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(¹) Text with EEA relevance

EN

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⁽¹⁾ Text with EEA relevance

I

(Legislative acts)

DECISIONS

DECISION No 938/2010/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**of 20 October 2010****providing macro-financial assistance to the Republic of Moldova**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 212 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure ⁽¹⁾,

Whereas:

(1) Relations between the Republic of Moldova ('Moldova') and the European Union are developing within the framework of the European Neighbourhood Policy. In 2005, the Community and Moldova agreed on a European Neighbourhood Policy Action Plan identifying medium-term priorities in EU-Moldova relations. The framework of those bilateral relations is further enhanced by the recently launched Eastern Partnership. In January 2010 the European Union and Moldova started negotiating an Association Agreement that is expected to replace the existing Partnership and Cooperation Agreement.

(2) The Moldovan economy has been severely affected by the international financial crisis, with dramatically declining output, a deteriorating fiscal position and rising external financing needs.

(3) Moldova's economic stabilisation and recovery are supported by financial assistance from the International Monetary Fund (IMF). The IMF financing arrangement for Moldova was approved on 29 January 2010.

(4) Moldova has requested Union macro-financial assistance in view of the deteriorating economic situation and outlook.

(5) Given that a residual financing gap in 2010-2011 remains in Moldova's balance of payments, macro-financial assistance is considered an appropriate response to Moldova's request to support economic stabilisation in conjunction with the current IMF programme. This macro-financial assistance is also expected to contribute to alleviating the external financing needs of the State budget.

(6) The Union macro-financial assistance should not merely supplement programmes and resources from the IMF and the World Bank, but should ensure the added value of Union involvement.

(7) The Commission should ensure that the Union macro-financial assistance is legally and substantially in line with the measures taken within the different areas of external action and other relevant Union policies.

(8) The specific objectives of the Union macro-financial assistance should strengthen efficiency, transparency and accountability. These objectives should be regularly monitored by the Commission.

(9) The conditions underlying the provision of the Union macro-financial assistance should reflect key principles and objectives of Union policy towards Moldova.

(10) In order to ensure efficient protection of the Union's financial interests linked to this macro-financial assistance, it is necessary that Moldova adopt appropriate measures relating to the prevention of, and the fight against, fraud, corruption and any other irregularities linked to this assistance. It is also necessary that the Commission provide for appropriate controls and that the Court of Auditors provide for appropriate audits.

⁽¹⁾ Position of the European Parliament of 7 September 2010 (not yet published in the Official Journal) and decision of the Council of 11 October 2010.

- (11) The release of the Union macro-financial assistance is without prejudice to the powers of the budgetary authority.
- (12) The Union macro-financial assistance should be managed by the Commission. In order to ensure that the European Parliament and the Economic and Financial Committee are able to follow the implementation of this Decision, the Commission should regularly inform them of developments relating to the assistance and provide them with relevant documents.
- (13) According to Article 291 of the Treaty on the Functioning of the European Union, rules and general principles concerning mechanisms for the control by Member States of the Commission's exercise of implementing powers are to be laid down in advance by a regulation adopted in accordance with the ordinary legislative procedure. Pending the adoption of that new regulation, Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁽¹⁾ continues to apply, with the exception of the regulatory procedure with scrutiny, which is not applicable,

HAVE ADOPTED THIS DECISION:

Article 1

1. The Union shall make available to Moldova macro-financial assistance in the form of a grant of a maximum amount of EUR 90 million with a view to supporting Moldova's economic stabilisation and alleviating its balance of payments and budgetary needs, as identified in the current IMF programme.
2. The release of the Union macro-financial assistance shall be managed by the Commission in a manner consistent with the agreements or understandings reached between the IMF and Moldova and with the key principles and objectives of economic reform set out in the EU-Moldova Partnership and Cooperation Agreement and Action Plan. The Commission shall regularly inform the European Parliament and the Economic and Financial Committee of developments in the management of the assistance and provide them with relevant documents.
3. The Union macro-financial assistance shall be made available for two years and six months starting from the first day after the entry into force of the Memorandum of Understanding referred to in Article 2(1).

Article 2

1. The Commission, acting in accordance with the advisory procedure referred to in Article 5(2), shall be empowered to agree with the Moldovan authorities on the economic policy conditions attached to the Union macro-financial assistance, to be laid down in a Memorandum of Understanding which shall include a timeframe for their fulfilment (hereinafter the

'Memorandum of Understanding'). The conditions shall be consistent with the agreements or understandings reached between the IMF and Moldova and with the key principles and objectives of economic reform set out in the EU-Moldova Partnership and Cooperation Agreement and Action Plan. These principles and objectives aim at strengthening the efficiency, transparency and accountability of the assistance, including in particular public finance management systems in Moldova. Progress in attaining those objectives shall be regularly monitored by the Commission. The detailed financial terms of the assistance shall be laid down in a Grant Agreement to be agreed between the Commission and the Moldovan authorities.

2. During the implementation of the Union macro-financial assistance, the Commission shall monitor the soundness of the financial arrangements, administrative procedures and internal and external control mechanisms in Moldova which are relevant to such assistance and the adherence to the agreed timeframe.

3. The Commission shall verify at regular intervals that Moldova's economic policies are in accordance with the objectives of the Union macro-financial assistance and that the agreed economic policy conditions are being satisfactorily fulfilled. To this end the Commission shall coordinate closely with the IMF and the World Bank, and, when required, with the Economic and Financial Committee.

Article 3

1. Subject to the conditions of paragraph 2, the Union macro-financial assistance to Moldova shall be made available by the Commission in not less than three grant instalments. The size of each instalment shall be laid down in the Memorandum of Understanding.
2. The Commission shall decide on the release of the instalments subject to satisfactory implementation of the economic policy conditions agreed in the Memorandum of Understanding. The disbursement of the second and the subsequent instalments shall not take place earlier than three months after the release of the previous instalment.
3. The Union funds shall be paid to the National Bank of Moldova. Subject to provisions to be agreed in the Memorandum of Understanding, including a confirmation of residual budgetary financing needs, the Union funds may be transferred to the State Treasury of Moldova as the final beneficiary.

Article 4

The Union macro-financial assistance shall be implemented in accordance with the provisions of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities⁽²⁾ and its implementing rules⁽³⁾. In

⁽²⁾ OJ L 248, 16.9.2002, p. 1.

⁽³⁾ Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities (OJ L 357, 31.12.2002, p. 1).

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

particular, the Memorandum of Understanding and the Grant Agreement to be agreed with the Moldovan authorities shall provide for specific measures to be implemented by Moldova in relation to the prevention of, and the fight against, fraud, corruption and other irregularities affecting the assistance. In order to ensure greater transparency in the management and disbursement of the Union funds, the Memorandum of Understanding and the Grant Agreement shall also provide for controls including on-the-spot checks and inspections, to be carried out by the Commission, including the European Anti-Fraud Office. They shall in addition provide for audits, including where appropriate on-the-spot audits, by the Court of Auditors.

Article 5

1. The Commission shall be assisted by a committee.
2. Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

Article 6

1. By 31 August of each year the Commission shall submit to the European Parliament and to the Council a report on the

implementation of this Decision in the preceding year, including an evaluation thereof. The report shall indicate the connection between the policy conditions as laid down in the Memorandum of Understanding, Moldova's ongoing economic and fiscal performance, and the Commission's decision to release the instalments of the assistance.

2. No later than two years after the expiry of the availability period referred to in Article 1(3), the Commission shall submit to the European Parliament and to the Council an ex post evaluation report.

Article 7

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

Done at Strasbourg, 20 October 2010.

For the European Parliament

The President

J. BUZEK

For the Council

The President

O. CHASTEL

II

(Non-legislative acts)

REGULATIONS

COMMISSION REGULATION (EU) No 939/2010

of 20 October 2010

amending Annex IV to Regulation (EC) No 767/2009 on permitted tolerances for the compositional labelling of feed materials or compound feed as referred to in Article 11(5)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

content greater than 50 % as for these feed materials new labelling provisions have been introduced by Articles 15 and 16 of Regulation (EC) No 767/2009.

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

Having regard to Regulation (EC) No 767/2009 of the European Parliament and of the Council of 13 July 2009 on the placing on the market and use of feed, amending European Parliament and Council Regulation (EC) No 1831/2003 and repealing Council Directive 79/373/EEC, Commission Directive 80/511/EEC, Council Directives 82/471/EEC, 83/228/EEC, 93/74/EEC, 93/113/EC and 96/25/EC and Commission Decision 2004/217/EC ⁽¹⁾, and in particular Article 27(1) thereof,

(4) In the absence of methods to determine the energy value and the protein value at Union level, Member States should be allowed to maintain their national tolerances for these parameters.

(5) For the newly introduced tolerances for feed additives in feed it should be clarified that these only apply to the technical deviations, as the analytical tolerance is already determined in line with the official method of detection for the respective feed additive. The tolerances should apply to declared values in the list of feed additives and the list of analytical constituents.

Whereas:

(1) Regulation (EC) No 767/2009 provides for a set of EU rules concerning the marketing conditions of feed materials and compound feed. Annex IV of this Regulation includes permitted tolerances for the compositional labelling of feed materials and compound feed.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health and neither the European Parliament nor the Council has opposed them,

(2) Statistical control data from the competent authorities in the Member States on deviations in feed samples have revealed that substantial changes need to be made to the parameters set out in Annex IV to Regulation (EC) No 767/2009 in order to consider the scientific and technological developments in sampling and analytical methods. The Commission has now completed the evaluation of that data and consequently the structure and the parameters of Annex IV should be modified.

HAS ADOPTED THIS REGULATION:

Article 1

Annex IV to Regulation (EC) No 767/2009 is replaced in accordance with the Annex to this Regulation.

Article 2

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

(3) The amended tolerances for the moisture content should take into account certain feed materials with a moisture

This Regulation shall apply from 1 September 2010.

⁽¹⁾ OJ L 229, 1.9.2009, p. 1.

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

Done at Brussels, 20 October 2010.

For the Commission
The President
José Manuel BARROSO

ANNEX

Annex IV to Regulation (EC) No 767/2009 is replaced by the following:

‘ANNEX IV

Permitted tolerances for the compositional labelling of feed materials or compound feed provided for in Article 11(5)

Part A: Tolerances for the analytical constituents set out in Annexes I, V, VI and VII

1. The tolerances laid down in this Part include technical and analytical deviations. Once analytical tolerances covering measurement uncertainties and procedural variations are fixed at Union level, the values set in point 2 should be adapted accordingly in order to cover only the technical tolerances.
2. Where the composition of a feed material or compound feed is found to deviate from the labelled value of the analytical constituents set out in Annexes I, V, VI and VII the following tolerances shall apply:
 - (a) for crude oil and fats, crude protein and crude ash:
 - (i) $\pm 3\%$ of the total mass or volume for declared contents of 24 % or more;
 - (ii) $\pm 12,5\%$ of the declared content for declared contents of less than 24 % but not less than 8 %;
 - (iii) $\pm 1\%$ of the total mass or volume for declared contents of less than 8 %;
 - (b) for crude fibre, sugar and starch:
 - (i) $\pm 3,5\%$ of the total mass or volume for declared contents of 20 % or more;
 - (ii) $\pm 17,5\%$ of the declared content for declared contents of less than 20 % but not less than 10 %;
 - (iii) $\pm 1,7\%$ of the total mass or volume for declared contents of less than 10 %;
 - (c) for calcium, ash insoluble in hydrochloric acid, total phosphorus, sodium, potassium and magnesium:
 - (i) $\pm 1\%$ of the total mass or volume for declared contents of 5 % or more;
 - (ii) $\pm 20\%$ of the declared content for declared contents of less than 5 % but not less than 1 %;
 - (iii) $\pm 0,2\%$ of the total mass or volume for declared contents of less than 1 %;
 - (d) for moisture:
 - (i) $\pm 8\%$ of the declared content for declared contents of 12,5 % or more;
 - (ii) $\pm 1\%$ of the total mass or volume for declared contents of less than 12,5 % but not less than 5 %;
 - (iii) $\pm 20\%$ of the declared content for declared contents of less than 5 % but not less than 2 %;
 - (iv) $\pm 0,4\%$ of the total mass or volume for declared contents of less than 2 %;
 - (e) as regards the energy value and the protein value, where no tolerance has been laid down in accordance with an EU method or in accordance with an official national method in the Member State in which the feed is placed on the market, the following tolerances shall apply: for the energy value 5 % and for the protein value 10 %.
3. By way of derogation from point 2(a) as regards crude oil and fats and crude protein in pet food, where the declared content is less than 16 % the permitted deviation shall be $\pm 2\%$ of the total mass or volume.
4. By way of derogation from point 2, the permitted deviation from the declared content to the upper side for crude oil and fats, sugar, starch, calcium, sodium, potassium, magnesium, energy value and protein value may be up to twice the tolerance laid down in points 2 and 3.
5. By way of derogation from point 2, the tolerances for ash insoluble in hydrochloric acid and moisture apply only to the upper side and no limits to the tolerances are set to the lower side.

