surveillance design which must be duly indicated and justified in their surveillance programme.

4.3. *Targeting of poultry holdings to be sampled*

Tables 1 and 2 may be used as a basis in order to determine the number of poultry holdings to be sampled per risk population.

5. **Representative sampling method**

Where representative sampling as referred to in Section 2.2 is carried out, the number of poultry holdings to be sampled shall be calculated based on the figures set out in Tables 1 and 2 according to the poultry species present on the poultry holding.

5.1. *Number of poultry holdings to be sampled for serological testing for avian influenza*

5.1.1. *Number of poultry holdings (except duck, goose and mallard holdings) to be sampled*

For each poultry production category, except those of ducks, geese and mallards, the number of poultry holdings to be sampled shall be defined so as to ensure the identification of at least one infected poultry holding where the prevalence of infected poultry holdings is at least 5 %, with a 95 % confidence interval.

Sampling shall be carried out according to Table 1:

Table 1

Number of poultry holdings (except duck, goose and mallard holdings) to be sampled in each poultry production category

Number of holdings per poultry production category per Member State	Number of poultry holdings to be sampled
Up to 34	All
35-50	35
51-80	42
81-250	53
> 250	60

5.1.2. *Number of duck, goose and mallard holdings to be sampled⁽¹⁾*

The number of duck, goose and mallard holdings to be sampled shall be defined to ensure the identification of at least one infected poultry holding where the prevalence of infected poultry holdings is at least 5 %, with a 99 % confidence interval.

⁽¹⁾ A higher level of confidence in detection of duck and goose positive holdings is applied due to the evidence that infected duck and goose holdings are less likely than gallinaceous poultry to be detected by passive surveillance or early detection systems.

Sampling shall be carried out according to Table 2:

Table 2
Number of duck, goose and mallard holdings to be sampled

Number of duck, goose and mallard holdings per Member State	Number of duck, goose and mallard holdings to be sampled
Up to 46	All
47-60	47
61-100	59
101-350	80
> 350	90

5.2. *Number of poultry (birds) to be sampled in the poultry holding*

The figures referred to in points 5.2.1 and 5.2.2 apply both to poultry holdings sampled on the basis of risk-based surveillance and on the basis of representative sampling.

5.2.1. *Number of birds (except ducks, geese and mallards) to be sampled in the poultry holding*

The numbers of birds to be sampled in the poultry holding shall be defined so as to ensure 95 % probability of identifying at least one bird that tests sero-positive for avian influenza, if the prevalence of sero-positive birds is ≥ 30 %.

Blood samples for serological examination shall be collected from all poultry production categories and poultry species from at least 5 to 10 birds (except ducks, geese and mallards) per poultry holding, and from the different sheds, where more than one shed is present on a holding.

In case of several sheds, samples shall be taken from at least five birds per shed.

5.2.2. *Number of ducks, geese and mallards to be sampled in the holding*

The numbers of ducks, geese and mallards to be sampled in the poultry holding shall be defined so as to ensure 95 % probability of identifying at least one bird that tests sero-positive for avian influenza where the prevalence of sero-positive birds is ≥ 30 %.

Twenty blood samples ⁽¹⁾ shall be taken for serological testing from each selected poultry holding.

6. **Sampling procedures for serological testing**

The time period for sampling in the poultry holding shall coincide with seasonal production for each poultry production category and sampling may also be performed at the slaughterhouse. This sampling practice must not compromise the risk targeted approach according to the criteria and risk factors listed in Section 4.1.

In order to optimise efficiency and also to avoid the unnecessary entry of persons onto poultry holdings, sampling shall, whenever possible, be combined with sampling for other purposes, such as within the framework of *Salmonella* and *Mycoplasma* control. However, such combining must not compromise the requirements for risk based surveillance.

7. **Sampling for virological testing**

Sampling for virological testing for avian influenza shall not be used as an alternative to serological testing and must be performed solely within the framework of investigations to follow-up serological positive testing results for avian influenza.

⁽¹⁾ The increase in sample size compared to 5.2.1 is necessary due to the lower sensitivity of the diagnostic test when used in waterfowl.

8. Frequency and period for testing

The sampling of poultry holdings shall be carried out annually. However, on the basis of a risk assessment, Member States may decide to carry out sampling and testing more frequently. The justification for doing so must be detailed in the surveillance programme.

Sampling shall be carried out in accordance with the approved surveillance programme from 1 January to 31 December of the year of implementation of that programme.

9. Laboratory testing

The testing of samples shall be carried out at National Reference Laboratories for avian influenza (NRL) in Member States or by other laboratories authorised by the competent authorities and under the control of the NRL.

