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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION

of 8 November 2010

on the conclusion of the Protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and Ukraine, of the other part, on a Framework Agreement between the European Union and Ukraine on the general principles for the participation of Ukraine in Union programmes

(2011/33/EU)

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 114, 168, 169 and 172, Article 173(3), and Articles 188 and 192, in conjunction with Article 218(6)(a) and the first subparagraph of Article 218(8), thereof,

Having regard to the proposal from the Commission,

Having regard to the consent of the European Parliament,

Whereas:

- (1) The Protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and Ukraine, of the other part⁽¹⁾, on a Framework Agreement between the European Union and Ukraine on the general principles for the participation of Ukraine in Union programmes (hereinafter referred to as 'the Protocol') was signed on behalf of the Union on 22 November 2010.
- (2) As a consequence of the entry into force of the Treaty of Lisbon on 1 December 2009, the European Union has replaced and succeeded the European Community.
- (3) The Protocol should be concluded,

Article 1

The Protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and Ukraine, of the other part, on a Framework Agreement between the European Union and Ukraine on the general principles for the participation of Ukraine in Union programmes⁽²⁾ (hereinafter referred to as 'the Protocol') is hereby approved on behalf of the European Union.

Article 2

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 10 of the Protocol.

Article 3

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

Done at Brussels, 8 November 2010.

For the Council
The President
M. WATHELET

⁽¹⁾ OJ L 49, 19.2.1998, p. 3.

⁽²⁾ See page 3 of this Official Journal.

COUNCIL DECISION

of 8 November 2010

on the signing, on behalf of the Union, and provisional application of the Protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and Ukraine, of the other part, on a Framework Agreement between the European Union and Ukraine on the general principles for the participation of Ukraine in Union programmes

(2011/34/EU)

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 114, 168, 169 and 172, Article 173(3), and Articles 188 and 192, in conjunction with Article 218(5) and the first subparagraph of Article 218(8), thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) On 18 June 2007 the Council authorised the Commission to negotiate a Protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and Ukraine, of the other part ⁽¹⁾, on a Framework Agreement on the general principles for its participation in Union programmes (hereinafter referred to as 'the Protocol').
- (2) The negotiations have been concluded to the satisfaction of the Commission.
- (3) As a consequence of the entry into force of the Treaty of Lisbon on 1 December 2009, the European Union has replaced and succeeded the European Community.
- (4) The Protocol should be signed on behalf of the Union, subject to its conclusion at a later date.
- (5) The Protocol should be applied on a provisional basis in accordance with Article 10 thereof, pending the completion of the procedures for its conclusion,

Article 1

The signing of the Protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and its Member States, of the one part, and Ukraine, of the other part, on a Framework Agreement between the European Union and Ukraine on the general principles for the participation of Ukraine in Union programmes (hereinafter referred to as 'the Protocol') is hereby approved on behalf of the Union, subject to the conclusion of the said Protocol.

The text of the Protocol is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Protocol on behalf of the Union, subject to its conclusion.

Article 3

The Protocol shall be applied on a provisional basis as from the date of its signature, pending the completion of the procedures for its conclusion.

Article 4

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

Done at Brussels, 8 November 2010.

For the Council
The President
M. WATHELET

⁽¹⁾ OJ L 49, 19.2.1998, p. 3.

PROTOCOL**to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and Ukraine, of the other part, on a Framework Agreement between the European Union and Ukraine on the general principles for the participation of Ukraine in Union programmes**

THE EUROPEAN UNION, hereinafter referred to as 'the Union',

of the one part, and

UKRAINE,

of the other part,

hereinafter together referred to as 'the Parties',

Whereas:

- (1) Ukraine has concluded a Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and Ukraine, of the other part ⁽¹⁾, (hereinafter referred to as 'the Agreement') which entered into force on 1 March 1998.
- (2) The European Council held in Brussel on 17 and 18 June 2004 welcomed the Commission's proposals for a European Neighbourhood Policy (ENP) and endorsed the Council conclusions of 14 June 2004.
- (3) The Council has, on numerous further occasions, repeatedly concluded in favour of that policy.
- (4) The Council, on 5 March 2007, expressed support for the general and global approach outlined in the Commission's Communication of 4 December 2006, to enable ENP partners to participate in Community agencies and Community programmes on their merits and where the legal bases so allow.
- (5) Ukraine has expressed its wish to participate in a number of Union programmes.
- (6) The specific terms and conditions, in particular financial contribution and reporting and evaluation procedures, regarding the participation of Ukraine in each particular programme should be determined in a Memorandum of Understanding between the Commission and the competent authorities of Ukraine,

HAVE AGREED AS FOLLOWS:

Article 1

Ukraine shall be allowed to participate in all current and future programmes of the Union opened to the participation of Ukraine in accordance with the relevant provisions adopting those programmes.

Article 2

Ukraine shall contribute financially to the general budget of the Union corresponding to the specific programmes in which Ukraine participates.

Article 3

Ukraine's representatives shall be allowed to take part, as observers and for the points which concern Ukraine, in the

management committees responsible for monitoring the programmes to which Ukraine contributes financially.

Article 4

Projects and initiatives submitted by participants from Ukraine shall, as far as possible, be subject to the same conditions, rules and procedures pertaining to the programmes concerned as applied to Member States.

Article 5

The specific terms and conditions regarding the participation of Ukraine in each particular programme, in particular the financial contribution payable and reporting and evaluation procedures, shall be determined in a Memorandum of Understanding between the Commission and the competent authorities of Ukraine on the basis of the criteria established by the programmes concerned.

⁽¹⁾ OJ L 49, 19.2.1998, p. 3.

If Ukraine applies for external assistance of the Union to participate in a given Union programme on the basis of Article 3 of Regulation (EC) No 1638/2006 of the European Parliament and of the Council of 24 October 2006 laying down general provisions establishing a European Neighbourhood and Partnership Instrument ⁽¹⁾ or pursuant to any similar Regulation providing for external assistance of the Union to Ukraine that may be adopted in the future, the conditions governing the use by Ukraine of external assistance of the Union shall be determined in a financing agreement, respecting in particular Article 20 of Regulation (EC) No 1638/2006.

Article 6

In accordance with the 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⁾, each Memorandum of Understanding concluded pursuant to Article 5 shall stipulate that financial control or audits or other verifications, including administrative investigations, will be carried out by, or under the authority of, the Commission, the European Anti-Fraud Office and the Court of Auditors.

Detailed provisions shall be made on financial control and auditing, administrative measures, penalties and recovery enabling the Commission, the European Anti-Fraud Office and the Court of Auditors to be granted powers equivalent to their powers with regard to beneficiaries or contractors established in the Union.