Part B: Tolerances for feed additives labelled according to Annexes I, V, VI and VII

1. The tolerances laid down in this Part include technical deviation only. They shall apply to feed additives in the list of feed additives and in the list of analytical constituents.

As regards feed additives listed as analytical constituents, the tolerances shall apply to the total amount labelled as the guaranteed quantity at the end of the minimum storage life of the feed.

Where the content of a feed additive in a feed material or compound feed is found to be below the declared content, the following tolerances shall apply⁽¹⁾:

- (a) 10 % of the declared content if the declared content is 1 000 units or more;
 - (b) 100 units if the declared content is less than 1 000 units but not less than 500 units;
 - (c) 20 % of the declared content if the declared content is less than 500 units but not less than 1 unit;
 - (d) 0,2 units if the declared content is less than 1 unit but not less than 0,5 units;
 - (e) 40 % of the declared content if the declared content is less than 0,5 units.
2. Where a minimum and/or a maximum content of an additive in a feed is laid down in the respective authorisation act for that feed additive, the technical tolerances laid down in point 1 shall only apply above a minimum content or below a maximum content, where appropriate.
3. As long as the fixed maximum content of an additive as referred to in point 2 is not exceeded, the deviation above the declared content may go up to three times the tolerance laid down in point 1. However, if for feed additives belonging to the group of micro-organisms a maximum content is laid down in the respective authorising act for that feed additive, the maximum content shall constitute the upper permitted value.'
-

⁽¹⁾ 1 unit in this point means 1 mg, 1 000 IU, 1×10^9 CFU or 100 enzyme activity units of the respective feed additive per kg feed, as appropriate.

COMMISSION REGULATION (EU) No 940/2010**of 20 October 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 21 October 2010.

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

Done at Brussels, 20 October 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	73,3
	MK	82,9
	XS	78,3
	ZZ	78,2
0707 00 05	MK	87,5
	TR	144,9
	ZZ	116,2
0709 90 70	TR	141,1
	ZZ	141,1
0805 50 10	AR	71,5
	BR	100,4
	CL	83,3
	IL	91,2
	TR	87,2
	ZA	96,9
	ZZ	88,4
0806 10 10	BR	220,7
	TR	146,0
	US	149,0
	ZA	64,2
	ZZ	145,0
0808 10 80	AR	75,7
	BR	59,6
	CL	80,9
	CN	64,2
	NZ	96,4
	US	82,6
	ZA	87,5
0808 20 50	ZZ	78,1
	CN	65,8
	ZA	88,6
	ZZ	77,2

⁽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 941/2010**of 20 October 2010****on the issue of import licences for applications submitted in the first seven days of October 2010
under the tariff quota for high-quality beef administered by Regulation (EC) No 620/2009**

THE EUROPEAN COMMISSION,

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

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

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

Whereas:

- (1) Commission Regulation (EC) No 620/2009 of 13 July 2009 providing for the administration of an import tariff quota for high-quality beef ⁽³⁾ sets out detailed rules for the submission and issue of import licences.
- (2) Article 7(2) of Regulation (EC) No 1301/2006 provides that in cases where quantities covered by licence appli-

cations exceed the quantities available for the quota period, allocation coefficients should be fixed for the quantities covered by each licence application. The applications for import licences submitted pursuant to Article 3 of Regulation (EC) No 620/2009 between 1 and 7 October 2010 exceed the quantities available. Therefore, the extent to which import licences may be issued and the allocation coefficient should be determined,

HAS ADOPTED THIS REGULATION:

Article 1

Import licence applications covered by the quota with order number 09.4449 and submitted between 1 and 7 October 2010 in accordance with Article 3 of Regulation (EC) No 620/2009, shall be multiplied by an allocation coefficient of 86,932641 %.

Article 2

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

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

Done at Brussels, 20 October 2010.

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

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

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 238, 1.9.2006, p. 13.

⁽³⁾ OJ L 182, 15.7.2009, p. 25.

COMMISSION REGULATION (EU) No 942/2010**of 20 October 2010****suspending submission of applications for import licences for sugar products under certain tariff quotas**

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 891/2009 of 25 September 2009 opening and providing for the administration of certain Community tariff quotas in the sugar sector ⁽²⁾, and in particular Article 5(2) thereof,

Whereas:

- (1) Quantities covered by applications for import licences submitted to the competent authorities from 1 to 7 October 2010 in accordance with Regulation (EC)

No 891/2009, are equal to the quantity available under order number 09.4321.

- (2) Submission of further applications for licences for order number 09.4321 should be suspended until the end of the marketing year, in accordance with Regulation (EC) No 891/2009,

HAS ADOPTED THIS REGULATION:

Article 1

Submission of further applications for licences, which correspond to the order numbers indicated in the Annex, shall be suspended until the end of the marketing year 2010/11.

Article 2

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

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

Done at Brussels, 20 October 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 254, 26.9.2009, p. 82.

ANNEX

CXL Concessions Sugar**2010/2011 marketing year****Applications lodged from 1.10.2010 to 7.10.2010**

Order No	Country	Allocation coefficient (%)	Further applications
09.4317	Australia	—	
09.4318	Brazil	—	
09.4319	Cuba	—	
09.4320	Any third countries	—	Suspended
09.4321	India	(¹)	Suspended

‘—’: Not applicable; no licence application has been sent to the Commission.

(¹) Not applicable: the applications do not exceed the quantities available and are fully granted.

Balkans Sugar**2010/2011 marketing year****Applications lodged from 1.10.2010 to 7.10.2010**

Order No	Country	Allocation coefficient (%)	Further applications
09.4324	Albania	—	
09.4325	Bosnia and Herzegovina	—	
09.4326	Serbia, Montenegro and Kosovo (*)	(¹)	
09.4327	Former Yugoslav Republic of Macedonia	—	
09.4328	Croatia	(¹)	

‘—’: Not applicable; no licence application has been sent to the Commission.

(*) Kosovo under United Nations Security Council Resolution 1244/1999.

(¹) Not applicable: the applications do not exceed the quantities available and are fully granted.

Exceptional import sugar and industrial import sugar**2010/2011 marketing year****Applications lodged from 1.10.2010 to 7.10.2010**

Order No	Type	Allocation coefficient (%)	Further applications
09.4380	Exceptional	—	
09.4390	Industrial	—	

‘—’: Not applicable; no licence application has been sent to the Commission.

COMMISSION REGULATION (EU) No 943/2010**of 20 October 2010****amending the representative prices and additional import duties for certain products in the sugar sector fixed by Regulation (EU) No 867/2010 for the 2010/11 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 2010/11 marketing year are fixed by Commission Regulation (EU) No 867/2010 ⁽³⁾. These prices and duties have been last amended by Commission Regulation (EU) No 937/2010 ⁽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 (EU) No 867/2010 for the 2010/11, marketing year, are hereby amended as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 21 October 2010.

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

Done at Brussels, 20 October 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 259, 1.10.2010, p. 3.

⁽⁴⁾ OJ L 275, 20.10.2010, p. 7.

ANNEX

Amended representative prices and additional import duties applicable to white sugar, raw sugar and products covered by CN code 1702 90 95 from 21 October 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⁾	60,18	0,00
1701 11 90 ⁽¹⁾	60,18	0,00
1701 12 10 ⁽¹⁾	60,18	0,00
1701 12 90 ⁽¹⁾	60,18	0,00
1701 91 00 ⁽²⁾	51,83	1,92
1701 99 10 ⁽²⁾	51,83	0,00
1701 99 90 ⁽²⁾	51,83	0,00
1702 90 95 ⁽³⁾	0,52	0,21

⁽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.

COMMISSION REGULATION (EU) No 944/2010**of 20 October 2010****correcting Regulation (EU) No 902/2010 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:

- (1) A check has revealed an error in the Annex to Commission Regulation (EU) No 902/2010 ⁽³⁾.
- (2) Commission Regulation (EU) No 902/2010 should therefore be amended accordingly.
- (3) Application of the corrected standard import value must be requested by the party concerned so that they are not placed retroactively at a disadvantage,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EU) No 902/2010 shall be amended in accordance with the Annex to this Regulation.

Article 2

At the request of the party concerned, the customs office where the import was recorded shall refund part of the customs duties for the products originating in the third country concerned and released for free circulation during the period between 9 and 11 October 2010.

Refund applications must be lodged no later than the last day of the third month following that in which this Regulation enters into force and must be accompanied by the declaration of release for free circulation for the import concerned.

*Article 3*This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 20 October 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.⁽³⁾ OJ L 266, 9.10.2010, p. 56.

ANNEX

The second line of the Annex to Regulation (EU) No 902/2010, in the Section relating to CN Code 0808 10 80, is to be replaced by the following text:

'BR	51,1'
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DIRECTIVES

COMMISSION DIRECTIVE 2010/67/EU

of 20 October 2010

amending Directive 2008/84/EC laying down specific purity criteria on food additives other than colours and sweeteners

(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 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives ⁽¹⁾, and in particular Article 30(5) thereof,

After consulting the Scientific Committee on Food and the European Food Safety Authority,

Whereas:

(1) Commission Directive 2008/84/EC of 27 August 2008 laying down specific purity criteria on food additives other than colours and sweeteners ⁽²⁾ sets out the purity criteria for the additives mentioned in European Parliament and Council Directive 95/2/EC of 20 February 1995 on food additives other than colours and sweeteners ⁽³⁾.

(2) Under Article 30(4) of Regulation (EC) No 1333/2008 specifications of the food additives covered under paragraphs 1 to 3 of that Article, including additives authorised under Directive 95/2/EC, shall be adopted, in accordance with Regulation (EC) No 1331/2008 of the European Parliament and of the Council of 16 December 2008 establishing a common authorisation procedure for food additives, food enzymes and food flavourings ⁽⁴⁾, at the moment when those food additives are entered in the respective Annexes in accordance with those paragraphs.

(3) Since the lists have not yet been drawn up, and in order to ensure that the modification of the Annexes to Directive 95/2/EC pursuant to Article 31 is effective, and to ensure that additives so authorised comply with safe conditions of use, Directive 2008/84/EC should therefore be amended.