Laboratory tests shall be carried out in accordance with the Diagnostic Manual which lays down the procedures for the confirmation and differential diagnosis of avian influenza.

However, if a Member State wishes to use laboratory tests not laid down in the Diagnostic Manual, nor described in the Manual of Diagnostic Tests and Vaccines for Terrestrial Animals of the World Organisation for Animal Health (OIE), those tests must first be deemed fit for that purpose by the EURL, based on validated data, before being used.

All positive serological findings shall be confirmed by the NRL by a haemagglutination-inhibition test, using designated strains supplied by the EURL:

(a) for H5 subtype:

(i) initial testing using teal/England/7894/06 (H5N3);

(ii) testing of all positives with chicken/Scotland/59(H5N1) to eliminate N3 cross reactive antibodies;

(b) for H7 subtype:

(i) initial testing using turkey/England/647/77 (H7N7);

(ii) testing of all positive with African starling/983/79 (H7N1) to eliminate N7 cross reactive antibodies.

All positive serological findings must be followed up at the poultry holding by epidemiological investigations and further sampling for testing by virological methods in order to determine, if active infection of avian influenza virus is present on the poultry holding. The conclusions of all those investigations shall be reported to the Commission.

All avian influenza virus isolates shall be submitted to the EURL in accordance with Union legislation according to the functions and the duties of the national reference laboratories as laid down in Annex VIII to Directive 2005/94/EC, unless a derogation has been granted as provided for in paragraph 4(d) of Chapter V of the Diagnostic Manual. Viruses of the H5/H7 subtype shall be submitted to the EURL without delay and shall be subjected to the standard characterisation tests (nucleotide sequencing/IVPI) according to the Diagnostic Manual.

The specific protocols provided by the EURL for the submission of samples and diagnostic material shall be used. The competent authorities shall ensure that there is a good exchange of information between the EURL and the NRL.

ANNEX II

PART 1

Guidelines on the implementation of surveillance programmes for avian influenza in wild birds**1. Objectives of surveillance**

The objective of the surveillance programme for avian influenza in wild birds is the timely detection of HPAI of the subtype H5N1 in wild birds in order to protect poultry in poultry holdings and safeguard veterinary public health.

2. Surveillance design

- (a) A risk-based surveillance (RBS) shall be implemented as a 'passive' surveillance system by laboratory investigation of moribund wild birds or birds found dead and it shall be specifically directed towards water bird species.
- (b) Wild birds, in particular migratory water birds, that have been shown to be at a higher risk of becoming infected with, and transmitting the HPAI H5N1 virus, the 'target species' (TS), shall be specifically targeted.
- (c) Areas close to the sea, lakes and waterways where birds were found dead; and in particular when these areas are in close proximity to poultry holdings, especially in areas where there is a high density of poultry holdings, shall be targeted.
- (d) Close cooperation with epidemiologists and ornithologists and the competent authority for nature conservation shall be ensured in the preparation of the surveillance programme, assisting in species identification and optimising sampling adapted to the national situation.
- (e) If the epidemiological situation for the HPAI H5N1 virus so requires, surveillance activities shall be enhanced by awareness raising and active searching and monitoring for dead or moribund wild birds, in particular for those belonging to TS. This could be triggered by the detection of the HPAI H5N1 virus in poultry and/or wild birds in neighbouring Member States and third countries or in countries which are linked via the movement of migratory wild birds, in particular those of TS, to the Member State concerned. In that case the specific migration patterns and wild bird species, which may vary in different Member States shall be taken into account.

3. Sampling procedures

- (a) Sampling procedures shall be carried out in accordance with the Diagnostic Manual.
- (b) Cloacal and tracheal/oropharyngeal swabs and/or tissues from wild birds found dead or moribund shall be sampled for molecular detection (PCR) and/or virus isolation.
- (c) Specific care must be taken for the storage and transport of samples in accordance with paragraphs 5 and 6 of Chapter IV of the Diagnostic Manual. All avian influenza virus isolates of cases in wild birds shall be submitted to the EURL, unless a derogation has been granted as provided for in paragraph 4(d) of Chapter V of the Diagnostic Manual. Viruses of the H5/H7 subtype shall be submitted to the EURL without delay and shall be subjected to the standard characterisation tests (nucleotide sequencing/IVPI) according to the Diagnostic Manual.
- (d) Sampling shall not extend beyond 31 December of the year of implementation of the surveillance programme.

4. Laboratory testing

Laboratory tests shall be carried out in accordance with the Diagnostic Manual.

