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Contents

II *Non-legislative acts*

REGULATIONS

- ★ **Commission Regulation (EU) No 4/2011 of 4 January 2011 establishing a prohibition of fishing for saithe in VI; EU and international waters of Vb, XII and XIV by vessels flying the flag of Spain** 1

Commission Regulation (EU) No 5/2011 of 5 January 2011 establishing the standard import values for determining the entry price of certain fruit and vegetables 3

Commission Regulation (EU) No 6/2011 of 5 January 2011 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 5

DECISIONS

2011/2/EU:

- ★ **Commission Decision of 5 January 2011 terminating the examination procedure concerning the measures imposed by Brazil affecting the import of textile products** 7

Price: EUR 3

EN

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

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

II

(Non-legislative acts)

REGULATIONS

COMMISSION REGULATION (EU) No 4/2011

of 4 January 2011

**establishing a prohibition of fishing for saithe in VI; EU and international waters of Vb, XII and XIV
by vessels flying the flag of Spain**

THE EUROPEAN COMMISSION,

HAS ADOPTED THIS REGULATION:

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

*Article 1*Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy ⁽¹⁾, and in particular Article 36(2) thereof,**Quota exhaustion**

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2010 shall be deemed to be exhausted from the date set out in that Annex.

Whereas:

Article 2

- (1) Council Regulation (EU) No 53/2010 of 14 January 2010 fixing for 2010 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in EU waters and, for EU vessels, in waters where catch limitations are required ⁽²⁾, lays down quotas for 2010.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2010.
- (3) It is therefore necessary to prohibit fishing activities for that stock,

Prohibitions

Fishing activities for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. In particular it shall be prohibited to retain on board, relocate, tranship or land fish from that stock caught by those vessels after that date.

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

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

Done at Brussels, 4 January 2011.

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

Lowri EVANS

Director-General for Maritime Affairs and Fisheries⁽¹⁾ OJ L 343, 22.12.2009, p. 1.⁽²⁾ OJ L 21, 26.1.2010, p. 1.

ANNEX

No	53/T&Q
Member State	Spain
Stock	POK/561214
Species	Saithe (<i>Pollachius virens</i>)
Zone	VI; EU and international waters of Vb; EU and international waters of XII and XIV
Date	24.9.2010

COMMISSION REGULATION (EU) No 5/2011**of 5 January 2011****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

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

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 6 January 2011.

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

Done at Brussels, 5 January 2011.

*For the Commission,
On behalf of the President,
José Manuel SILVA RODRÍGUEZ
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	AL	106,0
	EC	65,1
	MA	42,4
	TR	97,1
	ZZ	77,7
0707 00 05	EG	174,9
	TR	142,7
	ZZ	158,8
0709 90 70	MA	37,4
	TR	112,4
	ZZ	74,9
0805 10 20	AR	41,5
	BR	41,5
	EC	48,7
	IL	67,1
	MA	57,3
	TR	69,9
	UY	46,7
	ZA	41,5
	ZZ	51,8
0805 20 10	MA	68,4
	TR	79,6
	ZZ	74,0
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	HR	46,1
	IL	69,9
	JM	95,1
	MA	79,2
	TR	70,3
	ZZ	72,1
0805 50 10	AR	49,2
	TR	52,7
	UY	49,2
	ZZ	50,4
0808 10 80	AR	78,5
	CA	98,2
	CL	83,5
	CN	103,3
	EC	79,3
	MK	29,3
	NZ	74,9
	US	117,5
0808 20 50	ZZ	83,1
	CN	60,2
	US	134,0
	ZZ	97,1

⁽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 6/2011**of 5 January 2011****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 2/2011 ⁽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 6 January 2011.

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

Done at Brussels, 5 January 2011.

*For the Commission,
On behalf of the President,
José Manuel SILVA RODRÍGUEZ
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 1, 4.1.2011, p. 3.

ANNEX

Amended representative prices and additional import duties applicable to white sugar, raw sugar and products covered by CN code 1702 90 95 from 6 January 2011

(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⁾	59,96	0,00
1701 11 90 ⁽¹⁾	59,96	0,00
1701 12 10 ⁽¹⁾	59,96	0,00
1701 12 90 ⁽¹⁾	59,96	0,00
1701 91 00 ⁽²⁾	56,72	0,45
1701 99 10 ⁽²⁾	56,72	0,00
1701 99 90 ⁽²⁾	56,72	0,00
1702 90 95 ⁽³⁾	0,57	0,18

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

DECISIONS

COMMISSION DECISION

of 5 January 2011

terminating the examination procedure concerning the measures imposed by Brazil affecting the import of textile products