(4) The entry related to carbon dioxide (E 290) should be revised with respect to the concentration level of 'oil content' to take into account Codex Alimentarius specifications drafted by the Joint Expert Committee on Food Additives (JECFA) and the documents of the International Organisation for Standardisation (ISO) (e.g. ISO 6141).

(5) The European Food Safety Authority (hereinafter the Authority) has assessed the information on the safety of extracts of rosemary when used as an antioxidant in foodstuffs. Extracts of rosemary are derived from *Rosmarinus officinalis* L. and contain several compounds which exert antioxidative functions (mainly phenolic acids, flavonoids, diterpenoids and triterpenes). It is considered appropriate to adopt specifications for extracts of rosemary which is authorised as a new food additive for use in foodstuffs under Directive 95/2/EC and assigned E 392 as its E number. Several types of production process are described, using solvent extraction (ethanolic, acetone and hexane) and supercritical carbon dioxide extraction.

(6) Soybean hemicellulose (E 426) was evaluated by the Scientific Committee on Food in 2003 ⁽⁵⁾ and is currently authorised within the EU under Directive 95/2/EC. A new variety of soybean hemicellulose is now produced and complies with all specifications set out in Directive 2008/84/EC for E 426 except that

⁽¹⁾ OJ L 354, 31.12.2008, p. 16.

⁽²⁾ OJ L 253, 20.9.2008, p. 1.

⁽³⁾ OJ L 61, 18.3.1995, p. 1.

⁽⁴⁾ OJ L 354, 31.12.2008, p. 1.

⁽⁵⁾ Opinion of the Scientific Committee on Food on Soybean Hemicellulose expressed on 4 April 2003 (SCF/CS/ADD/EMU/185 Final).

ethanol is technologically needed as precipitant for purifying the extract solution of that new variety of soybean hemicellulose. In consequence, the final E 426, which feature differs from a spray dried white powder, may also contain some ethanol as a residue at the maximum concentration of 2 %. Ethanol is authorised by Directive 2009/32/EC of the European Parliament and of the Council⁽¹⁾ as extraction solvent during the processing of raw materials, foodstuffs, food components, or food ingredients in compliance with good manufacturing practice.

- (7) The Authority assessed the information on the safety of cassia gum as a new food additive acting as gelling agent and thickener and expressed its opinion on 26 September 2006⁽²⁾. The Authority found the use of cassia gum as indicated under the conditions specified of no safety concern. It is therefore appropriate to adopt specifications for that new food additive which is assigned E number 427.
- (8) The entry relating to hydroxypropyl cellulose (E 463) should be modified in order to correct an error of the specifications in relation to the assay. Instead of 'Content not less than 80,5 % of hydroxypropoxyl groups', it should read 'Content not more than 80,5 % of hydroxypropoxyl groups'. It is therefore appropriate to update the current specifications.
- (9) The entry relating to hydrogen (E 949) should be corrected so that the concentration levels indicated in the assay and purity sections can be compatible. Consequently, the concentration of nitrogen should be corrected.
- (10) The Authority assessed the information on the safety of the new food additive, polyvinyl alcohol (PVA), as a film-coating agent for food supplements and expressed its opinion on 5 December 2005⁽³⁾. The Authority found the use of PVA of no safety concern in the coating of food supplements that are in the form of capsules and tablets. It is therefore appropriate to adopt specifications for polyvinyl alcohol which is assigned E number 1203, and which is authorised as a food additive under Directive 95/2/EC.
- (11) The Authority assessed the information on the safety of six grades of polyethylene glycols (PEG 400, PEG 3000, PEG 3350, PEG 4000, PEG 6000, PEG 8000) as film

coating agents for use in food supplement products and expressed its opinion on 28 November 2006⁽⁴⁾. The Authority found the use of those grades of polyethylene glycol as glazing agent in film-coating formulations of no safety concern for food supplement tablets and capsules under the intended conditions of use. All those grades of polyethylene glycols have been assigned a new E number, namely E 1521. It is therefore appropriate to adopt specifications for those six grades of polyethylene glycols and to group them together under a single entry. Consequently, it is necessary to update the current specifications already laid down in Directive 2008/84/EC for polyethylene glycol 6000.

- (12) EFSA assessed the safety of use of an enzyme preparation based on thrombin with fibrinogen derived from cattle and/or pigs as a food additive for reconstituting food and concluded in its opinion on 26 April 2005 that this use of the enzyme preparation when produced as outlined in the opinion is of no safety concern⁽⁵⁾. However, the European Parliament in its Resolution of 19 May 2010 on the draft Commission Directive amending the Annexes to the European Parliament and Council Directive 95/2/EC on food additives other than colours and sweeteners, considered that the inclusion in Annex IV to Directive 95/2/EC of this enzyme preparation as a food additive for reconstituting food was not compatible with the aim and content of Regulation (EC) No 1333/2008, as it does not meet the general criteria of Article 6 of Regulation (EC) No 1333/2008, especially in paragraph 1(c) of Article 6.
- (13) It is necessary to take into account the specifications and analytical techniques for additives as set out in the Codex Alimentarius drafted by the JECFA. In particular where appropriate, the specific purity criteria need to be adapted to reflect the limits for individual heavy metals of interest.
- (14) Directive 2008/84/EC should therefore be amended accordingly.
- (15) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health, and neither the European Parliament nor the Council has opposed them,

⁽¹⁾ OJ L 141, 6.6.2009, p. 3.

⁽²⁾ Scientific opinion of the Panel on Food Additives, Flavourings, Processing Aids and Material in Contact with Food on a request from the Commission related to an application on the use of cassia gum as a food additive, *The EFSA Journal* (2006) 389, 1-16.

⁽³⁾ Scientific opinion of the Panel on Food Additives, Flavourings, Processing Aids and Material in Contact with Food on a request from the Commission related to the use of polyvinyl alcohol as a coating agent for food supplement, *The EFSA Journal* (2005) 294, p. 1.

⁽⁴⁾ Scientific opinion of the Panel on Food Additives, Flavourings, Processing Aids and Material in Contact with Food on a request from the Commission related to the use of polyethylene glycol (PEG) as a film coating agent for use in food supplement products, *The EFSA Journal* (2006) 414, p. 1.

⁽⁵⁾ Opinion of the Scientific Panel on Food Additives, Flavourings, Processing Aids and Materials in Contact with Food on a request from the Commission related to the use of an enzyme preparation based on thrombin:fibrinogen derived from cattle and/or pigs as a food additive for reconstituting food, *The EFSA Journal* (2005) 214, p. 1.

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 2008/84/EC is amended in accordance with the Annex to this Directive.

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 March 2011 at the latest. They shall forthwith communicate to the Commission the text of those provisions.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 20 October 2010.

For the Commission

The President

José Manuel BARROSO

ANNEX

Annex I to Directive 2008/84/EC is amended as follows:

1. in the section on E 290 Carbon dioxide the subentry on 'Oil content' is replaced by the following:

'Oil content

Not more than 5 mg/kg';

2. after the section on additive E 385, the following section on E 392 Extracts of rosemary is inserted:

E 392 EXTRACTS OF ROSEMARY

GENERAL SPECIFICATION

Synonym

Extract of rosemary leaf (antioxidant)

Definition

Extracts of rosemary contain several components, which have been proven to exert antioxidative functions. These components belong mainly to the classes of phenolic acids, flavonoids, diterpenoids. Besides the antioxidant compounds, the extracts can also contain triterpenes and organic solvent extractable material specifically defined in the following specification

EINECS

283-291-9

Chemical name

Rosemary extract (*Rosmarinus officinalis*)

Description

Rosemary leaf extract antioxidant is prepared by extraction of the leaves of *Rosmarinus officinalis* using a food approved solvent system. Extracts may then be deodorised and decolourised. Extracts may be standardised

Identification

Reference antioxidative compounds: phenolic
diterpenes

Carnosic acid (C₂₀H₂₈O₄) and Carnosol (C₂₀H₂₆O₄) (which comprise not less than 90 % of the total phenolic diterpenes)

Reference key volatiles

Borneol, Bornyl Acetate, Camphor, 1,8-Cineol, Verbenone

Density

> 0,25 g/ml

Solubility

Insoluble in water

Purity

Loss on Drying

< 5 %

Arsenic

Not more than 3 mg/kg

Lead

Not more than 2 mg/kg

1. Extracts of rosemary produced from dried rosemary leaves by acetone extraction

Description

Extracts of rosemary are produced from dried rosemary leaves by acetone extraction, filtration, purification and solvent evaporation, followed by drying and sieving to obtain a fine powder or a liquid

Identification

Content of reference antioxidative compounds	≥ 10 % w/w, expressed as the total of carnosic acid and carnosol
Antioxidant/Volatiles — Ratio	(Total % w/w of carnosic acid and carnosol) ≥ 15 (% w/w of reference key volatiles)* (* as a percentage of total volatiles in the extract, measured by Gas Chromatography — Mass Spectrometry Detection, “GC-MSD”)
Residual Solvents	Acetone: not more than 500 mg/kg

2. Extracts of rosemary prepared by extraction of dried rosemary leaves by means of supercritical carbon dioxide

Extracts of rosemary produced from dried rosemary leaves extracted by means of supercritical carbon dioxide with a small amount of ethanol as entrainer.

Identification

Content of reference antioxidative compounds	≥ 13 % w/w, expressed as the total of carnosic acid and carnosol
Antioxidant/Volatiles — Ratio	(Total % w/w of carnosic acid and carnosol) ≥ 15 (% w/w of reference key volatiles)* (* as a percentage of total volatiles in the extract, measured by Gas Chromatography — Mass Spectrometry Detection, “GC-MSD”)
Residual Solvents	Ethanol: not more than 2 %

3. Extracts of rosemary prepared from a deodorised ethanolic extract of rosemary

Extracts of rosemary which are prepared from a deodorised ethanolic extract of rosemary. The extracts may be further purified, for example by treatment with active carbon and/or molecular distillation. The extracts may be suspended in suitable and approved carriers or spray dried.

Identification

Content of reference antioxidative compounds	≥ 5 % w/w, expressed as the total of carnosic acid and carnosol
Antioxidant/Volatiles — Ratio	(Total % w/w of carnosic acid and carnosol) ≥ 15 (% w/w of reference key volatiles)* (* as a percentage of total volatiles in the extract, measured by Gas Chromatography — Mass Spectrometry Detection, “GC-MSD”)
Residual Solvents	Ethanol: not more than 500 mg/kg

4. Extracts of rosemary decolourised and deodorised, obtained by a two-step extraction using hexane and ethanol

Extracts of rosemary which are prepared from a deodorised ethanolic extract of rosemary, undergone a hexane extraction. The extract may be further purified, for example by treatment with active carbon and/or molecular distillation. They may be suspended in suitable and approved carriers or spray dried.