Article 7

This Protocol shall apply for the period for which the Agreement is in force.

This Protocol shall be signed and approved by the Parties in accordance with their respective procedures.

Either Party may denounce this Protocol by written notification to the other Party. This Protocol shall terminate 6 months after the date of such notification.

Termination of the Protocol following denunciation by any of the Parties shall have no influence on the checks and controls to be carried out in accordance with the provisions laid down in Articles 5 and 6 where appropriate.

Article 8

No later than 3 years after the date of entry into force of this Protocol, and every 3 years thereafter, both Parties may review the implementation of this Protocol on the basis of the actual participation of Ukraine in Union programmes.

Article 9

This Protocol shall apply, on the one hand, to the territories in which the Treaty on the Functioning of the European Union is applied and under the conditions laid down in that Treaty, and, on the other hand, to the territory of Ukraine.

Article 10

This Protocol shall enter into force on the first day of the month following the date on which the Parties notify each other through diplomatic channels of the completion of their procedures necessary for its entry into force.

Pending its entry into force, the Parties agree to provisionally apply this Protocol from the date of its signature, pending its conclusion at a later date.

Article 11

This Protocol shall form an integral part of the Agreement.

Article 12

This Protocol shall be drawn up in duplicate in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish and Ukrainian languages, each text being equally authentic.

⁽¹⁾ OJ L 310, 9.11.2006, p. 1.

⁽²⁾ OJ L 248, 16.9.2002, p. 1.

Съставено в Брюксел на двадесет и втори ноември две хиляди и десета година.

Hecho en Bruselas, el veintidós de noviembre de dos mil diez.

V Bruselu dne dvacátého druhého listopadu dva tisíce deset.

Udfærdiget i Bruxelles den toogtyvende november to tusind og ti.

Geschehen zu Brüssel am zweiundzwanzigsten November zweitausendzehn.

Kahe tuhande kümnenenda aasta novembrikuu kahekümne teisel päeval Brüsselis.

Έγινε στις Βρυξέλλες, στις είκοσι δύο Νοεμβρίου δύο χιλιάδες δέκα.

Done at Brussels on the twenty-second day of November in the year two thousand and ten.

Fait à Bruxelles, le vingt-deux novembre deux mille dix.

Fatto a Bruxelles, addì ventidue novembre duemiladieci.

Briselē, divi tūkstoši desmitā gada divdesmit otrajā novembrī

Priimta du tūkstančiai dešimtų metų lapkričio dvidešimt antrą dieną Briuselyje.

Kelt Brüsszelben, a kétezer-tizedik év november huszonkettedik napján.

Magħmul fi Brussell, fit-tnejn u ghoxrin jum ta' Novembru tas-sena elfejn u ghaxra.

Gedaan te Brussel, de tweeëntwintigste november tweeduizend tien.

Sporządzono w Brukseli dnia dwudziestego drugiego listopada roku dwa tysiące dziesiątego.

Feito em Bruxelas, em vinte e dois de Novembro de dois mil e dez.

Întocmit la Bruxelles la douăzeci și doi noiembrie două mii zece.

V Bruseli dňa dvadsiateho druhého novembra dvetisícdesať.

V Bruslju, dne dvaindvajsetega novembra leta dva tisoč deset.

Tehty Brysselissä kahdentenäkymmenentenätoisena päivänä marraskuuta vuonna kaksituhattakymmenen.

Som skedde i Bryssel den tjugoandra november tjugohundratio.

Вчинено в місті Брюссель двадцять другого листопада дві тисячі десятого року.

Za Европейския съюз
Por la Unión Europea
Za Evropskou unii
For Den Europæiske Union
Für die Europäische Union
Euroopa Liidu nimel
Για την Ευρωπαϊκή Ένωση
For the European Union
Pour l'Union européenne
Per l'Unione europea
Eiropas Savienības vārdā –
Europos Sąjungos vardu
Az Európai Unió részéről
Għall-Unjoni Ewropea
Voor de Europese Unie
W imieniu Unii Europejskiej
Pela União Europeia
Pentru Uniunea Europeană
Za Európsku úniu
Za Evropsko unijo
Euroopan unionin puolesta
För Europeiska unionen
За Європейське Співтовариство



Za Україна
Por Ucraina
Za Ukrajinu
For Ukraine
Für die Ukraine
Ukraina nimel
Για την Ουκρανία
For Ukraine
Pour l'Ukraine
Per l'Ucraina
Ukrainas vārdā –
Ukrainos vardu
Ukraina részéről
Għall-Ukraina
Voor Oekraïne
W imieniu Ukrainy
Pela Ucrânia
Pentru Ucraina
Za Ukrajinu
Za Ukrajino
Ukrainan puolesta
För Ukraina
За Україну



Information on the date of signature of the Protocol setting out the fishing opportunities and financial contribution provided for in the Partnership Agreement in the fisheries sector between the European Community and the Union of the Comoros

The European Union and the Government of the Union of the Comoros signed the Protocol setting out the fishing opportunities and financial contribution provided for in the Partnership Agreement in the fisheries sector in Brussels on 31 December 2010.

The Protocol accordingly applies provisionally from 31 December 2010 pursuant to Article 13 thereof.

REGULATIONS

COMMISSION REGULATION (EU) No 43/2011

of 20 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 21 January 2011.

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

Done at Brussels, 20 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	MA	62,8
	TN	120,5
	TR	110,7
	ZZ	98,0
0707 00 05	EG	158,2
	JO	86,0
	TR	95,3
	ZZ	113,2
0709 90 70	MA	35,7
	TR	127,3
	ZZ	81,5
0709 90 80	EG	219,6
	ZZ	219,6
0805 10 20	AR	41,5
	BR	41,5
	EG	57,4
	MA	59,9
	TR	67,2
	ZA	41,5
	ZZ	51,5
0805 20 10	MA	58,4
	TR	79,6
	ZZ	69,0
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	CN	69,6
	HR	46,1
	IL	85,1
	JM	101,1
	MA	103,8
	PK	69,0
	TR	70,0
	ZZ	77,8
0805 50 10	AR	45,3
	TR	63,1
	UY	45,3
	ZZ	51,2
0808 10 80	AR	78,5
	CA	96,7
	CL	82,0
	CN	76,8
	MK	54,3
	US	143,7
	ZZ	88,7
0808 20 50	CN	62,4
	NZ	97,8
	US	125,8
	ZZ	95,3

⁽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 44/2011
of 20 January 2011
fixing the export refunds on milk and milk products

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⁾, and in particular Article 164(2) and Article 170, in conjunction with Article 4, thereof,

Whereas:

- (1) Article 162(1) of Regulation (EC) No 1234/2007 provides that the difference between prices on the world market for the products listed in Part XVI of Annex I to that Regulation and prices for those products on the Union market may be covered by an export refund.
- (2) Given the present situation on the market in milk and milk products, export refunds should be fixed in accordance with the rules and certain criteria provided for in Articles 162, 163, 164, 167 and 169 of Regulation (EC) No 1234/2007.
- (3) Article 164(1) of Regulation (EC) No 1234/2007 provides that export refunds may vary according to destination, especially where the world market situation, the specific requirements of certain markets or obligations resulting from agreements concluded in accordance with Article 300 of the Treaty make this necessary.