The testing of samples shall be carried out at the NRL in Member States or by other laboratories authorised by the competent authorities and under the control of the NRL.

However, if a Member State wishes to use laboratory tests not laid down in the Diagnostic Manual nor described in the Manual of Diagnostic Tests and Vaccines for Terrestrial Animals of the OIE, those tests must first be deemed fit for purpose by the EURL, based on validated data, before being used.

Initial screening using M gene PCR shall be carried out, followed by rapid testing of positive findings for H5 which shall be carried out within a period of not more than 2 weeks. In case of a positive finding for H5, an analysis of the cleavage site shall be undertaken as soon as possible to determine whether or not it has a highly pathogenic avian influenza (HPAI) or a low pathogenic avian influenza (LPAI) motif. Where H5 HPAI is confirmed, further analysis to determine the N type must be done rapidly, even though this can only provide evidence to eliminate N1.

5. Follow-up

- In case of confirmed positive cases of HPAI H5 (N1) ⁽¹⁾, the control measures laid down in Commission Decision 2006/563/EC of 11 August 2006 concerning certain protection measures in relation to highly pathogenic avian influenza of subtype H5N1 in wild birds in the Community and repealing Decision 2006/115/EC ⁽²⁾ shall apply.
- As part of epidemiological investigations, it is important to identify areas linked to those cases to possibly forecast further virus incursions of avian influenza, in particular in areas of relevance to poultry production, such as areas with a high density of poultry holdings.

PART 2

List of wild bird species to be targeted for sampling and testing for avian influenza — ‘target species’ (TS)

No	Scientific name	Common name
1.	<i>Accipiter gentilis</i>	Northern Goshawk
2.	<i>Accipiter nisus</i>	Eurasian Sparrowhawk
3.	<i>Anas acuta</i>	Northern Pintail
4.	<i>Anas clypeata</i>	Northern Shoveler
5.	<i>Anas crecca</i>	Common Teal
6.	<i>Anas penelope</i>	Eurasian Wigeon
7.	<i>Anas platyrhynchos</i>	Mallard
8.	<i>Anas querquedula</i>	Garganey
9.	<i>Anas strepera</i>	Gadwall
10.	<i>Anser albifrons albifrons</i>	Greater White-fronted Goose (European race)
11.	<i>Anser anser</i>	Greylag Goose
12.	<i>Anser brachyrhynchus</i>	Pink-footed Goose
13.	<i>Anser erythropus</i>	Lesser White-fronted Goose
14.	<i>Anser fabalis</i>	Bean Goose
15.	<i>Ardea cinerea</i>	Grey Heron
16.	<i>Aythya ferina</i>	Common Pochard
17.	<i>Aythya fuligula</i>	Tufted Duck
18.	<i>Branta bernicla</i>	Brent Goose
19.	<i>Branta canadensis</i>	Canada Goose
20.	<i>Branta leucopsis</i>	Barnacle Goose
21.	<i>Branta ruficollis</i>	Red-breasted Goose
22.	<i>Bubo bubo</i>	Eurasian Eagle-Owl
23.	<i>Buteo buteo</i>	Common Buzzard
24.	<i>Buteo lagopus</i>	Rough-legged Buzzard
25.	<i>Cairina moschata</i>	Muscovy Duck
26.	<i>Ciconia ciconia</i>	White Stork
27.	<i>Circus aeruginosus</i>	Eurasian Marsh Harrier

⁽¹⁾ Disease control measures are to be implemented based on confirmation of HPAI H5 and suspicion of N1.

⁽²⁾ OJ L 222, 15.8.2006, p. 11.

No	Scientific name	Common name
28.	<i>Cygnus columbianus</i>	Bewick's Swan
29.	<i>Cygnus cygnus</i>	Whooper swan
30.	<i>Cygnus olor</i>	Mute Swan
31.	<i>Falco peregrinus</i>	Peregrine Falcon
32.	<i>Falco tinnunculus</i>	Common Kestrel
33.	<i>Fulica atra</i>	Eurasian Coot
34.	<i>Larus canus</i>	Common Gull
35.	<i>Larus ridibundus</i>	Black-headed Gull
36.	<i>Limosa limosa</i>	Black-tailed Godwit
37.	<i>Marmaronetta angustirostris</i>	Marbled Teal
38.	<i>Mergus albellus</i>	Smew
39.	<i>Milvus migrans</i>	Black Kite
40.	<i>Milvus milvus</i>	Red Kite
41.	<i>Netta rufina</i>	Red-crested Pochard
42.	<i>Phalacrocorax carbo</i>	Great Cormorant
43.	<i>Philomachus pugnax</i>	Ruff
44.	<i>Pica pica</i>	Eurasian Magpie
45.	<i>Pluvialis apricaria</i>	Eurasian Golden Plover
46.	<i>Podiceps cristatus</i>	Great Crested Grebe
47.	<i>Podiceps nigricollis</i>	Black-necked Grebe
48.	<i>Porphyrio porphyrio</i>	Purple Swamphen
49.	<i>Tachybaptus ruficollis</i>	Little Grebe
50.	<i>Vanellus vanellus</i>	Northern Lapwing