Identification

Content of reference antioxidative compounds	≥ 5 % w/w, expressed as the total of carnosic acid and carnosol
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Antioxidant/Volatiles — Ratio

(Total % w/w of carnosic acid and carnosol) ≥ 15
 (% w/w of reference key volatiles)*
 (* as a percentage of total volatiles in the extract,
 measured by Gas Chromatography — Mass Spectrometry
 Detection, “GC-MSD”)

Residual solvents

Hexane: not more than 25 mg/kg
 Ethanol: not more than 500 mg/kg;

3. in the section on E 426 Soybean Hemicellulose:

(a) the entries on ‘Definition’ and ‘Description’ are replaced by the following:

Definition

Soybean Hemicellulose is a refined water-soluble polysaccharide obtained from natural strain soybean fibre by hot water extraction. No organic precipitant shall be used other than ethanol

Description

Free flowing white or yellowish white powder;

(b) in the entry on ‘Purity’, the following subentry is added:

‘Ethanol

Not more than 2 %;

4. after the section on additive E 426, the following section on E 427 Cassia gum is inserted:

E 427 CASSIA GUM**Synonyms****Definition**

Cassia gum is the ground purified endosperm of the seeds of *Cassia tora* and *Cassia obtusifolia* (*Leguminosae*) containing less than 0,05 % of *Cassia occidentalis*. It consists mainly of high molecular weight polysaccharides composed primarily of a linear chain of 1,4- β -D-mannopyranose units linked with 1,6- α -D-galactopyranose units. The ratio of mannose to galactose is about 5:1

In the manufacture the seeds are dehusked and degermed by thermal mechanical treatment followed by milling and screening of the endosperm. The ground endosperm is further purified by extraction with isopropanol

Assay

Not less than 75 % of Galactomannan

Description

Pale yellow to off-white, odourless powder

Identification

Solubility

Insoluble in ethanol. Disperses well in cold water forming a colloidal solution

Gel formation with borate

To an aqueous dispersion of the sample add sufficient sodium borate test solution (TS) to raise the pH to above 9; a gel is formed

Gel formation with xanthan gum	Weigh 1,5 g of the sample and 1,5 g of xanthan gum and blend them. Add this blend (with rapid stirring) into 300 ml water at 80 °C in a 400 ml beaker. Stir until the mixture is dissolved and continue stirring for an extra 30 min after dissolution (maintain the temperature above 60 °C during the stirring process). Discontinue stirring and allow the mixture to cool at room temperature for at least 2 h A firm, viscoelastic gel forms after the temperature drops below 40 °C, but no such gel forms in a 1 % control solution of cassia gum or xanthan gum alone prepared in a similar manner
Viscosity	Less than 500 mPa.s (25 °C, 2h, 1 % solution) corresponding to an average molecular weight of 200 000-300 000 D
Purity	
Acid insoluble matter	Not more than 2,0 %
pH	5,5-8 (1 % aqueous solution)
Crude fat	Not more than 1 %
Proteins	Not more than 7 %
Total ash	Not more than 1,2 %
Loss on drying	Not more than 12 % (5 h, 105 °C)
Total Anthraquinones	Not more than 0,5 mg/kg (detection limit)
Solvent residues	Not more than 750 mg/kg Isopropyl alcohol
Lead	Not more than 1 mg/kg
Microbiological criteria	
Total plate count	Not more than 5 000 colony forming units per gram
Yeast and mould	Not more than 100 colony forming units per gram
<i>Salmonella</i> spp.	Absent in 25 g
E. Coli	Absent in 1 g;

5. in the section on E 463 Hydroxypropyl cellulose, the subentry on 'Assay' is replaced by the following:

'Assay	Content not more than 80,5 % of hydroxypropoxyl groups (-OCH ₂ CHOHCH ₃) equivalent to not more than 4,6 hydroxypropyl groups per anhydroglucose unit on the anhydrous basis;
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6. in the section on E 949 Hydrogen, in entry on 'Purity', the subentry on 'Nitrogen' is replaced by the following:

'Nitrogen	Not more than 0,07 % v/v;
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7. after the section on additive E 1201, the following section is inserted:

E 1203 POLYVINYL ALCOHOL

Synonyms

Vinyl alcohol polymer, PVOH

Definition

Polyvinyl alcohol is a synthetic resin prepared by the polymerisation of vinyl acetate, followed by partial hydrolysis of the ester in the presence of an alkaline catalyst. The physical characteristics of the product depend on the degree of polymerisation and the degree of hydrolysis

Chemical name

Ethenol homopolymer

Chemical formula

$(C_2H_3OR)_n$ where R = H or COCH₃

Description

Odourless, tasteless, translucent, white or cream-coloured granular powder

Identification

Solubility

Soluble in water; sparingly soluble in ethanol

Precipitation reaction

Dissolve 0,25 g of the sample in 5 ml of water with warming and let the solution cool to room temperature. The addition of 10 ml of ethanol to this solution leads to a white, turbid or flocculent precipitate

Colour reaction

Dissolve 0,01 g of the sample in 100 ml of water with warming and let the solution cool to room temperature. A blue colour is produced when adding (to 5 ml solution) one drop of iodine test solution (TS) and a few drops of boric acid solution

Dissolve 0,5 g of the sample in 10 ml of water with warming and let the solution cool to room temperature. A dark red to blue colour is produced after adding one drop of iodine TS to 5 ml of solution

Viscosity

4,8 to 5,8 mPa.s (4 % solution at 20 °C) corresponding to an average molecular weight of 26 000-30 000 D

Purity

Water insoluble matter

Not more than 0,1 %

Ester value

Between 125 and 153 mg KOH/g

Degree of hydrolysis

86,5 to 89,0 %

Acid value

Not more than 3,0

Solvent residues

Not more than 1,0 % Methanol, 1,0 % Methyl acetate

pH

5,0 to 6,5 (4 % solution)

Loss on drying

Not more than 5,0 % (105 °C, 3 H)

Residue in ignition

Not more than 1,0 %

Lead

Not more than 2,0 mg/kg;

8. the section on 'Polyethylene glycol 6000' is replaced by the following:

E 1521 POLYETHYLENE GLYCOLS

Synonyms

PEG, Macrogol, Polyethylene oxide

Definition

Addition polymers of ethylene oxide and water usually designated by a number roughly corresponding to the molecular weight

Chemical name

alpha-Hydro-omega-hydroxypoly (oxy-1,2-ethanediol)

Chemical formula

$\text{HOCH}_2 - (\text{CH}_2 - \text{O} - \text{CH}_2)_n - \text{CH}_2\text{OH}$

Average molecular weight

380 to 9 000 D

Assay

PEG 400: Not less than 95 % and not more than 105 %

PEG 3000: Not less than 90 % and not more than 110 %

PEG 3350: Not less than 90 % and not more than 110 %

PEG 4000: Not less than 90 % and not more than 110 %

PEG 6000: Not less than 90 % and not more than 110 %

PEG 8000: Not less than 87,5 % and not more than 112,5 %

Description

PEG 400 is a clear, viscous, colourless or almost colourless hygroscopic liquid

PEG 3000, PEG 3350, PEG 4000, PEG 6000 and PEG 8000 are white or almost white solids with a waxy or paraffin-like appearance

Identification

Melting point

PEG 400: 4-8 °C

PEG 3000: 50-56 °C

PEG 3350: 53-57 °C

PEG 4000: 53-59 °C

PEG 6000: 55-61 °C

PEG 8000: 55-62 °C

Viscosity

PEG 400: 105 to 130 mPa.s at 20 °C

PEG 3000: 75 to 100 mPa.s at 20 °C

PEG 3350: 83 to 120 mPa.s at 20 °C

PEG 4000: 110 to 170 mPa.s at 20 °C

PEG 6000: 200 to 270 mPa.s at 20 °C

PEG 8000: 260 to 510 mPa.s at 20 °C

For polyethylene glycols having a average molecular weight greater than 400, the viscosity is determined on a 50 per cent m/m solution of the candidate substance in water

Solubility	PEG 400 is miscible with water, very soluble in acetone, in alcohol and in methylene chloride, practically insoluble in fatty oils and in mineral oils PEG 3000 and PEG 3350: very soluble in water and in methylene chloride, very slightly soluble in alcohol, practically insoluble in fatty oils and in mineral oils PEG 4000, PEG 6000 and PEG 8000: very soluble in water and in methylene chloride, practically insoluble in alcohol and in fatty oils and in mineral oils
Purity	
Acidity or alkalinity	Dissolve 5,0 g in 50 ml of carbon dioxide-free water and add 0,15 ml of bromothymol blue solution. The solution is yellow or green. Not more than 0,1 ml of 0,1 M sodium hydroxide is required to change the colour of the indicator to blue
Hydroxyl value	PEG 400: 264-300 PEG 3000: 34-42 PEG 3350: 30-38 PEG 4000: 25-32 PEG 6000: 16-22 PEG 8000: 12-16
Sulphated ash	Not more than 0,2 %
1,4-Dioxane	Not more than 10 mg/kg
Ethylene oxide	Not more than 0,2 mg/kg
Ethylene glycol and diethylene glycol	Total not more than 0,25 % w/w individually or in combination
Lead	Not more than 1 mg/kg'.

DECISIONS

COMMISSION DECISION

of 19 October 2010

pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequate protection of personal data in Andorra

(notified under document C(2010) 7084)

(Text with EEA relevance)

(2010/625/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data ⁽¹⁾, and in particular Article 25(6) thereof,

After consulting the European Data Protection Supervisor,

Whereas:

- (1) Pursuant to Directive 95/46/EC, Member States are required to provide that the transfer of personal data to a third country may take place only if the third country in question ensures an adequate level of protection and if the Member States' laws implementing other provisions of the Directive are complied with prior to the transfer.
- (2) The Commission may find that a third country ensures an adequate level of protection. In that case, personal data may be transferred from the Member States without additional guarantees being necessary.
- (3) Pursuant to Directive 95/46/EC the level of data protection should be assessed in the light of all the circumstances surrounding a data transfer operation or a set of data transfer operations and giving particular consideration to a number of elements relevant for the transfer and listed in Article 25 thereof.
- (4) Given the different approaches to data protection in third countries, the adequacy assessment should be carried out,

and any decision based on Article 25(6) of Directive 95/46/EC should be made and enforced in a way that does not arbitrarily or unjustifiably discriminate against or between third countries where like conditions prevail, nor constitute a disguised barrier to trade, regard being had to the European Union's present international commitments.

- (5) Andorra is a State with a system of Parliamentary Co-Principality with the President of the French Republic and the Archbishop of Urgell being Co-Princes.
- (6) The right to privacy is enshrined in Article 14 of the Constitution of the Principality of Andorra (Constitució del Principat d'Andorra), as approved by popular referendum on 14 March 1993.
- (7) The legal rules for the protection of personal data in Andorra are largely based on the standards set out in Directive 95/46/EC and are laid down in the Qualified Law 15/2003 of 18 December on the protection of personal data (Llei qualificada de protecció de dades personals) (LQPD). This data protection legislation is further complemented by Decree of 1 July 2004, establishing the Public Register for the Inscription of Personal Data Files and by Decree of 9 June 2010 approving the Regulations of the Andorra Data Protection Agency. This latter instrument clarifies several issues raised by the Working Party on the protection of individuals with regard to the processing of personal data established under Article 29 of Directive 95/46/EC in its Opinion of 1 December 2009 ⁽²⁾.
- (8) Data protection provisions are also contained in a number of legal instruments regulating different sectors, such as financial sector legislation, health regulations and public registries.

⁽¹⁾ OJ L 281, 23.11.1995, p. 31.