- (4) Refunds should be granted only on products that comply with the requirements of Commission Regulation (EC) No 1187/2009 of 27 November 2009 laying down special detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards export licences and export refunds for milk and milk products ⁽²⁾.
- (5) The currently applicable refunds have been fixed by Commission Regulation (EU) No 948/2010 ⁽³⁾. Since new refunds should be fixed, that Regulation should therefore be repealed.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Export refunds as provided for in Article 164 of Regulation (EC) No 1234/2007 shall be granted on the products and for the amounts set out in the Annex to this Regulation, subject to the conditions provided for in Article 3 of Regulation (EC) No 1187/2009.

Article 2

Regulation (EU) No 948/2010 is hereby repealed.

Article 3

This Regulation shall enter into force on 21 January 2011.

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

Done at Brussels, 20 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 318, 4.12.2009, p. 1.

⁽³⁾ OJ L 278, 22.10.2010, p. 12.

ANNEX

Export refunds on milk and milk products applicable from 21 January 2011

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
0401 30 31 9100	L20	EUR/100 kg	0,00	0402 29 19 9900	L20	EUR/100 kg	0,00
0401 30 31 9400	L20	EUR/100 kg	0,00	0402 29 99 9100	L20	EUR/100 kg	0,00
0401 30 31 9700	L20	EUR/100 kg	0,00	0402 29 99 9500	L20	EUR/100 kg	0,00
0401 30 39 9100	L20	EUR/100 kg	0,00	0402 91 10 9370	L20	EUR/100 kg	0,00
0401 30 39 9400	L20	EUR/100 kg	0,00	0402 91 30 9300	L20	EUR/100 kg	0,00
0401 30 39 9700	L20	EUR/100 kg	0,00	0402 91 99 9000	L20	EUR/100 kg	0,00
0401 30 91 9100	L20	EUR/100 kg	0,00	0402 99 10 9350	L20	EUR/100 kg	0,00
0401 30 99 9100	L20	EUR/100 kg	0,00	0402 99 31 9300	L20	EUR/100 kg	0,00
0401 30 99 9500	L20	EUR/100 kg	0,00	0403 90 11 9000	L20	EUR/100 kg	0,00
0402 10 11 9000	L20	EUR/100 kg	0,00	0403 90 13 9200	L20	EUR/100 kg	0,00
0402 10 19 9000	L20	EUR/100 kg	0,00	0403 90 13 9300	L20	EUR/100 kg	0,00
0402 10 99 9000	L20	EUR/100 kg	0,00	0403 90 13 9500	L20	EUR/100 kg	0,00
0402 21 11 9200	L20	EUR/100 kg	0,00	0403 90 13 9900	L20	EUR/100 kg	0,00
0402 21 11 9300	L20	EUR/100 kg	0,00	0403 90 33 9400	L20	EUR/100 kg	0,00
0402 21 11 9500	L20	EUR/100 kg	0,00	0403 90 59 9310	L20	EUR/100 kg	0,00
0402 21 11 9900	L20	EUR/100 kg	0,00	0403 90 59 9340	L20	EUR/100 kg	0,00
0402 21 17 9000	L20	EUR/100 kg	0,00	0403 90 59 9370	L20	EUR/100 kg	0,00
0402 21 19 9300	L20	EUR/100 kg	0,00	0404 90 21 9120	L20	EUR/100 kg	0,00
0402 21 19 9500	L20	EUR/100 kg	0,00	0404 90 21 9160	L20	EUR/100 kg	0,00
0402 21 19 9900	L20	EUR/100 kg	0,00	0404 90 23 9120	L20	EUR/100 kg	0,00
0402 21 91 9100	L20	EUR/100 kg	0,00	0404 90 23 9130	L20	EUR/100 kg	0,00
0402 21 91 9200	L20	EUR/100 kg	0,00	0404 90 23 9140	L20	EUR/100 kg	0,00
0402 21 91 9350	L20	EUR/100 kg	0,00	0404 90 23 9150	L20	EUR/100 kg	0,00
0402 21 99 9100	L20	EUR/100 kg	0,00	0404 90 81 9100	L20	EUR/100 kg	0,00
0402 21 99 9200	L20	EUR/100 kg	0,00	0404 90 83 9110	L20	EUR/100 kg	0,00
0402 21 99 9300	L20	EUR/100 kg	0,00	0404 90 83 9130	L20	EUR/100 kg	0,00
0402 21 99 9400	L20	EUR/100 kg	0,00	0404 90 83 9150	L20	EUR/100 kg	0,00
0402 21 99 9500	L20	EUR/100 kg	0,00	0404 90 83 9170	L20	EUR/100 kg	0,00
0402 21 99 9600	L20	EUR/100 kg	0,00	0405 10 11 9500	L20	EUR/100 kg	0,00
0402 21 99 9700	L20	EUR/100 kg	0,00	0405 10 11 9700	L20	EUR/100 kg	0,00
0402 29 15 9200	L20	EUR/100 kg	0,00				
0402 29 15 9300	L20	EUR/100 kg	0,00				
0402 29 15 9500	L20	EUR/100 kg	0,00				
0402 29 19 9300	L20	EUR/100 kg	0,00				
0402 29 19 9500	L20	EUR/100 kg	0,00				