COMMISSION DECISION
of 30 June 2010
amending Decision 2006/771/EC on harmonisation of the radio spectrum for use by short-range devices

(notified under document C(2010) 4313)

(Text with EEA relevance)

(2010/368/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Decision No 676/2002/EC of the European Parliament and of the Council of 7 March 2002 on a regulatory framework for radio spectrum policy in the European Community (Radio Spectrum Decision) ⁽¹⁾, and in particular Article 4(3) thereof,

Whereas:

- (1) Commission Decision 2006/771/EC ⁽²⁾ harmonises the technical conditions for use of spectrum for a wide variety of short-range devices, including applications such as alarms, local communications equipment, door openers and medical implants. Short-range devices are typically mass-market and/or portable products which can easily be taken and used across borders; differences in spectrum access conditions therefore prevent their free movement, increase their production costs and create risks of harmful interference with other radio applications and services.
- (2) However, due to rapid changes in technology and societal demands, new applications for short-range devices can emerge which require regular updates of spectrum harmonisation conditions.
- (3) On 5 July 2006, the Commission issued a permanent mandate to the European Conference of Postal and Telecommunications Administrations (CEPT), pursuant to Article 4(2) of Decision No 676/2002/EC, to update the Annex to Decision 2006/771/EC in response to the technological and market developments in the area of short-range devices.
- (4) Commission Decisions 2008/432/EC ⁽³⁾ and 2009/381/EC ⁽⁴⁾ already amended the harmonised technical conditions for short-range devices contained in Decision 2006/771/EC by replacing its Annex.

(5) In its November 2009 report ⁽⁵⁾ submitted in response to the abovementioned mandate, the CEPT advised the Commission to amend a number of technical aspects in the Annex to Decision 2006/771/EC.

(6) The Annex to Decision 2006/771/EC should therefore be amended accordingly.

(7) Equipment operating within the conditions set in this Decision must also comply with Directive 1999/5/EC of the European Parliament and of the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity ⁽⁶⁾ in order to use the spectrum effectively so as to avoid harmful interference, demonstrated either by meeting harmonised standards or by fulfilling alternative conformity assessment procedures.

(8) The measures provided for in this Decision are in accordance with the opinion of the Radio Spectrum Committee,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 2006/771/EC is replaced by the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 30 June 2010.

For the Commission

Neelie KROES

Vice-President

⁽¹⁾ OJ L 108, 24.4.2002, p. 1.

⁽²⁾ OJ L 312, 11.11.2006, p. 66.

⁽³⁾ OJ L 151, 11.6.2008, p. 49.

⁽⁴⁾ OJ L 119, 14.5.2009, p. 32.

⁽⁵⁾ CEPT Report 35, RSCOM 09-68.

⁽⁶⁾ OJ L 91, 7.4.1999, p. 10.

ANNEX

‘ANNEX

Harmonised frequency bands and technical parameters for short-range devices

Type of short-range device	Frequency band ⁽¹⁾	Transmit power limit/ field strength limit/power density limit ⁽²⁾	Additional parameters (channelling and/or channel access and occupation rules) ⁽³⁾	Other usage restrictions ⁽⁴⁾	Implementation deadline
Non-specific short-range devices ⁽⁵⁾	6 765-6 795 kHz	42 dBµA/m at 10 metres			1 October 2008
	13,553-13,567 MHz	42 dBµA/m at 10 metres			1 October 2008
	26,957-27,283 MHz	10 mW effective radiated power (e.r.p.), which corresponds to 42 dBµA/m at 10 metres		Video applications are excluded	1 June 2007
	40,660-40,700 MHz	10 mW e.r.p.		Video applications are excluded	1 June 2007
Non-specific short-range devices (cont.)	433,050-434,040 ⁽⁶⁾ MHz	1 mW e.r.p. and – 13 dBm/10 kHz power density for bandwidth modulation larger than 250 kHz	Voice applications allowed with advanced mitigation techniques	Audio and video applications are excluded	1 November 2010
		10 mW e.r.p.	Duty cycle limit ⁽⁷⁾ : 10 %	Analogue audio applications other than voice are excluded. Analogue video applications are excluded	1 November 2010
	434,040-434,790 ⁽⁶⁾ MHz	1 mW e.r.p. and – 13 dBm/10 kHz power density for bandwidth modulation larger than 250 kHz	Voice applications allowed with advanced mitigation techniques	Audio and video applications are excluded	1 November 2010
		10 mW e.r.p.	Duty cycle limit ⁽⁷⁾ : 10 %	Analogue audio applications other than voice are excluded. Analogue video applications are excluded	1 November 2010
			Duty cycle limit ⁽⁷⁾ : 100 % subject to channel spacing up to 25 kHz Voice applications allowed with advanced mitigation techniques	Audio and video applications are excluded	1 November 2010