⁽²⁾ Opinion 7/2009 of 1 December 2009, available at: http://ec.europa.eu/justice_home/fsj/privacy/docs/wpdocs/2009/wp166_en.pdf

- (9) Andorra has ratified the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data of 28 January 1981, and the Additional Protocol to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data regarding supervisory authorities and transborder data flows of 8 November 2001 as well as the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950, in Andorra in force since 22 January 1996, and the Covenant on Civil and Political Rights of 16 December 1966, in Andorra in force since 19 July 2006.
- (10) The legal data protection standards applicable in Andorra cover all the basic principles necessary for an adequate level of protection for natural persons, and also provides for exceptions and limitations in order to safeguard important public interests. The application of these legal data protection standards is guaranteed by administrative and judicial remedies and by an independent supervision carried out by the supervisory authority, the Andorran Data Protection Agency, which is invested with powers of investigation and intervention and which acts completely independently.
- (11) Andorran data protection authorities have provided explanations and assurances as to how the Andorran law is to be interpreted, and has given assurances that the Andorran data protection legislation is implemented in accordance with such interpretation. This Decision takes account of those explanations and assurances, and is therefore conditional upon them.
- (12) Andorra should therefore be regarded as providing an adequate level of protection for personal data as referred to in Directive 95/46/EC.
- (13) In the interest of transparency and in order to safeguard the ability of the competent authorities in the Member States to ensure the protection of individuals as regards the processing of their personal data, it is necessary to specify the exceptional circumstances in which the suspension of specific data flows may be justified, notwithstanding the finding of adequate protection.
- (14) The Working Party on the protection of individuals with regard to the processing of personal data established under Article 29 of Directive 95/46/EC has delivered a favourable opinion on the level of adequacy as regards protection of personal data, which has been taken into account in the preparation of this Decision⁽¹⁾. In its favourable opinion, the Working Party has encouraged the Andorran authorities in the ongoing process of adopting further provisions which will extend the application of Andorran legislation to automated individual decisions, as this is currently not expressly recognised by the Andorran Qualified Law on the protection of personal data.
- (15) The measures provided for in this Decision are in accordance with the opinion of the Committee established under Article 31(1) of Directive 95/46/EC,
- HAS ADOPTED THIS DECISION:
- Article 1*
- For the purposes of Article 25(2) of Directive 95/46/EC, Andorra is considered as providing an adequate level of protection for personal data transferred from the European Union.
- Article 2*
- This Decision concerns the adequacy of protection provided in Andorra with a view to meeting the requirements of Article 25(1) of Directive 95/46/EC and does not affect other conditions or restrictions implementing other provisions of that Directive that pertain to the processing of personal data within the Member States.
- Article 3*
1. Without prejudice to their powers to take action to ensure compliance with national provisions adopted pursuant to provisions other than Article 25 of Directive 95/46/EC, the competent authorities in Member States may exercise their existing powers to suspend data flows to a recipient in Andorra in order to protect individuals with regard to the processing of their personal data in the following cases:
- (a) where a competent Andorran authority has determined that the recipient is in breach of the applicable standards of protection; or
- (b) where there is a substantial likelihood that the standards of protection are being infringed, there are reasonable grounds for believing that the competent Andorran authority is not taking or will not take adequate and timely steps to settle the case at issue, the continuing transfer would create an imminent risk of grave harm to data subjects and the competent authorities in the Member State have made reasonable efforts in the circumstances to provide the party responsible for processing established in Andorra with notice and an opportunity to respond.
2. The suspension shall cease as soon as the standards of protection are assured and the competent authority of the Member States concerned is notified thereof.
- Article 4*
1. Member States shall inform the Commission without delay when measures are adopted on the basis of Article 3.
2. The Member States and the Commission shall inform each other of cases where the action of bodies responsible for ensuring compliance with the standards of protection in Andorra fails to secure such compliance.

⁽¹⁾ Opinion 7/2009 of 1 December 2009, available at: http://ec.europa.eu/justice_home/fsj/privacy/docs/wpdocs/2009/wp166_en.pdf

3. If the information collected under Article 3 and under paragraphs 1 and 2 of this Article provides evidence that any body responsible for ensuring compliance with the standards of protection in Andorra is not effectively fulfilling its role, the Commission shall inform the competent Andorran authority and, if necessary, present draft measures in accordance with the procedure referred to in Article 31(2) of Directive 95/46/EC with a view to repealing or suspending this Decision or limiting its scope.

Article 5

The Commission shall monitor the functioning of this Decision and report any pertinent findings to the Committee established under Article 31 of Directive 95/46/EC, including any evidence that could affect the finding in Article 1 of this Decision, that protection in Andorra is adequate within the meaning of Article 25 of Directive 95/46/EC and any evidence that this Decision is being implemented in a discriminatory way.

Article 6

Member States shall take all the measures necessary to comply with the Decision by 1 January 2011.

Article 7

This Decision is addressed to the Member States.

Done at Brussels, 19 October 2010.

For the Commission

Viviane REDING

Vice-President

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 1/2010 OF THE EU-MEXICO JOINT COMMITTEE

of 17 September 2010

**relating to Annex III to Decision No 2/2000 of the EU-Mexico Joint Council concerning the
definition of the concept of originating products and methods of administrative cooperation**

(2010/626/EU)

THE JOINT COMMITTEE,

Having regard to Decision No 2/2000 of the EU-Mexico Joint Council of 23 March 2000 ⁽¹⁾ (hereinafter 'Decision No 2/2000'), and in particular Notes 2 and 3 of Appendix II(a) to Annex III concerning the definition of the concept of originating products and methods of administrative cooperation and Joint Declaration V thereto,

Whereas:

- (1) Annex III to Decision No 2/2000 sets out the rules of origin for the products originating in the territory of the Parties to the Agreement.
- (2) According to Joint Declaration V, the Joint Committee shall review the necessity to extend beyond 30 June 2003 the application of the rules of origin established in Notes 2 and 3 of Appendix II(a) to Annex III to Decision No 2/2000, if the economic conditions which formed the basis for establishing the rule set out in those Notes continue. On 22 March 2004 and on 14 June 2007 the EU-Mexico Joint Committee adopted Decisions No 1/2004 ⁽²⁾ and 1/2007 ⁽³⁾ extending the application of the rules of origin established in Notes 2 and 3 of Appendix II(a) to Annex III to Decision No 2/2000 until 30 June 2006 and 30 June 2009, respectively.
- (3) In accordance with the analysis of the relevant economic conditions undertaken according to Joint Declaration V,

it is considered appropriate, in order to ensure the continuity of application of the mutual advantages provided under Decision No 2/2000, to extend on a temporary basis, the application of the rules of origin established in Notes 2 and 3 of Appendix II(a) to Annex III to Decision No 2/2000,

HAS DECIDED AS FOLLOWS:

Article 1

The rules of origin set out in Notes 2 and 3 of Appendix II(a) to Annex III to Decision No 2/2000, shall be applied until 30 June 2014 instead of the rules of origin set out in Appendix II to Annex III to Decision No 2/2000.

Article 2

This Decision shall enter into force on the date the Parties exchange written notifications certifying the completion of their respective legal procedures.

Article 1 shall apply from 1 July 2009.

Done at Brussels, 17 September 2010.

For the Joint Committee

The President

Gustavo MARTIN PRADA

⁽¹⁾ OJ L 157, 30.6.2000, p. 10.

⁽²⁾ OJ L 113, 20.4.2004, p. 60.

⁽³⁾ OJ L 279, 23.10.2007, p. 15.

**DECISION No 3/2010 OF THE EUROPEAN UNION/SWITZERLAND STATISTICAL COMMITTEE
of 1 October 2010**

**amending Annex B to the Agreement between the European Community and the Swiss
Confederation on cooperation in the field of statistics**

(2010/627/EU)

THE EUROPEAN UNION/SWITZERLAND STATISTICAL COMMITTEE,

Having regard to the Agreement between the European Community and the Swiss Confederation on cooperation in the field of statistics ⁽¹⁾, and in particular Article 4(4) thereof,

Whereas:

- (1) The Agreement between the European Community and the Swiss Confederation on cooperation in the field of statistics (hereinafter referred to as the Agreement) entered into force on 1 January 2007 and contains Annex B concerning the rules governing Switzerland's financial contribution.

- (2) The experience gained since the start of the implementation of the Agreement has demonstrated the need to simplify its financial application and reduce the corresponding administrative burden. Consequently, Annex B should be revised,

HAS DECIDED AS FOLLOWS:

Article 1

Annex B to the Agreement is replaced by the text appearing in the Annex to this Decision.

Article 2

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

Done at Sofia, 1 October 2010.

For the Joint Committee

The Head of the EU Delegation
Walter RADERMACHER

The Head of the Swiss Delegation
Jürg MARTI

⁽¹⁾ OJ L 90, 28.3.2006, p. 2.

ANNEX

‘ANNEX B

FINANCIAL RULES GOVERNING THE CONTRIBUTION OF SWITZERLAND REFERRED TO IN ARTICLE 8**1. Determination of financial participation**

- 1.1. Switzerland shall contribute financially, on an annual basis, to the European Union Statistical Programme.
- 1.2. This contribution shall be based on two elements:
 - The total cost of Eurostat [Cost]
 - The number of Member States in the European Union [# Members]
- 1.3. The financial contribution shall be: $[\text{Cost}]/[\# \text{ Members}]$
- 1.4. These elements shall be defined as follows:
 - 1.4.1. The total cost of Eurostat shall be defined as 85 % of the amount of commitment appropriations in the Statistics Policy Area (Title 29) of the Budget of the European Union, according to the Activity Based Budgeting nomenclature. This shall comprise Management and Support Expenditure of Policy Area Statistics (Expenditure related to staff in active employment, External staff and other management expenditure, Buildings and related expenditure and Support expenditure for operations) and the Financial Interventions in respect of the Production of Statistical Information. [Cost]
 - 1.4.2. The number of Member States shall be defined as the number of Member States of the European Union on 1 January of the year in question. [# Members]
- 1.5. A draft calculation of this financial contribution shall be made immediately after the adoption of the Preliminary Draft Budget of the European Union for the year in question. The final calculation shall be made immediately after the adoption of the Budget for that year.

2. Payment procedures

- 2.1. The Commission shall issue, at the latest on 15 June each financial year, a call for funds to Switzerland corresponding to its contribution under this Agreement. This call for funds shall provide for the payment of its contribution not later than 15 July. Any delay in the issuance of the call for funds shall give rise to a corresponding deferral of the scheduled payment date, to allow for a payment period of at least 30 days.
- 2.2. The contribution of Switzerland shall be expressed and paid in euro.
- 2.3. Switzerland shall pay its contribution under this Agreement in accordance with the schedule in point 2.1. Any delay in payment shall give rise to the payment of interest at the rate applied by the European Central Bank to its principal refinancing operations, as published in the C series of the *Official Journal of the European Union*, in force on the first calendar day of the month in which the due date falls, increased by 1,5 percentage points. The increased rate shall be applied to the entire period of delay. However, the interest shall be due only in respect of any contribution paid more than 30 days after the scheduled payment date mentioned in point 2.1.
- 2.4. Costs incurred by Swiss representatives and experts participating in meetings convened by the Commission under this Agreement shall not be reimbursed by the Commission. As stated in Article 6(2), the costs associated with the secondment of Swiss national officials to Eurostat shall be borne entirely by Switzerland.

Subject to an agreement between Eurostat and the Swiss Federal Statistical Office, Switzerland may deduct from its financial contribution the cost for seconded national experts. The maximum amount to be deducted for each official shall not exceed the maximum deducted for officials from EEA-EFTA countries being seconded to Eurostat under the EEA Agreement. This sum shall be agreed on an annual basis in the Joint Committee.

- 2.5. Payments effected by Switzerland shall be credited as budgetary revenue earmarked to the corresponding budget line of the statement of revenue of the General Budget of the European Union. The Financial Regulation⁽¹⁾ applicable to the General Budget of the European Communities shall apply to the management of appropriations.

3. **Conditions for implementation**

- 3.1. The financial contribution of Switzerland in accordance with Article 8 shall normally remain unchanged for the financial year in question.
- 3.2. The Commission, at the time of the closure of the accounts relating to each financial year (n), within the framework of the establishment of the revenue and expenditure account, shall proceed to the regularisation of the accounts with respect to the participation of Switzerland, taking into consideration modifications resulting from transfers, cancellations, carry-overs, or by supplementary and amending budgets during the financial year. This regularisation shall be made in the framework of the establishment of the budget for the following year (n + 2) and shall be reflected in the call for funds.