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
0405 10 19 9500	L20	EUR/100 kg	0,00	0406 30 39 9500	L04	EUR/100 kg	0,00
0405 10 19 9700	L20	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
0405 10 30 9100	L20	EUR/100 kg	0,00	0406 30 39 9700	L04	EUR/100 kg	0,00
0405 10 30 9300	L20	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
0405 10 30 9700	L20	EUR/100 kg	0,00	0406 30 39 9930	L04	EUR/100 kg	0,00
0405 10 50 9500	L20	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
0405 10 50 9700	L20	EUR/100 kg	0,00	0406 30 39 9950	L04	EUR/100 kg	0,00
0405 10 90 9000	L20	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
0405 20 90 9500	L20	EUR/100 kg	0,00	0406 40 50 9000	L04	EUR/100 kg	0,00
0405 20 90 9700	L20	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
0405 90 10 9000	L20	EUR/100 kg	0,00	0406 40 90 9000	L04	EUR/100 kg	0,00
0405 90 90 9000	L20	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
0406 10 20 9640	L04	EUR/100 kg	0,00	0406 90 13 9000	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
0406 10 20 9650	L04	EUR/100 kg	0,00	0406 90 15 9100	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
0406 10 20 9830	L04	EUR/100 kg	0,00	0406 90 17 9100	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
0406 10 20 9850	L04	EUR/100 kg	0,00	0406 90 21 9900	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
0406 20 90 9913	L04	EUR/100 kg	0,00	0406 90 23 9900	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
0406 20 90 9915	L04	EUR/100 kg	0,00	0406 90 25 9900	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
0406 20 90 9917	L04	EUR/100 kg	0,00	0406 90 27 9900	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
0406 20 90 9919	L04	EUR/100 kg	0,00	0406 90 29 9100	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
0406 30 31 9730	L04	EUR/100 kg	0,00	0406 90 29 9300	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
0406 30 31 9930	L04	EUR/100 kg	0,00	0406 90 32 9119	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
0406 30 31 9950	L04	EUR/100 kg	0,00	0406 90 35 9190	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
				0406 90 35 9990	L04	EUR/100 kg	0,00
					L40	EUR/100 kg	0,00
				0406 90 37 9000	L04	EUR/100 kg	0,00
					L40	EUR/100 kg	0,00
				0406 90 61 9000	L04	EUR/100 kg	0,00
					L40	EUR/100 kg	0,00

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
0406 90 63 9100	L04	EUR/100 kg	0,00	0406 90 86 9200	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
0406 90 63 9900	L04	EUR/100 kg	0,00	0406 90 86 9400	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
0406 90 69 9910	L04	EUR/100 kg	0,00	0406 90 86 9900	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
0406 90 73 9900	L04	EUR/100 kg	0,00	0406 90 87 9300	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
0406 90 75 9900	L04	EUR/100 kg	0,00	0406 90 87 9400	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
0406 90 76 9300	L04	EUR/100 kg	0,00	0406 90 87 9951	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
0406 90 76 9400	L04	EUR/100 kg	0,00	0406 90 87 9971	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
0406 90 76 9500	L04	EUR/100 kg	0,00	0406 90 87 9973	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
0406 90 78 9100	L04	EUR/100 kg	0,00	0406 90 87 9974	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
0406 90 78 9300	L04	EUR/100 kg	0,00	0406 90 87 9975	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
0406 90 79 9900	L04	EUR/100 kg	0,00	0406 90 87 9979	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
0406 90 81 9900	L04	EUR/100 kg	0,00	0406 90 88 9300	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
0406 90 85 9930	L04	EUR/100 kg	0,00	0406 90 88 9500	L04	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
0406 90 85 9970	L04	EUR/100 kg	0,00		L40	EUR/100 kg	0,00
	L40	EUR/100 kg	0,00		L40	EUR/100 kg	0,00

The destinations are defined as follows:

L20: All destinations with the exception of:

- (a) third countries: Andorra, Holy See (Vatican City State), Liechtenstein and the United States of America;
- (b) territories of the EU Member States not forming part of the customs territory of the Community: the Faeroe Islands, Greenland, Heligoland, Ceuta, Melilla, the Communes of Livigno and Campione d'Italia, and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control;
- (c) European territories for whose external relations a Member State is responsible and not forming part of the customs territory of the Community: Gibraltar
- (d) the destinations referred to in Article 33(1), Article 41(1) and Article 42(1) of Commission Regulation (EC) No 612/2009 (OJ L 186, 17.7.2009, p. 1).

L04: Albania, Bosnia and Herzegovina, Serbia, Kosovo (*), Montenegro and the former Yugoslav Republic of Macedonia.

L40: All destinations with the exception of:

- (a) third countries: L04, Andorra, Iceland, Liechtenstein, Norway, Switzerland, Holy See (Vatican City State), the United States of America, Croatia, Turkey, Australia, Canada, New Zealand and South Africa;
- (b) territories of the EU Member States not forming part of the customs territory of the Community: the Faeroe Islands, Greenland, Heligoland, Ceuta, Melilla, the Communes of Livigno and Campione d'Italia, and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control;
- (c) European territories for whose external relations a Member State is responsible and not forming part of the customs territory of the Community: Gibraltar.
- (d) the destinations referred to in Article 33(1), Article 41(1) and Article 42(1) of Commission Regulation (EC) No 612/2009 (OJ L 186, 17.7.2009, p. 1).

(*) As defined by United Nations Security Council Resolution 1244 of 10 June 1999.

COMMISSION REGULATION (EU) No 45/2011
of 20 January 2011
fixing the export refunds on eggs

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 ⁽¹⁾, and in particular Article 164(2), and Article 170, in conjunction with Article 4 thereof,

Whereas:

- (1) Article 162(1) of Regulation (EC) No 1234/2007 provides that the difference between prices on the world market for the products referred to in Part XIX of Annex I to that Regulation and prices in the Union for those products may be covered by an export refund.
- (2) In view of the current situation on the market in eggs, export refunds should be fixed in accordance with the rules and certain criteria provided for in Articles 162, 163, 164, 167 and 169 of Regulation (EC) No 1234/2007.
- (3) Article 164(1) of Regulation (EC) No 1234/2007 provides that refunds may vary according to destination, especially where the world market situation, the specific requirements of certain markets, or obligations resulting from agreements concluded in accordance with Article 300 of the Treaty make this necessary.
- (4) Refunds should be granted only on products which are authorised to move freely within the Union and comply with requirements under Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs ⁽²⁾ and of

Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin ⁽³⁾, as well as marking requirements under point A of Annex XIV to Regulation (EC) No 1234/2007.

- (5) The currently applicable refunds have been fixed by Commission Regulation (EU) No 950/2010 ⁽⁴⁾. Since new refunds should be fixed, that Regulation should therefore be repealed.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

1. Export refunds as provided for in Article 164 of Regulation (EC) No 1234/2007 shall be granted on the products and for the amounts set out in the Annex to this Regulation subject to the conditions provided for in paragraph 2 of this Article.

2. The products eligible for a refund under paragraph 1 shall meet the relevant requirements of Regulations (EC) No 852/2004 and (EC) No 853/2004 and, in particular, shall be prepared in an approved establishment and comply with the marking conditions laid down in Section I of Annex II to Regulation (EC) No 853/2004 and those defined in point A of Annex XIV to Regulation (EC) No 1234/2007.

Article 2

Regulation (EU) No 950/2010 is hereby repealed.

Article 3

This Regulation shall enter into force on 21 January 2011.

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

Done at Brussels, 20 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 139, 30.4.2004, p. 1.