Type of short-range device	Frequency band ⁽¹⁾	Transmit power limit/ field strength limit/power density limit ⁽²⁾	Additional parameters (channelling and/or channel access and occupation rules) ⁽³⁾	Other usage restrictions ⁽⁴⁾	Implementation deadline
Non-specific short-range devices (cont.)	863,000-865,000 MHz	25 mW e.r.p.	Techniques to access spectrum and mitigate interference that provide at least equivalent performance to the techniques described in harmonised standards adopted under Directive 1999/5/EC must be used. Alternatively a duty cycle limit ⁽⁷⁾ of 0,1 % may also be used	Analogue audio applications other than voice are excluded. Analogue video applications are excluded	1 November 2010
	865,000-868,000 MHz	25 mW e.r.p.	Techniques to access spectrum and mitigate interference that provide at least equivalent performance to the techniques described in harmonised standards adopted under Directive 1999/5/EC must be used. Alternatively a duty cycle limit ⁽⁷⁾ of 1 % may also be used	Analogue audio applications other than voice are excluded. Analogue video applications are excluded	1 November 2010
	868,000-868,600 MHz	25 mW e.r.p.	Techniques to access spectrum and mitigate interference that provide at least equivalent performance to the techniques described in harmonised standards adopted under Directive 1999/5/EC must be used. Alternatively a duty cycle limit ⁽⁷⁾ of 1 % may also be used	Analogue video applications are excluded	1 November 2010
	868,700-869,200 MHz	25 mW e.r.p.	Techniques to access spectrum and mitigate interference that provide at least equivalent performance to the techniques described in harmonised standards adopted under Directive 1999/5/EC must be used. Alternatively a duty cycle limit ⁽⁷⁾ of 0,1 % may also be used	Analogue video applications are excluded	1 November 2010
Non-specific short-range devices (cont.)	869,400-869,650 ⁽⁶⁾ MHz	500 mW e.r.p.	Techniques to access spectrum and mitigate interference that provide at least equivalent performance to the techniques described in harmonised standards adopted under Directive 1999/5/EC must be used. Alternatively a duty cycle limit ⁽⁷⁾ of 10 % may also be used	Analogue video applications are excluded	1 November 2010

Type of short-range device	Frequency band ⁽¹⁾	Transmit power limit/ field strength limit/power density limit ⁽²⁾	Additional parameters (channelling and/or channel access and occupation rules) ⁽³⁾	Other usage restrictions ⁽⁴⁾	Implementation deadline
			Channel spacing must be 25 kHz, except that the whole band may also be used as a single channel for high-speed data transmission		
		25 mW e.r.p.	Techniques to access spectrum and mitigate interference that provide at least equivalent performance to the techniques described in harmonised standards adopted under Directive 1999/5/EC must be used. Alternatively a duty cycle limit ⁽⁷⁾ of 0,1 % may also be used	Analogue audio applications other than voice are excluded. Analogue video applications are excluded	1 November 2010
	869,700-870,000 ⁽⁶⁾ MHz	5 mW e.r.p.	Voice applications allowed with advanced mitigation techniques	Audio and video applications are excluded	1 June 2007
		25 mW e.r.p.	Techniques to access spectrum and mitigate interference that provide at least equivalent performance to the techniques described in harmonised standards adopted under Directive 1999/5/EC must be used. Alternatively a duty cycle limit ⁽⁷⁾ of 1 % may also be used	Analogue audio applications other than voice are excluded. Analogue video applications are excluded	1 November 2010
Non-specific short-range devices (cont.)	2 400-2 483,5 MHz	10 mW equivalent isotropic radiated power (e.i.r.p.)			1 June 2007
	5 725-5 875 MHz	25 mW e.i.r.p.			1 June 2007
	24,150-24,250 GHz	100 mW e.i.r.p.			1 October 2008
	61,0-61,5 GHz	100 mW e.i.r.p.			1 October 2008
Wideband data transmission systems	2 400-2 483,5 MHz	100 mW e.i.r.p. and 100 mW/100 kHz e.i.r.p. density applies when frequency hopping modulation is used, 10 mW/MHz e.i.r.p. density applies when other types of modulation are used	Techniques to access spectrum and mitigate interference that provide at least equivalent performance to the techniques described in harmonised standards adopted under Directive 1999/5/EC must be used		1 November 2009