4. **Information**

- 4.1. At the latest on 31 May of each financial year (n + 1), the statement of appropriations corresponding to Eurostat's operational and administrative financial obligations, related to the previous financial year (n), shall be prepared and transmitted to Switzerland for information, according to the format of the Commission's revenue and expenditure account.
- 4.2. The Commission shall communicate to Switzerland all other general financial data relating to Eurostat which is made available to EEA-EFTA States.
-

⁽¹⁾ Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities (OJ L 248, 16.9.2002, p. 1), as last amended by Council Regulation (EC) No 1525/2007 (OJ L 343, 27.12.2007, p. 9).'

III

(Other acts)

EUROPEAN ECONOMIC AREA

DECISION OF THE EEA JOINT COMMITTEE

No 81/2010

of 2 July 2010

amending Annex I (Veterinary and phytosanitary matters) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex I to the Agreement was amended by Decision of the EEA Joint Committee No 61/2010 of 11 June 2010 ⁽¹⁾.
- (2) Commission Regulation (EC) No 885/2009 of 25 September 2009 amending Regulation (EC) No 378/2005 as regards reference samples, fees and the laboratories listed in Annex II ⁽²⁾ is to be incorporated into the Agreement.
- (3) Commission Regulation (EU) No 1269/2009 of 21 December 2009 amending Regulation (EC) No 243/2007 as regards the minimum content of the feed additive in feed for pigs for fattening ⁽³⁾ is to be incorporated into the Agreement.
- (4) Commission Regulation (EU) No 1270/2009 of 21 December 2009 concerning the permanent authorisations of certain additives in feedingstuffs ⁽⁴⁾ is to be incorporated into the Agreement.
- (5) Commission Regulation (EU) No 8/2010 of 23 December 2009 concerning the authorisation of the serine protease produced by *Bacillus licheniformis* (DSM 19670) as a feed additive for chickens for fattening (holder of authorisation DSM Nutritional Products Ltd, represented by DSM Nutritional Products Sp.Z.o.o) ⁽⁵⁾ is to be incorporated into the Agreement.
- (6) Commission Regulation (EU) No 9/2010 of 23 December 2009 concerning the authorisation of the endo-1,4-beta-xylanase produced by *Trichoderma reesei*

(ATCC PTA 5588) as a feed additive for chickens for fattening, laying hens, ducks and turkeys for fattening (holder of authorisation Danisco Animal Nutrition, Finnfeeds International Limited) ⁽⁶⁾ is to be incorporated into the Agreement.

- (7) Commission Directive 2010/6/EU of 9 February 2010 amending Annex I to Directive 2002/32/EC of the European Parliament and of the Council as regards mercury, free gossypol, nitrites and *Mowrah*, *Bassia*, *Madhuca* ⁽⁷⁾ is to be incorporated into the Agreement.

- (8) This Decision is not to apply to Liechtenstein,

HAS DECIDED AS FOLLOWS:

Article 1

Chapter II of Annex I to the Agreement shall be amended as follows:

1. the following indent shall be added in point 1zzh (Commission Regulation (EC) No 378/2005):

— **32009 R 0885:** Commission Regulation (EC) No 885/2009 of 25 September 2009 (OJ L 254, 26.9.2009, p. 58).;

2. the following indent shall be added in point 1zzzn (Commission Regulation (EC) No 243/2007):

— **32009 R 1269:** Commission Regulation (EU) No 1269/2009 of 21 December 2009 (OJ L 339, 22.12.2009, p. 27).;

3. the following points shall be inserted after point 1zzzzzu (Commission Regulation (EC) No 1096/2009):

‘1zzzzzv. **32009 R 1270:** Commission Regulation (EU) No 1270/2009 of 21 December 2009 concerning the permanent authorisations of certain additives in feedingstuffs (OJ L 339, 22.12.2009, p. 28).

⁽¹⁾ OJ L 244, 16.9.2010, p. 6.

⁽²⁾ OJ L 254, 26.9.2009, p. 58.

⁽³⁾ OJ L 339, 22.12.2009, p. 27.

⁽⁴⁾ OJ L 339, 22.12.2009, p. 28.

⁽⁵⁾ OJ L 3, 7.1.2010, p. 7.

⁽⁶⁾ OJ L 3, 7.1.2010, p. 10.

⁽⁷⁾ OJ L 37, 10.2.2010, p. 29.

1zzzzzw. **32010 R 0008:** Commission Regulation (EU) No 8/2010 of 23 December 2009 concerning the authorisation of the serine protease produced by *Bacillus licheniformis* (DSM 19670) as a feed additive for chickens for fattening (holder of authorisation DSM Nutritional Products Ltd, represented by DSM Nutritional Products Sp.Z.o.o) (OJ L 3, 7.1.2010, p. 7).

1zzzzzx. **32010 R 0009:** Commission Regulation (EU) No 9/2010 of 23 December 2009 concerning the authorisation of the endo-1,4-beta-xylanase produced by *Trichoderma reesei* (ATCC PTA 5588) as a feed additive for chickens for fattening, laying hens, ducks and turkeys for fattening (holder of authorisation Danisco Animal Nutrition, Finnfeeds International Limited) (OJ L 3, 7.1.2010, p. 10).;

4. the following indent shall be added in point 33 (Directive 2002/32/EC of the European Parliament and of the Council):

‘— **32010 L 0006:** Commission Directive 2010/6/EU of 9 February 2010 (OJ L 37, 10.2.2010, p. 29).’

Article 2

The texts of Regulations (EC) No 885/2009, (EU) No 1269/2009, (EU) No 1270/2009, (EU) No 8/2010 and (EU) No 9/2010 and Directive 2010/6/EU in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 3 July 2010, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 2 July 2010.

For the EEA Joint Committee

The President

Stefán Haukur JÓHANNESSON

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 82/2010

of 2 July 2010

amending Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex II to the Agreement was amended by Decision of the EEA Joint Committee No 59/2009 of 29 May 2009 ⁽¹⁾.
- (2) Commission Directive 2009/121/EC of 14 September 2009 amending, for the purposes of their adaptation to technical progress, Annexes I and V to Directive 2008/121/EC of the European Parliament and of the Council on textile names ⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following shall be added in point 4c (Directive 2008/121/EC of the European Parliament and of the Council) of Chapter XI of Annex II to the Agreement:

‘, as amended by:

— **32009 L 0121**: Commission Directive 2009/121/EC of 14 September 2009 (OJ L 242, 15.9.2009, p. 13).’

Article 2

The text of Directive 2009/121/EC in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 3 July 2010, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 2 July 2010.

*For the EEA Joint Committee**The President*

Stefán Haukur JÓHANNESSON

⁽¹⁾ OJ L 232, 3.9.2009, p. 10.

⁽²⁾ OJ L 242, 15.9.2009, p. 13.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 83/2010

of 2 July 2010

amending Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex II to the Agreement was amended by Decision of the EEA Joint Committee No 61/2010 of 11 June 2010 ⁽¹⁾.
- (2) Commission Regulation (EU) No 105/2010 of 5 February 2010 amending Regulation (EC) No 1881/2006 setting maximum levels for certain contaminants in foodstuffs as regards ochratoxin A ⁽²⁾ is to be incorporated into the Agreement.
- (3) Commission Regulation (EU) No 165/2010 of 26 February 2010 amending Regulation (EC) No 1881/2006 setting maximum levels for certain contaminants in foodstuffs as regards aflatoxins ⁽³⁾ is to be incorporated into the Agreement.
- (4) This Decision is not to apply to Liechtenstein,

HAS DECIDED AS FOLLOWS:

Article 1

The following indents shall be added in point 54zzzz (Commission Regulation (EC) No 1881/2006) of Chapter XII of Annex II to the Agreement:

— **32010 R 0105:** Commission Regulation (EU) No 105/2010 of 5 February 2010 (OJ L 35, 6.2.2010, p. 7),

— **32010 R 0165:** Commission Regulation (EU) No 165/2010 of 26 February 2010 (OJ L 50, 27.2.2010, p. 8).'

Article 2

The texts of Regulations (EU) No 105/2010 and (EU) No 165/2010 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 3 July 2010, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 2 July 2010.

For the EEA Joint Committee

The President

Stefán Haukur JÓHANNESSON

⁽¹⁾ OJ L 244, 16.9.2010, p. 6.

⁽²⁾ OJ L 35, 6.2.2010, p. 7.

⁽³⁾ OJ L 50, 27.2.2010, p. 8.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 84/2010

of 2 July 2010

amending Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex II to the Agreement was amended by Decision of the EEA Joint Committee No 48/2010 of 30 April 2010 ⁽¹⁾.
- (2) Commission Directive 2009/164/EU of 22 December 2009 amending, for the purpose of adaptation to technical progress, Annexes II and III to Council Directive 76/768/EEC concerning cosmetic products ⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following indent shall be added in point 1 (Council Directive 76/768/EEC) of Chapter XVI of Annex II to the Agreement:

- ‘— **32009 L 0164**: Commission Directive 2009/164/EU of 22 December 2009 (OJ L 344, 23.12.2009, p. 41).’

Article 2

The text of Directive 2009/164/EU in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 3 July 2010, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 2 July 2010.

For the EEA Joint Committee

The President

Stefán Haukur JÓHANNESSON

⁽¹⁾ OJ L 181, 15.7.2010, p. 16.

⁽²⁾ OJ L 344, 23.12.2009, p. 41.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 85/2010

of 2 July 2010

amending Annex IX (Financial services) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex IX to the Agreement was amended by Decision of the EEA Joint Committee No 50/2010 of 30 April 2010 ⁽¹⁾.
- (2) Directive 2009/111/EC of the European Parliament and of the Council of 16 September 2009 amending Directives 2006/48/EC, 2006/49/EC and 2007/64/EC as regards banks affiliated to central institutions, certain own funds items, large exposures, supervisory arrangements, and crisis management ⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

Annex IX to the Agreement shall be amended as follows:

1. the following indent shall be added in points 14 (Directive 2006/48/EC of the European Parliament and of the Council) and 31 (Directive 2006/49/EC of the European Parliament and of the Council):

— **32009 L 0111:** Directive 2009/111/EC of the European Parliament and of the Council of 16 September 2009 (OJ L 302, 17.11.2009, p. 97).;

2. the following shall be added in point 16e (Directive 2007/64/EC of the European Parliament and of the Council):

‘, as amended by:

— **32009 L 0111:** Directive 2009/111/EC of the European Parliament and of the Council of 16 September 2009 (OJ L 302, 17.11.2009, p. 97).’

Article 2

The text of Directive 2009/111/EC in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 3 July 2010, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee ^(*), or on the day of entry into force of Decision of the EEA Joint Committee No 65/2008 of 6 June 2008 ⁽³⁾ or of Decision of the EEA Joint Committee No 114/2008 of 7 November 2008 ⁽⁴⁾, whichever is the latest.

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 2 July 2010.

For the EEA Joint Committee

The President

Stefán Haukur JÓHANNESSON

⁽¹⁾ OJ L 181, 15.7.2010, p. 18.⁽²⁾ OJ L 302, 17.11.2009, p. 97.^(*) Constitutional requirements indicated.⁽³⁾ OJ L 257, 25.9.2008, p. 27.⁽⁴⁾ OJ L 339, 18.12.2008, p. 103.