⁽³⁾ OJ L 139, 30.4.2004, p. 55.

⁽⁴⁾ OJ L 278, 22.10.2010, p. 18.

ANNEX

Export refunds on eggs applicable from 21 January 2011

Product code	Destination	Unit of measurement	Amount of refund
0407 00 11 9000	A02	EUR/100 pcs	0,39
0407 00 19 9000	A02	EUR/100 pcs	0,20
0407 00 30 9000	E09	EUR/100 kg	0,00
	E10	EUR/100 kg	22,00
	E19	EUR/100 kg	0,00
0408 11 80 9100	A03	EUR/100 kg	84,72
0408 19 81 9100	A03	EUR/100 kg	42,53
0408 19 89 9100	A03	EUR/100 kg	42,53
0408 91 80 9100	A03	EUR/100 kg	53,67
0408 99 80 9100	A03	EUR/100 kg	9,00

NB: The product codes and the "A" series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1).

The other destinations are defined as follows:

E09: Kuwait, Bahrain, Oman, Qatar, the United Arab Emirates, Yemen, Hong Kong SAR, Russia and Turkey.

E10: South Korea, Japan, Malaysia, Thailand, Taiwan and the Philippines.

E19: all destinations except Switzerland and those of E09 and E10.

COMMISSION REGULATION (EU) No 46/2011
of 20 January 2011
fixing the export refunds on pigmeat

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⁾, and in particular Article 164(2), and Article 170, in conjunction with Article 4 thereof,

Whereas:

- (1) Article 162(1) of Regulation (EC) No 1234/2007 provides that the difference between prices on the world market for the products listed in Part XVII of Annex I to that Regulation and prices for those products on the Union market may be covered by an export refund.
- (2) Given the present situation on the market in pigmeat, export refunds should therefore be fixed in accordance with the rules and criteria provided for in Articles 162, 163, 164, 167 and 169 of Regulation (EC) No 1234/2007.
- (3) Article 164(1) of Regulation (EC) No 1234/2007 provides that the refund may vary according to destination, especially where the world market situation, the specific requirements of certain markets, or obligations resulting from agreements concluded in accordance with Article 300 of the Treaty make this necessary.
- (4) Refunds should be granted only on products that are allowed to move freely in the Union and that bear the health mark as provided for in Article 5(1)(a) of Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin ⁽²⁾. Those products must also satisfy the requirements laid down

in Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs ⁽³⁾ and Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption ⁽⁴⁾.

- (5) The currently applicable refunds have been fixed by Commission Regulation (EU) No 949/2010 ⁽⁵⁾. Since new refunds should be fixed, that Regulation should therefore be repealed.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

1. Export refunds as provided for in Article 164 of Regulation (EC) No 1234/2007 shall be granted on the products and for the amounts set out in the Annex to this Regulation subject to the condition provided for in paragraph 2 of this Article.

2. The products eligible for a refund under paragraph 1 shall meet the relevant requirements of Regulations (EC) No 852/2004 and (EC) No 853/2004 and, in particular, shall be prepared in an approved establishment and comply with the health marking requirements laid down in Annex I, Section I, Chapter III to Regulation (EC) No 854/2004.

Article 2

Regulation (EU) No 949/2010 is hereby repealed.

Article 3

This Regulation shall enter into force on 21 January 2011.

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

Done at Brussels, 20 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 139, 30.4.2004, p. 55.

⁽³⁾ OJ L 139, 30.4.2004, p. 1.

⁽⁴⁾ OJ L 139, 30.4.2004, p. 206.

⁽⁵⁾ OJ L 278, 22.10.2010, p. 16.

ANNEX

Export refunds on pigmeat applicable from 21 January 2011

Product code	Destination	Unit of measurement	Amount of refund
0210 11 31 9110	A00	EUR/100 kg	54,20
0210 11 31 9910	A00	EUR/100 kg	54,20
0210 19 81 9100	A00	EUR/100 kg	54,20
0210 19 81 9300	A00	EUR/100 kg	54,20
1601 00 91 9120	A00	EUR/100 kg	19,50
1601 00 99 9110	A00	EUR/100 kg	15,20
1602 41 10 9110	A00	EUR/100 kg	29,00
1602 41 10 9130	A00	EUR/100 kg	17,10
1602 42 10 9110	A00	EUR/100 kg	22,80
1602 42 10 9130	A00	EUR/100 kg	17,10
1602 49 19 9130	A00	EUR/100 kg	17,10

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1).

COMMISSION REGULATION (EU) No 47/2011**of 20 January 2011****fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and amending Regulation (EC) No 1484/95**

THE EUROPEAN COMMISSION,

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

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⁾, and in particular Article 143 thereof,

Having regard to Council Regulation (EC) No 614/2009 of 7 July 2009 on the common system of trade for ovalbumin and lactalbumin ⁽²⁾, and in particular Article 3(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1484/95 ⁽³⁾ lays down detailed rules for implementing the system of additional import duties and fixes representative prices for poultrymeat and egg products and for egg albumin.
- (2) Regular monitoring of the data used to determine representative prices for poultrymeat and egg products and for

egg albumin shows that the representative import prices for certain products should be amended to take account of variations in price according to origin. The representative prices should therefore be published.

- (3) In view of the situation on the market, this amendment should be applied as soon as possible.
- (4) The Management Committee for the Common Organisation of Agricultural Markets has not delivered an opinion within the time limit set by its Chair,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 1484/95 is replaced by the Annex to this Regulation.

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 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 181, 14.7.2009, p. 8.

⁽³⁾ OJ L 145, 29.6.1995, p. 47.

ANNEX

to the Commission Regulation of 20 January 2011 fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and amending Regulation (EC) No 1484/95

‘ANNEX I

CN code	Description of goods	Representative price (EUR/100 kg)	Security under Article 3(3) (EUR/100 kg)	Origin ⁽¹⁾
0207 12 10	Fowls of the species <i>Gallus domesticus</i> , not cut in pieces, presented as “70 % chickens”, frozen	119,9	0	AR
0207 12 90	Fowls of the species <i>Gallus domesticus</i> , not cut in pieces, presented as “65 % chickens”, frozen	133,2	0	BR
		117,2	0	AR
0207 14 10	Fowls of the species <i>Gallus domesticus</i> , boneless cuts, frozen	209,3	27	BR
		248,8	15	AR
		316,9	0	CL
0207 14 50	Fowls of the species <i>Gallus domesticus</i> , breasts, frozen	179,2	10	BR
0207 14 60	Fowl of the species <i>Gallus domesticus</i> , legs, frozen	103,9	12	BR
0207 25 10	Turkeys, not cut in pieces, presented as “80 % turkeys”, frozen	208,9	0	BR
0207 27 10	Turkeys, boneless cuts, frozen	277,3	6	BR
		390,3	0	CL
0408 11 80	Egg yolks	315,7	0	AR
0408 91 80	Eggs, not in shell, dried	318,2	0	AR
1602 32 11	Preparations of fowls of the species <i>Gallus domesticus</i> , uncooked	278,7	2	BR
3502 11 90	Egg albumin, dried	541,4	0	AR

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). The code “ZZ” represents “other origins”.