Type of short-range device	Frequency band ⁽¹⁾	Transmit power limit/ field strength limit/power density limit ⁽²⁾	Additional parameters (channelling and/or channel access and occupation rules) ⁽³⁾	Other usage restrictions ⁽⁴⁾	Implementation deadline
	57,0-66,0 GHz	40 dBm e.i.r.p. and 13 dBm/MHz e.i.r.p. density	Techniques to access spectrum and mitigate interference that provide at least equivalent performance to the techniques described in harmonised standards adopted under Directive 1999/5/EC must be used	Fixed outdoor installations are excluded	1 November 2010
Alarm systems	868,600-868,700 MHz	10 mW e.r.p.	Channel spacing: 25 kHz The whole frequency band may also be used as a single channel for high-speed data transmission Duty cycle limit ⁽⁷⁾ : 1,0 %		1 October 2008
	869,250-869,300 MHz	10 mW e.r.p.	Channel spacing: 25 kHz Duty cycle limit ⁽⁷⁾ : 0,1 %		1 June 2007
	869,300-869,400 MHz	10 mW e.r.p.	Channel spacing: 25 kHz Duty cycle limit ⁽⁷⁾ : 1,0 %		1 October 2008
	869,650-869,700 MHz	25 mW e.r.p.	Channel spacing: 25 kHz Duty cycle limit ⁽⁷⁾ : 10 %		1 June 2007
Social alarms ⁽⁸⁾	869,200-869,250 MHz	10 mW e.r.p.	Channel spacing: 25 kHz Duty cycle limit ⁽⁷⁾ : 0,1 %		1 June 2007
Inductive applications ⁽⁹⁾	9,000-59,750 kHz	72 dBµA/m at 10 metres			1 November 2010
	59,750-60,250 kHz	42 dBµA/m at 10 metres			1 June 2007
	60,250-70,000 kHz	69 dBµA/m at 10 metres			1 June 2007
	70-119 kHz	42 dBµA/m at 10 metres			1 June 2007
	119-127 kHz	66 dBµA/m at 10 metres			1 June 2007
	127-140 kHz	42 dBµA/m at 10 metres			1 October 2008
	140-148,5 kHz	37,7 dBµA/m at 10 metres			1 October 2008

Type of short-range device	Frequency band ⁽¹⁾	Transmit power limit/ field strength limit/power density limit ⁽²⁾	Additional parameters (channelling and/or channel access and occupation rules) ⁽³⁾	Other usage restrictions ⁽⁴⁾	Implementation deadline
	148,5-5 000 kHz In the specific bands mentioned below, higher field strengths and additional usage restrictions apply:	– 15 dBµA/m at 10 metres in any bandwidth of 10 kHz Furthermore the total field strength is – 5 dBµA/m at 10 m for systems operating at bandwidths larger than 10 kHz			1 October 2008
Inductive applications (cont.)	400-600 kHz	– 8 dBµA/m at 10 metres		This set of usage conditions applies to RFID ⁽¹⁰⁾ only	1 October 2008
	3 155-3 400 kHz	13,5 dBµA/m at 10 metres			1 October 2008
	5 000-30 000 kHz In the specific bands mentioned below, higher field strengths and additional usage restrictions apply:	– 20 dBµA/m at 10 metres in any bandwidth of 10 kHz Furthermore the total field strength is – 5 dBµA/m at 10 m for systems operating at bandwidths larger than 10 kHz			1 October 2008
	6 765-6 795 kHz	42 dBµA/m at 10 metres			1 June 2007
	7 400-8 800 kHz	9 dBµA/m at 10 metres			1 October 2008
	10 200-11 000 kHz	9 dBµA/m at 10 metres			1 October 2008
Inductive applications (cont.)	13 553-13 567 kHz	42 dBµA/m at 10 metres			1 June 2007
		60 dBµA/m at 10 metres		This set of usage conditions applies to RFID ⁽¹⁰⁾ and EAS ⁽¹¹⁾ only	1 October 2008
	26 957-27 283 kHz	42 dBµA/m at 10 metres			1 October 2008
Active medical implants ⁽¹²⁾	9-315 kHz	30 dBµA/m at 10 metres	Duty cycle limit ⁽⁷⁾ : 10 %		1 October 2008