DECISION OF THE EEA JOINT COMMITTEE

No 86/2010

of 2 July 2010

amending Annex X (Services in general) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex X to the Agreement was amended by Decision of the EEA Joint Committee No 45/2009 of 9 June 2009 ⁽¹⁾.
- (2) Commission Decision 2009/739/EC of 2 October 2009 setting out the practical arrangements for the exchange of information by electronic means between Member States under Chapter VI of Directive 2006/123/EC of the European Parliament and of the Council on services in the internal market ⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following point shall be inserted after point 1 (Directive 2006/123/EC of the European Parliament and of the Council) of Annex X to the Agreement:

- '1a. **32009 D 0739:** Commission Decision 2009/739/EC of 2 October 2009 setting out the practical arrangements

for the exchange of information by electronic means between Member States under Chapter VI of Directive 2006/123/EC of the European Parliament and of the Council on services in the internal market (OJ L 263, 7.10.2009, p. 32).'

Article 2

The text of Decision 2009/739/EC in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 3 July 2010, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 2 July 2010.

For the EEA Joint Committee

The President

Stefán Haukur JÓHANNESSON

⁽¹⁾ OJ L 162, 25.6.2009, p. 23.

⁽²⁾ OJ L 263, 7.10.2009, p. 32.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 88/2010

of 2 July 2010

amending Annex XIII (Transport) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex XIII to the Agreement was amended by Decision of the EEA Joint Committee No 76/2010 of 11 June 2010 ⁽¹⁾.
- (2) Commission Decision 2009/965/EC of 30 November 2009 on the reference document referred to in Article 27(4) of Directive 2008/57/EC of the European Parliament and of the Council on the interoperability of the rail system within the Community ⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following point shall be inserted after point 37db (Commission Decision 2008/163/EC) of Annex XIII to the Agreement:

'37dc. **32009 D 0965:** Commission Decision 2009/965/EC of 30 November 2009 on the reference document

referred to in Article 27(4) of Directive 2008/57/EC of the European Parliament and of the Council on the interoperability of the rail system within the Community (OJ L 341, 22.12.2009, p. 1).'

Article 2

The text of Decision 2009/965/EC in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 3 July 2010, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 2 July 2010.

For the EEA Joint Committee

The President

Stefán Haukur JÓHANNESSON

⁽¹⁾ OJ L 244, 16.9.2010, p. 34.

⁽²⁾ OJ L 341, 22.12.2009, p. 1.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE
No 89/2010
of 2 July 2010
amending Annex XIII (Transport) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex XIII to the Agreement was amended by Decision of the EEA Joint Committee No 76/2010 of 11 June 2010 ⁽¹⁾.
- (2) Commission Directive 2009/149/EC of 27 November 2009 amending Directive 2004/49/EC of the European Parliament and of the Council as regards Common Safety Indicators and common methods to calculate accident costs ⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following indent shall be added in point 42e (Directive 2004/49/EC of the European Parliament and of the Council) of Annex XIII to the Agreement:

‘— **32009 L 0149**: Commission Directive 2009/149/EC of 27 November 2009 (OJ L 313, 28.11.2009, p. 65).’

Article 2

The text of Directive 2009/149/EC in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 3 July 2010, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 2 July 2010.

For the EEA Joint Committee

The President

Stefán Haukur JÓHANNESSON

⁽¹⁾ OJ L 244, 16.9.2010, p. 34.

⁽²⁾ OJ L 313, 28.11.2009, p. 65.

^(*) Constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 90/2010

of 2 July 2010

amending Annex XIII (Transport) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex XIII to the Agreement was amended by Decision of the EEA Joint Committee No 76/2010 of 11 June 2010 ⁽¹⁾.
- (2) Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations ⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following point shall be inserted after point 42g (Directive 2007/59/EC of the European Parliament and of the Council) of Annex XIII to the Agreement:

- '42h. **32007 R 1371:** Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations (OJ L 315, 3.12.2007, p. 14).'

Article 2

The text of Regulation (EC) No 1371/2007 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 3 July 2010, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 2 July 2010.

*For the EEA Joint Committee**The President*

Stefán Haukur JÓHANNESSON

⁽¹⁾ OJ L 244, 16.9.2010, p. 34.

⁽²⁾ OJ L 315, 3.12.2007, p. 14.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 91/2010

of 2 July 2010

amending Annex XIV (Competition) to the EEA Agreement

THE EEA JOINT COMMITTEE,

The provisions of the Regulation shall, for the purpose of the Agreement, be read with the following adaptation:

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

the following shall be added at the end of Article 6:

Whereas:

- (1) Annex XIV to the Agreement was amended by Decision of the EEA Joint Committee No 77/2010 of 11 June 2010 ⁽¹⁾.
- (2) Commission Regulation (EU) No 461/2010 of 27 May 2010 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to categories of vertical agreements and concerted practices in the motor vehicle sector ⁽²⁾ is to be incorporated into the Agreement.
- (3) Commission Regulation (EC) No 1400/2002 ⁽³⁾, which has been incorporated into the Agreement, expired on 31 May 2010 and is therefore to be repealed under the Agreement,

"Pursuant to the provisions of the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice, the EFTA Surveillance Authority may by recommendation declare that, where parallel networks of similar vertical restraints cover more than 50 % of a relevant market in the EFTA States, this Regulation shall not apply to vertical agreements containing specific restraints relating to that market.

A recommendation pursuant to paragraph 1 shall be addressed to the EFTA State or EFTA States comprising the relevant market in question. The Commission shall be informed of the issuance of such a recommendation.

Within three months from the issuance of a recommendation pursuant to paragraph 1, all EFTA States addressees shall notify the EFTA Surveillance Authority whether they accept the recommendation. If the three months deadline expires without a response, this shall be understood as an acceptance of the EFTA State not responding timely.

HAS DECIDED AS FOLLOWS:

If an EFTA State addressee of the recommendation either accepts the recommendation or does not respond in time, a legal obligation under the Agreement to implement the recommendation within three months from its issuance shall be bestowed upon it.

Article 1

The text of point 4b (Commission Regulation (EC) No 1400/2002) of Annex XIV to the Agreement shall be replaced by the following:

If within the three months deadline, an EFTA State addressee notifies the EFTA Surveillance Authority that it does not accept its recommendation, the EFTA Surveillance Authority shall notify the Commission of this response. Should the Commission disagree with the position of the EFTA State in question, Article 92(2) of the Agreement shall apply.

'32010 R 0461: Commission Regulation (EU) No 461/2010 of 27 May 2010 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to categories of vertical agreements and concerted practices in the motor vehicle sector (OJ L 129, 28.5.2010, p. 52).

The EFTA Surveillance Authority and the Commission shall exchange information and consult each other in the application of this provision.

⁽¹⁾ OJ L 244, 16.9.2010, p. 35.

⁽²⁾ OJ L 129, 28.5.2010, p. 52.

⁽³⁾ OJ L 203, 1.8.2002, p. 30.

Where parallel networks of similar vertical restraints cover more than 50 % of a relevant market within the territory of the EEA Agreement, the two surveillance authorities can initiate cooperation with the aim of adopting separate measures. If the two surveillance authorities agree on a relevant market and the appropriateness of adopting a measure pursuant to this provision, the Commission shall adopt a regulation addressed to the EU Member States and the EFTA Surveillance Authority a recommendation of corresponding substance to the EFTA State or EFTA States comprising of the relevant market in question.”’

Article 2

The text of Regulation (EU) No 461/2010 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 3 July 2010, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*). It shall apply from 1 June 2010.

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 2 July 2010.

For the EEA Joint Committee

The President

Stefán Haukur JÓHANNESSON

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 92/2010

of 2 July 2010

amending Annex XVIII (Health and safety at work, labour law, and equal treatment for men and women) and Protocol 37 to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Articles 98 and 101 thereof,

Whereas:

- (1) Annex XVIII to the Agreement was amended by Decision of the EEA Joint Committee No 54/2010 of 30 April 2010 ⁽¹⁾.
- (2) Protocol 37 to the Agreement was amended by Decision of the EEA Joint Committee No 159/2009 of 4 December 2009 ⁽²⁾.
- (3) Commission Decision 2009/17/EC of 19 December 2008 setting up the Committee of Experts on Posting of Workers ⁽³⁾ is to be incorporated into the Agreement.
- (4) For the Agreement to function well, Protocol 37 to the Agreement is to be amended to include the Committee of Experts on Posting of Workers set up by Decision 2009/17/EC, and Annex XVIII is to be amended in order to specify the procedures for association with this Committee,

HAS DECIDED AS FOLLOWS:

Article 1

The following point shall be inserted after point 30 (Directive 96/71/EC of the European Parliament and of the Council) of Annex XVIII to the Agreement:

'30a. **32009 D 0017:** Commission Decision 2009/17/EC of 19 December 2008 setting up the Committee of Experts on Posting of Workers (OJ L 8, 13.1.2009, p. 26).

Modalities for the association of the EFTA States in accordance with Article 101 of the Agreement:

Each EFTA State may, in accordance with Article 3 of Commission Decision 2009/17/EC, appoint two persons to participate as observers in the meetings of the Committee of Experts on Posting of Workers.'

Article 2

The following point shall be inserted in Protocol 37 (containing the list provided for in Article 101) to the Agreement:

'33. The Committee of Experts on Posting of Workers (Commission Decision 2009/17/EC).'

Article 3

The text of Decision 2009/17/EC in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 4

This Decision shall enter into force on 3 July 2010, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 5

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 2 July 2010.

For the EEA Joint Committee

The President

Stefán Haukur JÓHANNESSON

⁽¹⁾ OJ L 181, 15.7.2010, p. 22.

⁽²⁾ OJ L 62, 11.3.2010, p. 65.

⁽³⁾ OJ L 8, 13.1.2009, p. 26.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 93/2010

of 2 July 2010

amending Annex XX (Environment) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex XX to the Agreement was amended by Decision of the EEA Joint Committee No 55/2010 of 30 April 2010 ⁽¹⁾.
- (2) Commission Decision 2009/543/EC of 13 August 2008 establishing the ecological criteria for the award of the Community eco-label to outdoor paints and varnishes ⁽²⁾ is to be incorporated into the Agreement.
- (3) Commission Decision 2009/544/EC of 13 August 2008 establishing the ecological criteria for the award of the Community eco-label to indoor paints and varnishes ⁽³⁾ is to be incorporated into the Agreement.
- (4) Commission Decision 2009/563/EC of 9 July 2009 on establishing the ecological criteria for the award of the Community eco-label for footwear ⁽⁴⁾ is to be incorporated into the Agreement.
- (5) Commission Decision 2009/564/EC of 9 July 2009 establishing the ecological criteria for the award of the Community eco-label for campsite service ⁽⁵⁾ is to be incorporated into the Agreement.
- (6) Commission Decision 2009/567/EC of 9 July 2009 establishing the ecological criteria for the award of the Community Ecolabel for textile products ⁽⁶⁾ is to be incorporated into the Agreement.
- (7) Commission Decision 2009/568/EC of 9 July 2009 establishing the ecological criteria for the award of the Community Eco-label for tissue paper ⁽⁷⁾ is to be incorporated into the Agreement.
- (8) Commission Decision 2009/578/EC of 9 July 2009 establishing the ecological criteria for the award of the Community eco-label for tourist accommodation service ⁽⁸⁾ is to be incorporated into the Agreement.
- (9) Commission Decision 2009/598/EC of 9 July 2009 establishing the ecological criteria for the award of the Community Ecolabel for bed mattresses ⁽⁹⁾ is to be incorporated into the Agreement.
- (10) Commission Decision 2009/607/EC of 9 July 2009 establishing the ecological criteria for the award of the Community eco-label to hard coverings ⁽¹⁰⁾ is to be incorporated into the Agreement.
- (11) Decision 2009/544/EC repeals Commission Decision 2002/739/EC ⁽¹¹⁾, which is incorporated into the Agreement and which is consequently to be repealed under the Agreement.
- (12) Decision 2009/563/EC repeals Commission Decision 2002/231/EC ⁽¹²⁾, which is incorporated into the Agreement and which is consequently to be repealed under the Agreement.
- (13) Decision 2009/564/EC repeals Commission Decision 2005/338/EC ⁽¹³⁾, which is incorporated into the Agreement and which is consequently to be repealed under the Agreement.
- (14) Decision 2009/567/EC repeals Commission Decision 1999/178/EC ⁽¹⁴⁾, as amended by Commission Decision 2002/371/EC ⁽¹⁵⁾, which is incorporated into the Agreement and which is consequently to be repealed under the Agreement.