(2011/2/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 3286/94 of 22 December 1994 laying down Community procedures in the field of the common commercial policy in order to ensure the exercise of the Community's rights under international trade rules, in particular those established under the auspices of the World Trade Organisation ⁽¹⁾ and in particular Article 11(1) thereof,

Whereas:

A. PROCEDURAL BACKGROUND

- (1) On 12 January 1998 Febeltex, (Fédération Belge du Textile) lodged a complaint pursuant to Article 4 of Regulation (EC) No 3286/94.
- (2) The complainant alleged that European Community sales of textile products in Brazil were hindered by a number of obstacles to trade within the meaning of Article 2(1) of Regulation (EC) No 3286/94, including a non-automatic import licensing system and the way this system is developed through, notably, compulsory import payment terms and minimum import prices.
- (3) The Commission decided, after consultation of the Advisory Committee established by Regulation (EC) No 3286/94, that there was sufficient evidence to justify initiating an examination procedure for the purpose of considering the legal and factual issues involved. Consequently, an examination procedure was initiated on 27 February 1998 ⁽²⁾.

B. THE FINDINGS OF THE EXAMINATION PROCEDURE

- (4) The final report on the investigation procedure was circulated to EU Member States at the 9 November 1998 meeting of the Advisory Committee.

- (5) The report concluded that the Brazilian non-automatic import licensing system, as applied with a minimum price requirement, appeared to be in breach of:

- (a) Articles 1, 3 and 5 of the WTO Agreement on Import Licensing Procedures, as: (a) it was not neutral in application; (b) it was not administered in a fair and equitable manner; (c) it did not implement any WTO compatible restrictions and therefore was not limited in scope and duration to a measure it implemented; and (d) it had additional trade-restrictive and distortive effects on imports. In addition, the list of products submitted to non-automatic licensing was not published and the applications for licenses for imports under the minimum price were left without official reply for several months;
- (b) Articles X.1 and X.3 of the General Agreement on Tariffs and Trade (GATT) 1994, as the non-automatic import licensing system was not published and was not administered in a uniform, impartial and reasonable manner;
- (c) Article XI.1 of GATT (1994) as the minimum price system was a restriction other than duties, taxes or other charges made effective through import licenses on the importation of any product of the territory of any other contracting party, without any WTO compatible justification.

C. DEVELOPMENTS AFTER THE INVESTIGATION

- (6) On 17 March 1999 ⁽³⁾, the Commission decided to initiate a WTO Dispute Settlement procedure. WTO consultations were held on 19 November 1999. On this occasion, while denying all allegations relative to minimum pricing practices both at import licensing or customs valuation levels, Brazil admitted that it did not comply with several of its WTO obligations concerning notification in relation with its import licensing system.

⁽¹⁾ OJ L 349, 31.12.1994, p. 71.

⁽²⁾ OJ C 63, 27.2.1998, p. 2.

⁽³⁾ OJ L 86, 30.3.1999, p. 22.

- (7) Following these consultations, the Brazilian import licensing and customs valuation systems underwent significant changes and the Community industry's access to the Brazilian market for textile products improved. However there were still several aspects of the Brazilian import licensing and customs valuation systems that needed to be modified in order to ensure Brazil's full compliance with its obligations under the relevant WTO Agreements.
- (8) The Commission therefore decided, by Decision 2001/429/EC ⁽¹⁾, to suspend the abovementioned examination procedure for a period of 6 months, while monitoring the effect of the changes in the Brazilian system.
- (9) During the first quarter of 2002, several contacts with the Brazilian authorities took place with the aim of finding a mutually acceptable solution. The European Community and Brazil signed a Memorandum of Understanding on arrangements in the area of market access for textiles and clothing products on 6 November 2002, under which both parties agreed to refrain from applying non-tariff barriers. In addition the Memorandum of Understanding addressed also the problem concerning customs valuation.
- (10) In the more than 7 years since the signature of the Memorandum of Understanding, the Commission has not been notified of any particular problems or new obstacles related to market access in Brazil for textile products.

D. CONCLUSION AND RECOMMENDATIONS

- (11) In view of the above analysis, it is considered that the examination procedure has led to a satisfactory situation with regard to the obstacles identified in the complaint lodged by Febeltex. The examination procedure should therefore be terminated in accordance with Article 11(1) of Regulation (EC) No 3286/94.
- (12) The Advisory Committee has been consulted on the measures provided for in this Decision,

HAS ADOPTED THIS DECISION:

Article 1

The examination procedure concerning the measures imposed by Brazil affecting the import of textile products is hereby terminated.

Article 2

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

Done at Brussels, 5 January 2011.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 153, 8.6.2001, p. 30.

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