COMMISSION REGULATION (EU) No 48/2011**of 20 January 2011****on the issue of licences for the import of garlic in the subperiod from 1 March 2011 to 31 May 2011**

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 341/2007 ⁽³⁾ opens and provides for the administration of tariff quotas and introduces a system of import licences and certificates of origin for garlic and other agricultural products imported from third countries.
- (2) The quantities for which 'A' licence applications have been lodged by traditional importers and by new importers during the first seven working days of January 2011, pursuant to Article 10(1) of Regulation (EC) No 341/2007 exceed the quantities available for

products originating in China, and all third countries other than China and Argentina.

- (3) Therefore, in accordance with Article 7(2) of Regulation (EC) No 1301/2006, it is now necessary to establish the extent to which the 'A' licence applications sent to the Commission by 14 January 2011 can be met in accordance with Article 12 of Regulation (EC) No 341/2007.
- (4) In order to ensure sound management of the procedure of issuing import licences, the present Regulation should enter into force immediately after its publication,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for 'A' import licences lodged pursuant to Article 10(1) of Regulation (EC) No 341/2007 during the first seven working days of January 2011 and sent to the Commission by 14 January 2011 shall be met at a percentage rate of the quantities applied for as set out in the Annex to this Regulation.

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 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 238, 1.9.2006, p. 13.

⁽³⁾ OJ L 90, 30.3.2007, p. 12.

ANNEX

Origin	Order number	Allocation coefficient
Argentina		
— Traditional importers	09.4104	38,317607 %
— New importers	09.4099	1,092448 %
China		
— Traditional importers	09.4105	29,009475 %
— New importers	09.4100	0,400608 %
Other third countries		
— Traditional importers	09.4106	100 %
— New importers	09.4102	7,494682 %

COMMISSION REGULATION (EU) No 49/2011
of 20 January 2011
on the issue of licences for the import of preserved mushrooms in 2011

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) The quantities for which licence applications have been lodged by traditional importers and/or by new importers between 1 and 7 January 2011 pursuant to Article 8 of Commission Regulation (EC) No 1979/2006 of 22 December 2006 opening and providing for the

administration of tariff quotas for preserved mushrooms imported from third countries ⁽³⁾ exceed the quantities available for products originating in China and other third countries.

- (2) It is therefore necessary to establish the extent to which the licence applications sent to the Commission no later than 14 January 2011 can be met,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for import licences lodged pursuant to Article 8 of Regulation (EC) No 1979/2006 between 1 and 7 January 2011 and sent to the Commission no later than 14 January 2011 shall be met at a percentage rate of the quantities applied for as set out in the Annex hereto.

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 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 238, 1.9.2006, p. 13.

⁽³⁾ OJ L 368, 23.12.2006, p. 91.

ANNEX

Origin of products	Percentage allocations	
	China	Third countries other than China
— Traditional importers (Article 4(1) of Regulation (EC) No 1979/2006)	91,458435 %	100 %
— New importers (Article 4(2) of Regulation (EC) No 1979/2006)	17,262928 %	—

‘—’: No application for a licence has been sent to the Commission.

COMMISSION REGULATION (EU) No 50/2011**of 20 January 2011****fixing the minimum selling price for skimmed milk powder for the 14th individual invitation to tender within the tendering procedure opened by Regulation (EU) No 447/2010**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Article 43(j), in conjunction with Article 4 thereof,

Whereas:

- (1) Commission Regulation (EU) No 447/2010 ⁽²⁾ has opened the sales of skimmed milk powder by a tendering procedure, in accordance with the conditions provided for in Commission Regulation (EU) No 1272/2009 of 11 December 2009 laying down common detailed rules for the implementation of Council Regulation (EC) No 1234/2007 as regards buying-in and selling of agricultural products under public intervention ⁽³⁾.
- (2) In the light of the tenders received in response to individual invitations to tender, the Commission should fix a minimum selling price or should decide not to fix a

minimum selling price, in accordance with Article 46(1) of Regulation (EU) No 1272/2009.

- (3) In the light of the tenders received for the 14th individual invitation to tender, a minimum selling price should be fixed.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

For the 14th individual invitation to tender for selling of skimmed milk powder within the tendering procedure opened by Regulation (EU) No 447/2010, in respect of which the time limit for the submission of tenders expired on 18 January 2011, the minimum selling price for skimmed milk powder shall be EUR 225,00/100 kg.

Article 2

This Regulation shall enter into force on 21 January 2011.

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

Done at Brussels, 20 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 126, 22.5.2010, p. 19.

⁽³⁾ OJ L 349, 29.12.2009, p. 1.

COMMISSION REGULATION (EU) No 51/2011**of 20 January 2011****fixing the rates of the refunds applicable to eggs and egg yolks exported in the form of goods not covered by Annex I to the Treaty**

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 market and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Article 164(2) thereof,

Whereas:

- (1) Article 162(1)(b) of Regulation (EC) No 1234/2007 provides that the difference between prices in international trade for the products referred to in Article 1(1)(s) and listed in Part XIX of Annex I to that Regulation and prices within the Union may be covered by an export refund where these goods are exported in the form of goods listed in Part V of Annex XX to that Regulation.
- (2) Commission Regulation (EU) No 578/2010 of 29 June 2010 implementing Council Regulation (EC) No 1216/2009 as regards the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds ⁽²⁾, specifies the products for which a rate of refund is to be fixed, to be applied where these products are exported in the form of goods listed in Part V of Annex XX to Regulation (EC) No 1234/2007.
- (3) In accordance with Article 14(1) of Regulation (EU) No 578/2010, the rate of the refund per 100 kilograms for each of the basic products in question is to be fixed for a

period of the same duration as that for which refunds are fixed for the same products exported unprocessed.

- (4) Article 162(2) of Regulation (EC) No 1234/2007 lays down that the export refund for a product contained in a good may not exceed the refund applicable to that product when exported without further processing.
- (5) The currently applicable refunds have been fixed by Commission Regulation (EU) No 954/2010 ⁽³⁾. Since new refunds should be fixed, that Regulation should therefore be repealed.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products listed in Annex I to Regulation (EU) No 578/2010 and in Part XIX of Annex I to Regulation (EC) No 1234/2007, and exported in the form of goods listed in Part V of Annex XX to Regulation (EC) No 1234/2007, shall be fixed as set out in the Annex to this Regulation.