⁽¹⁾ OJ L 181, 15.7.2010, p. 23.⁽²⁾ OJ L 181, 14.7.2009, p. 27.⁽³⁾ OJ L 181, 14.7.2009, p. 39.⁽⁴⁾ OJ L 196, 28.7.2009, p. 27.⁽⁵⁾ OJ L 196, 28.7.2009, p. 36.⁽⁶⁾ OJ L 197, 29.7.2009, p. 70.⁽⁷⁾ OJ L 197, 29.7.2009, p. 87.⁽⁸⁾ OJ L 198, 30.7.2009, p. 57.⁽⁹⁾ OJ L 203, 5.8.2009, p. 65.⁽¹⁰⁾ OJ L 208, 12.8.2009, p. 21.⁽¹¹⁾ OJ L 236, 4.9.2002, p. 4.⁽¹²⁾ OJ L 77, 20.3.2002, p. 50.⁽¹³⁾ OJ L 108, 29.4.2005, p. 67.⁽¹⁴⁾ OJ L 57, 5.3.1999, p. 21.⁽¹⁵⁾ OJ L 133, 18.5.2002, p. 29.

(15) Decision 2009/568/EC repeals Commission Decision 2001/405/EC ⁽¹⁾, which is incorporated into the Agreement and which is consequently to be repealed under the Agreement.

(16) Decision 2009/578/EC repeals Commission Decision 2003/287/EC ⁽²⁾, which is incorporated into the Agreement and which is consequently to be repealed under the Agreement.

(17) Decision 2009/598/EC repeals Commission Decision 2002/740/EC ⁽³⁾, which is incorporated into the Agreement and which is consequently to be repealed under the Agreement.

(18) Decision 2009/607/EC repeals Commission Decision 2002/272/EC ⁽⁴⁾, which is incorporated into the Agreement and which is consequently to be repealed under the Agreement.

HAS DECIDED AS FOLLOWS:

Article 1

Annex XX to the Agreement shall be amended as follows:

1. the following point shall be inserted after point 2y (Commission Decision 2007/506/EC):

‘2z. **32009 D 0543:** Commission Decision 2009/543/EC of 13 August 2008 establishing the ecological criteria for the award of the Community eco-label to outdoor paints and varnishes (OJ L 181, 14.7.2009, p. 27).’;

2. the text of point 2v (Commission Decision 2002/739/EC) shall be replaced by the following:

‘**32009 D 0544:** Commission Decision 2009/544/EC of 13 August 2008 establishing the ecological criteria for the award of the Community eco-label to indoor paints and varnishes (OJ L 181, 14.7.2009, p. 39).’;

3. the text of point 2g (Commission Decision 2002/231/EC) shall be replaced by the following:

⁽¹⁾ OJ L 142, 29.5.2001, p. 10.

⁽²⁾ OJ L 102, 24.4.2003, p. 82.

⁽³⁾ OJ L 236, 4.9.2002, p. 10.

⁽⁴⁾ OJ L 94, 11.4.2002, p. 13.

‘**32009 D 0563:** Commission Decision 2009/563/EC of 9 July 2009 on establishing the ecological criteria for the award of the Community eco-label for footwear (OJ L 196, 28.7.2009, p. 27).’;

4. the text of point 2p (Commission Decision 2005/338/EC) shall be replaced by the following:

‘**32009 D 0564:** Commission Decision 2009/564/EC of 9 July 2009 establishing the ecological criteria for the award of the Community eco-label for campsite service (OJ L 196, 28.7.2009, p. 36).’;

5. the text of point 2f (Commission Decision 2002/371/EC) shall be replaced by the following:

‘**32009 D 0567:** Commission Decision 2009/567/EC of 9 July 2009 establishing the ecological criteria for the award of the Community Ecolabel for textile products (OJ L 197, 29.7.2009, p. 70).’;

6. the text of point 2i (Commission Decision 2001/405/EC) shall be replaced by the following:

‘**32009 D 0568:** Commission Decision 2009/568/EC of 9 July 2009 establishing the ecological criteria for the award of the Community Eco-label for tissue paper (OJ L 197, 29.7.2009, p. 87).’;

7. the text of point 2m (Commission Decision 2003/287/EC) shall be replaced by the following:

‘**32009 D 0578:** Commission Decision 2009/578/EC of 9 July 2009 establishing the ecological criteria for the award of the Community eco-label for tourist accommodation service (OJ L 198, 30.7.2009, p. 57).’;

8. the text of point 2w (Commission Decision 2002/740/EC) shall be replaced by the following:

‘**32009 D 0598:** Commission Decision 2009/598/EC of 9 July 2009 establishing the ecological criteria for the award of the Community Ecolabel for bed mattresses (OJ L 203, 5.8.2009, p. 65).’;

9. the text of point 2k (Commission Decision 2002/272/EC) shall be replaced by the following:

‘**32009 D 0607**: Commission Decision 2009/607/EC of 9 July 2009 establishing the ecological criteria for the award of the Community eco-label to hard coverings (OJ L 208, 12.8.2009, p. 21).’

Article 2

The texts of Decisions 2009/543/EC, 2009/544/EC, 2009/563/EC, 2009/564/EC, 2009/567/EC, 2009/568/EC, 2009/578/EC, 2009/598/EC and 2009/607/EC in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 3 July 2010, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 2 July 2010.

For the EEA Joint Committee

The President

Stefán Haukur JÓHANNESSON

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 94/2010

of 2 July 2010

amending Annex XXII (Company law) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex XXII to the Agreement was amended by Decision of the EEA Joint Committee No 56/2010 of 30 April 2010 ⁽¹⁾.
- (2) Commission Regulation (EC) No 1136/2009 of 25 November 2009 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 ⁽²⁾ is to be incorporated into the Agreement.
- (3) Commission Regulation (EC) No 1142/2009 of 26 November 2009 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 Interpretations Committee's (IFRIC) Interpretation 17 ⁽³⁾ is to be incorporated into the Agreement.
- (4) Commission Regulation (EC) No 1164/2009 of 27 November 2009 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 Interpretations Committee's (IFRIC) Interpretation 18 ⁽⁴⁾ is to be incorporated into the Agreement.
- (5) Commission Regulation (EC) No 1165/2009 of 27 November 2009 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) 4 and IFRS 7 ⁽⁵⁾ is to be incorporated into the Agreement.

- (6) Commission Regulation (EC) No 1171/2009 of 30 November 2009 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 Interpretations Committee's (IFRIC) Interpretation 9 and International Accounting Standard (IAS) 39 ⁽⁶⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following indents shall be added in point 10ba (Commission Regulation (EC) No 1126/2008) of Annex XXII to the Agreement:

- **32009 R 1136:** Commission Regulation (EC) No 1136/2009 of 25 November 2009 (OJ L 311, 26.11.2009, p. 6),
- **32009 R 1142:** Commission Regulation (EC) No 1142/2009 of 26 November 2009 (OJ L 312, 27.11.2009, p. 8),
- **32009 R 1164:** Commission Regulation (EC) No 1164/2009 of 27 November 2009 (OJ L 314, 1.12.2009, p. 15),
- **32009 R 1165:** Commission Regulation (EC) No 1165/2009 of 27 November 2009 (OJ L 314, 1.12.2009, p. 21),
- **32009 R 1171:** Commission Regulation (EC) No 1171/2009 of 30 November 2009 (OJ L 314, 1.12.2009, p. 43).'

⁽¹⁾ OJ L 181, 15.7.2010, p. 24.

⁽²⁾ OJ L 311, 26.11.2009, p. 6.

⁽³⁾ OJ L 312, 27.11.2009, p. 8.

⁽⁴⁾ OJ L 314, 1.12.2009, p. 15.

⁽⁵⁾ OJ L 314, 1.12.2009, p. 21.

⁽⁶⁾ OJ L 314, 1.12.2009, p. 43.

Article 2

The texts of Regulations (EC) No 1136/2009, (EC) No 1142/2009, (EC) No 1164/2009, (EC) No 1165/2009 and (EC) No 1171/2009 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 3 July 2010, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 2 July 2010.

For the EEA Joint Committee

The President

Stefán Haukur JÓHANNESSON

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 95/2010

of 2 July 2010

amending Annex XXII (Company law) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex XXII to the Agreement was amended by Decision of the EEA Joint Committee No 56/2010 of 30 April 2010 ⁽¹⁾.
- (2) Commission Regulation (EU) No 1293/2009 of 23 December 2009 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 Accounting Standard (IAS) 32 ⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following indent shall be added in point 10ba (Commission Regulation (EC) No 1126/2008) of Annex XXII to the Agreement:

‘— **32009 R 1293**: Commission Regulation (EU) No 1293/2009 of 23 December 2009 (OJ L 347, 24.12.2009, p. 23).’

Article 2

The text of Regulation (EU) No 1293/2009 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 3 July 2010, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 2 July 2010.

*For the EEA Joint Committee**The President*

Stefán Haukur JÓHANNESSON

⁽¹⁾ OJ L 181, 15.7.2010, p. 24.

⁽²⁾ OJ L 347, 24.12.2009, p. 23.

(*) Constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 96/2010

of 2 July 2010

amending Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Articles 86 and 98 thereof,

Whereas:

(1) Protocol 31 to the Agreement was amended by Decision of the EEA Joint Committee No 93/2009 of 3 July 2009 ⁽¹⁾.

(2) It is appropriate to continue the cooperation of the Contracting Parties to the Agreement in Union actions funded from the General Budget of the Union regarding the implementation, operation and development of the Internal Market.

(3) Protocol 31 to the Agreement should therefore be amended in order to allow for this extended cooperation to continue beyond 31 December 2009,

HAS DECIDED AS FOLLOWS:

Article 1

Article 7 of Protocol 31 to the Agreement shall be amended as follows:

1. the words 'years 2004, 2005, 2006, 2007, 2008 and 2009' in paragraph 6 shall be replaced by the words 'years 2004, 2005, 2006, 2007, 2008, 2009 and 2010';

2. the words 'years 2006, 2007, 2008 and 2009' in paragraph 7 shall be replaced by the words 'years 2006, 2007, 2008, 2009 and 2010';

3. the words 'years 2008 and 2009' in paragraph 8 shall be replaced by the words 'years 2008, 2009 and 2010'.

Article 2

This Decision shall enter into force on the day following the last notification to the EEA Joint Committee under Article 103(1) of the Agreement (*).

It shall apply from 1 January 2010.

Article 3

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 2 July 2010.

For the EEA Joint Committee

The President

Stefán Haukur JÓHANNESSON

⁽¹⁾ OJ L 277, 22.10.2009, p. 49.

(*) No constitutional requirements indicated.

III *Other acts*

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NOTE TO THE READER

Decision of the EEA Joint Committee No 87/2010 was withdrawn prior to adoption and is therefore blank.

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