Type of short-range device	Frequency band ⁽¹⁾	Transmit power limit/ field strength limit/power density limit ⁽²⁾	Additional parameters (channelling and/or channel access and occupation rules) ⁽³⁾	Other usage restrictions ⁽⁴⁾	Implementation deadline
Active medical implants and associated peripherals ⁽¹³⁾	30,0-37,5 MHz	1 mW e.r.p.	Duty cycle limit ⁽⁷⁾ : 10 %	This set of usage conditions applies to ultra low power medical membrane implants for blood pressure measurements only	1 November 2010
	402-405 MHz	25 µW e.r.p.	Channel spacing: 25 kHz Individual transmitters may combine adjacent channels for increased bandwidth up to 300 kHz. Other techniques to access spectrum or mitigate inter- ference, including bandwidths greater than 300 kHz, can be used provided they result at least in an equivalent performance to the techniques described in harmonised standards adopted under Directive 1999/5/EC to ensure compatible operation with the other users and in particular with meteorological radiosondes		1 November 2009
	401-402 MHz	25 µW e.r.p.	Channel spacing: 25 kHz Individual transmitters may combine adjacent channels for increased bandwidth up to 100 kHz. Techniques to access spectrum and mitigate interference that provide at least equivalent performance to the techniques described in harmonised standards adopted under Directive 1999/5/EC must be used. Alternatively a duty cycle limit ⁽⁷⁾ of 0,1 % may also be used		1 November 2010
	405-406 MHz	25 µW e.r.p.	Channel spacing: 25 kHz Individual transmitters may combine adjacent channels for increased bandwidth up to 100 kHz.		1 November 2010

Type of short-range device	Frequency band ⁽¹⁾	Transmit power limit/ field strength limit/power density limit ⁽²⁾	Additional parameters (channelling and/or channel access and occupation rules) ⁽³⁾	Other usage restrictions ⁽⁴⁾	Implementation deadline
			Techniques to access spectrum and mitigate interference that provide at least equivalent performance to the techniques described in harmonised standards adopted under Directive 1999/5/EC must be used. Alternatively a duty cycle limit ⁽⁷⁾ of 0,1 % may also be used		
Animal implantable devices ⁽¹⁴⁾	315-600 kHz	– 5 dBµA/m at 10 m	Duty cycle limit ⁽⁷⁾ : 10 %		1 November 2010
	12,5-20,0 MHz	– 7 dBµA/m at 10 m in a bandwidth of 10 kHz	Duty cycle limit ⁽⁷⁾ : 10 %	This set of usage conditions applies to indoor applications only	1 November 2010
Low power FM transmitters ⁽¹⁵⁾	87,5-108,0 MHz	50 nW e.r.p.	Channel spacing up to 200 kHz		1 November 2010
Wireless audio applications ⁽¹⁶⁾	863-865 MHz	10 mW e.r.p.			1 November 2010
Radio determination applications ⁽¹⁷⁾	2 400-2 483,5 MHz	25 mW e.i.r.p.			1 November 2009
	17,1-17,3 GHz	26 dBm e.i.r.p.	Techniques to access spectrum and mitigate interference that provide at least equivalent performance to the techniques described in harmonised standards adopted under Directive 1999/5/EC must be used	This set of usage conditions applies to ground-based systems only	1 November 2009
Tank Level Probing Radar ⁽¹⁸⁾	4,5-7,0 GHz	24 dBm e.i.r.p. ⁽¹⁹⁾			1 November 2009
	8,5-10,6 GHz	30 dBm e.i.r.p. ⁽¹⁹⁾			1 November 2009
	24,05-27,0 GHz	43 dBm e.i.r.p. ⁽¹⁹⁾			1 November 2009
	57,0-64,0 GHz	43 dBm e.i.r.p. ⁽¹⁹⁾			1 November 2009
	75,0-85,0 GHz	43 dBm e.i.r.p. ⁽¹⁹⁾			1 November 2009

Type of short-range device	Frequency band ⁽¹⁾	Transmit power limit/ field strength limit/power density limit ⁽²⁾	Additional parameters (channelling and/or channel access and occupation rules) ⁽³⁾	Other usage restrictions ⁽⁴⁾	Implementation deadline
Model Control ⁽²⁰⁾	26 990-27 000 kHz	100 mW e.r.p.			1 November 2009
	27 040-27 050 kHz	100 mW e.r.p.			1 November 2009
	27 090-27 100 kHz	100 mW e.r.p.			1 November 2009
	27 140-27 150 kHz	100 mW e.r.p.			1 November 2009
	27 190-27 200 kHz	100 mW e.r.p.			1 November 2009
Radio Frequency Identification (RFID)	2 446-2 454 MHz	100 mW e.i.r.p.			1 November 2009
Road Transport and Traffic Telematics	76,0-77,0 GHz	55 dBm peak e.i.r.p. and 50 dBm mean e.i.r.p. and 23,5 dBm mean e.i.r.p. for pulse radars		This set of usage conditions applies to terrestrial vehicle and infra- structure systems only	1 November 2010