Article 2

Regulation (EU) No 954/2010 is hereby repealed.

Article 3

This Regulation shall enter into force on 21 January 2011.

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

Done at Brussels, 20 January 2011.

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

Heinz ZOUREK
Director-General for Enterprise and Industry

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 171, 6.7.2010, p. 1.

⁽³⁾ OJ L 278, 22.10.2010, p. 26.

ANNEX

Rates of the refunds applicable from 21 January 2011 to eggs and egg yolks exported in the form of goods not covered by Annex I to the Treaty

(EUR/100 kg)			
CN code	Description	Destination ⁽¹⁾	Rate of refund
0407 00	Birds' eggs, in shell, fresh, preserved or cooked:		
	– Of poultry:		
0407 00 30	– – Other:		
	(a) On exportation of ovalbumin of CN codes 3502 11 90 and 3502 19 90	02	0,00
		03	22,00
		04	0,00
	(b) On exportation of other goods	01	0,00
0408	Birds' eggs, not in shell and egg yolks, fresh, dried, cooked by steaming or by boiling in water, moulded, frozen or otherwise preserved, whether or not containing added sugar or other sweetening matter:		
	– Egg yolks:		
0408 11	– – Dried:		
ex 0408 11 80	– – – Suitable for human consumption:		
	not sweetened	01	84,72
0408 19	– – Other:		
	– – – Suitable for human consumption:		
ex 0408 19 81	– – – – Liquid:		
	not sweetened	01	42,53
ex 0408 19 89	– – – – Frozen:		
	not sweetened	01	42,53
	– Other:		
0408 91	– – Dried:		
ex 0408 91 80	– – – Suitable for human consumption:		
	not sweetened	01	53,67
0408 99	– – Other:		
ex 0408 99 80	– – – Suitable for human consumption:		
	not sweetened	01	9,00

⁽¹⁾ The destinations are as follows:

01 Third countries. For Switzerland and Liechtenstein these rates are not applicable to the goods listed in Tables I and II to Protocol No 2 to the Agreement between the European Community and the Swiss Confederation of 22 July 1972,

02 Kuwait, Bahrain, Oman, Qatar, United Arab Emirates, Yemen, Turkey, Hong Kong SAR and Russia,

03 South Korea, Japan, Malaysia, Thailand, Taiwan and the Philippines,

04 all destinations except Switzerland and those of 02 and 03.

COMMISSION REGULATION (EU) No 52/2011**of 20 January 2011****fixing the rates of the refunds applicable to milk and milk products exported in the form of goods not covered by Annex I to the Treaty**

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⁾, and in particular Article 164(2) thereof,

Whereas:

(1) Article 162(1)b of Regulation (EC) No 1234/2007 provides that the difference between prices in international trade for the products referred to in Article 1(1)(p) and listed in Part XVI of Annex I to that Regulation and prices within the Union may be covered by an export refund where these goods are exported in the form of goods listed in Part IV of Annex XX to that Regulation.

(2) Commission Regulation (EU) No 578/2010 of 29 June 2010 implementing Council Regulation (EC) No 1216/2009 as regards the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds ⁽²⁾, specifies the products for which a rate of refund is to be fixed, to be applied where these products are exported in the form of goods listed in Part IV of Annex XX to Regulation (EC) No 1234/2007.

(3) In accordance with Article 14(1) of Regulation (EU) No 578/2010, the rate of the refund per 100 kilograms for each of the basic products in question is to be fixed for a period of the same duration as that for which refunds are fixed for the same products exported unprocessed.

(4) Article 162(2) of Regulation (EC) No 1234/2007 lays down that the export refund for a product contained in a good may not exceed the refund applicable to that product when exported without further processing.

(5) In the case of certain milk products exported in the form of goods not covered by Annex I to the Treaty, there is a danger that, if high refund rates are fixed in advance, the

commitments entered into in relation to those refunds may be jeopardised. In order to avert that danger, it is therefore necessary to take appropriate precautionary measures, but without precluding the conclusion of long-term contracts. The fixing of specific refund rates for the advance fixing of refunds in respect of those products should enable those two objectives to be met.

(6) Article 15(2) of Regulation (EU) No 578/2010 provides that, when the rate of the refund is being fixed, account is to be taken, where appropriate, of aids or other measures having equivalent effect applicable in all Member States in accordance with the Regulation on the common organisation of the agricultural markets to the basic products listed in Annex I to Regulation (EU) No 578/2010 or to assimilated products.

(7) Article 100(1) of Regulation (EC) No 1234/2007 provides for the payment of aid for Union-produced skimmed milk processed into casein if such milk and the casein manufactured from it fulfil certain conditions.

(8) The currently applicable refunds have been fixed by Commission Regulation (EU) No 953/2010 ⁽³⁾. Since new refunds should be fixed, that Regulation should therefore be repealed.

(9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products listed in Annex I to Regulation (EU) No 578/2010 and in Part XVI of Annex I to Regulation (EC) No 1234/2007, and exported in the form of goods listed in Part IV of Annex XX to Regulation (EC) No 1234/2007, shall be fixed as set out in the Annex to this Regulation.

Article 2

Regulation (EU) No 953/2010 is hereby repealed.

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 171, 6.7.2010, p. 1.

⁽³⁾ OJ L 278, 22.10.2010, p. 23.

Article 3

This Regulation shall enter into force on 21 January 2011.

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

Done at Brussels, 20 January 2011.

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

Heinz ZOUREK
Director-General for Enterprise and Industry

ANNEX

Rates of the refunds applicable from 21 January 2011 to certain milk products exported in the form of goods not covered by Annex I to the Treaty ⁽¹⁾

(EUR/100 kg)

CN code	Description	Rate of refund	
		In case of advance fixing of refunds	Other
ex 0402 10 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content not exceeding 1,5 % by weight (PG 2):		
	(a) on exportation of goods of CN code 3501	—	—
	(b) on exportation of other goods	0,00	0,00
ex 0402 21 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content of 26 % by weight (PG 3)	0,00	0,00
ex 0405 10	Butter, with a fat content by weight of 82 % (PG 6):		
	(a) on exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat	0,00	0,00
	(b) on exportation of other goods	0,00	0,00

⁽¹⁾ The rates set out in this Annex are not applicable to exports to:

- (a) third countries: Andorra, the Holy See (Vatican City State), Liechtenstein, the United States of America and the goods listed in Tables I and II of Protocol 2 to the Agreement between the European Community and the Swiss Confederation of 22 July 1972 exported to the Swiss Confederation.
- (b) territories of EU Member States not forming part of the customs territory of the Community: Ceuta, Melilla, the Communes of Livigno and Campione d'Italia, Heligoland, Greenland, the Faeroe Islands and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control.
- (c) European territories for whose external relations a Member State is responsible and not forming part of the customs territory of the Community: Gibraltar.
- (d) the destinations referred to in Article 33(1), Article 41(1) and Article 42(1) of Commission Regulation (EC) No 612/2009 (OJ L 186, 17.7.2009, p. 1).