⁽¹⁾ Member States must allow the usage of adjacent frequency bands within this table as a single frequency band provided the specific conditions of each of these adjacent frequency bands are met.

⁽²⁾ Member States must allow the usage of spectrum up to the transmit power, field strength or power density given in this table. In conformity with Article 3(3) of Decision 2006/771/EC, they may impose less restrictive conditions, i.e. allow the use of spectrum with higher transmit power, field strength or power density.

⁽³⁾ Member States may only impose these "additional parameters (channelling and/or channel access and occupation rules)", and may not add other parameters or spectrum access and mitigation requirements. Less restrictive conditions within the meaning of Article 3(3) of Decision 2006/771/EC mean that Member States may completely omit the 'additional parameters (channelling and/or channel access and occupation rules)' in a given cell or allow higher values.

⁽⁴⁾ Member States may only impose these "other usage restrictions", and may not add additional usage restrictions. As less restrictive conditions may be introduced within the meaning of Article 3(3) of Decision 2006/771/EC, Member States may omit one or all of these restrictions.

⁽⁵⁾ This category is available for any type of application which fulfils the technical conditions (typical uses are telemetry, telecommand, alarms, data in general and other similar applications).

⁽⁶⁾ For this frequency band Member States must make all the alternative sets of usage conditions possible.

⁽⁷⁾ "Duty cycle" means the ratio of time during any 1-hour period when equipment is actively transmitting. Less restrictive conditions within the meaning of Article 3(3) of Decision 2006/771/EC mean that Member States may allow a higher value for "Duty cycle".

⁽⁸⁾ Social alarm devices are used to assist elderly or disabled people when they are in distress.

⁽⁹⁾ This category covers, for example, devices for car immobilisation, animal identification, alarm systems, cable detection, waste management, personal identification, wireless voice links, access control, proximity sensors, anti-theft systems, including RF anti-theft induction systems, data transfer to handheld devices, automatic article identification, wireless control systems and automatic road tolling.

⁽¹⁰⁾ This category covers inductive applications used for Radio Frequency Identification (RFID).

⁽¹¹⁾ This category covers inductive applications used for Electronic Article Surveillance (EAS).

⁽¹²⁾ This category covers the radio part of active implantable medical devices, as defined in Council Directive 90/385/EEC of 20 June 1990 on the approximation of the laws of the Member States relating to active implantable medical devices (OJ L 189, 20.7.1990, p. 17).

⁽¹³⁾ This category covers systems specifically designed for the purpose of providing non-voice digital communications between active medical implants, as defined in footnote 12, and/or body-worn devices and other devices external to the human body used for transferring non-time critical individual patient-related physiological information.

⁽¹⁴⁾ This category covers transmitting devices which are placed inside the body of an animal for the purpose of performing diagnostic functions and/or delivery of therapeutic treatment.

⁽¹⁵⁾ This category includes applications which connect personal audio devices, including mobile phones, and the automotive or home entertainment system.

⁽¹⁶⁾ Applications for wireless audio systems, including: wireless microphones, cordless loudspeakers; cordless headphones; cordless headphones for portable use, e.g. portable CD, cassette or radio devices carried on a person; cordless headphones for use in a vehicle, for example for use with a radio or mobile telephone, etc.; in-ear monitoring and wireless microphones for use at concerts or other stage productions.

⁽¹⁷⁾ This category covers applications used for determining the position, velocity and/or other characteristics of an object, or for obtaining information relating to these parameters.

⁽¹⁸⁾ Tank Level Probing Radars (TLPR) are a specific type of radiodetermination application, which are used for tank level measurements and are installed in metallic or reinforced concrete tanks, or similar structures made of material with comparable attenuation characteristics. The purpose of the tank is to contain a substance.

⁽¹⁹⁾ The power limit applies inside a closed tank and corresponds to a spectral density of - 41,3 dBm/MHz e.i.r.p. outside a 500 litre test tank.

⁽²⁰⁾ This category covers applications used to control the movement of models (principally miniature representations of vehicles) in the air, on land or over or under the water surface.'

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