DIRECTIVES

COMMISSION DIRECTIVE 2011/4/EU

of 20 January 2011

amending Council Directive 91/414/EEC to include cycloxydim as active substance and amending Decision 2008/934/EC

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾, and in particular Article 6(1) thereof,

Whereas:

a regular and an accelerated procedure for the assessment of active substances which were part of the programme of work referred to in Article 8(2) of that Directive but have not been included into its Annex I ⁽²⁾.

(4) The application was submitted to Austria, which had been designated rapporteur Member State by Regulation (EC) No 451/2000. The time period for the accelerated procedure was respected. The specification of the active substance and the supported uses are the same as were the subject of Decision 2008/934/EC. That application also complies with the remaining substantive and procedural requirements of Article 15 of Regulation (EC) No 33/2008.

(1) Commission Regulations (EC) No 451/2000 ⁽²⁾ and (EC) No 1490/2002 ⁽³⁾ lay down the detailed rules for the implementation of the third stage of the programme of work referred to in Article 8(2) of Directive 91/414/EEC and establish a list of active substances to be assessed, with a view to their possible inclusion in Annex I to Directive 91/414/EEC. That list included cycloxydim.

(2) In accordance with Article 11e of Regulation (EC) No 1490/2002 the applicant withdrew its support of the inclusion of that active substance in Annex I to Directive 91/414/EEC within 2 months from receipt of the draft assessment report. Consequently, Commission Decision 2008/934/EC of 5 December 2008 concerning the non-inclusion of certain active substances in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing these substances ⁽⁴⁾ was adopted on the non-inclusion of cycloxydim.

(3) Pursuant to Article 6(2) of Directive 91/414/EEC the original notifier (hereinafter 'the applicant') submitted a new application requesting the accelerated procedure to be applied, as provided for in Articles 14 to 19 of Commission Regulation (EC) No 33/2008 of 17 January 2008 laying down detailed rules for the application of Council Directive 91/414/EEC as regards

(5) Austria evaluated the additional data submitted by the applicant and prepared an additional report. It communicated that report to the European Food Safety Authority (hereinafter 'the Authority') and to the Commission on 2 November 2009. The Authority communicated the additional report to the other Member States and the applicant for comments and forwarded the comments it had received to the Commission. In accordance with Article 20(1) of Regulation (EC) No 33/2008 and at the request of the Commission, the Authority presented its conclusion on cycloxydim to the Commission on 30 June 2010 ⁽⁶⁾. The draft assessment report, the additional report and the conclusion of the Authority were reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health and finalised on 23 November 2010 in the format of the Commission review report for cycloxydim.

(6) It has appeared from the various examinations made that plant protection products containing cycloxydim may be expected to satisfy, in general, the requirements laid down in Article 5(1)(a) and (b) of Directive 91/414/EEC, in particular with regard to the uses which have been examined and detailed in the Commission review report. It is therefore appropriate to include cycloxydim in

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.

⁽²⁾ OJ L 55, 29.2.2000, p. 25.

⁽³⁾ OJ L 224, 21.8.2002, p. 23.

⁽⁴⁾ OJ L 333, 11.12.2008, p. 11.

⁽⁵⁾ OJ L 15, 18.1.2008, p. 5.

⁽⁶⁾ European Food Safety Authority; Conclusion on the peer review of the pesticide risk assessment of the active substance cycloxydim. Summary: EFSA Journal 2010; 8(7):1669. [73 pp.]. doi:10.2903/j.efsa.2010.1669. Available online: www.efsa.europa.eu

Annex I, in order to ensure that in all Member States the authorisations of plant protection products containing this active substance can be granted in accordance with the provisions of that Directive.

- (7) Without prejudice to that conclusion, it is appropriate to obtain further information on certain specific points. Article 6(1) of Directive 91/414/EEC provides that inclusion of a substance in Annex I may be subject to conditions. Therefore, it is appropriate to require that the applicant submit to the Commission, further information on methods for the analysis of residues of cycloxydim in plant and animal products.
- (8) A reasonable period should be allowed to elapse before an active substance is included in Annex I in order to permit Member States and the interested parties to prepare themselves to meet the new requirements which will result from the inclusion.
- (9) Without prejudice to the obligations defined by Directive 91/414/EEC as a consequence of including an active substance in Annex I, Member States should be allowed a period of 6 months after inclusion to review existing authorisations of plant protection products containing cycloxydim to ensure that the requirements laid down by Directive 91/414/EEC, in particular in its Article 13 and the relevant conditions set out in Annex I, are satisfied. Member States should vary, replace or withdraw, as appropriate, existing authorisations, in accordance with the provisions of Directive 91/414/EEC. By derogation from the above deadline, a longer period should be provided for the submission and assessment of the complete Annex III dossier of each plant protection product for each intended use in accordance with the uniform principles laid down in Directive 91/414/EEC.
- (10) The experience gained from previous inclusions in Annex I to Directive 91/414/EEC of active substances assessed in the framework of Commission Regulation (EEC) No 3600/92 of 11 December 1992 laying down the detailed rules for the implementation of the first stage of the programme of work referred to in Article 8(2) of Council Directive 91/414/EEC concerning the placing of plant protection products on the market⁽¹⁾ has shown that difficulties can arise in interpreting the duties of holders of existing authorisations in relation to access to data. In order to avoid further difficulties it therefore appears necessary to clarify the duties of the Member States, especially the duty to verify that the holder of an authorisation demonstrates access to a dossier satisfying the requirements of Annex II to that Directive. However, this clarification does not impose any new obligations on Member States or holders of authorisations compared to the Directives which have been adopted until now amending Annex I.

- (11) It is therefore appropriate to amend Directive 91/414/EEC accordingly.
- (12) Decision 2008/934/EC provides for the non-inclusion of cycloxydim and the withdrawal of authorisations for plant protection products containing that substance by 31 December 2011. It is necessary to delete the line concerning cycloxydim in the Annex to that Decision.
- (13) It is therefore appropriate to amend Decision 2008/934/EC accordingly.
- (14) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 91/414/EEC is amended as set out in the Annex to this Directive.

Article 2

The line concerning cycloxydim in the Annex to Decision 2008/934/EC is deleted.

Article 3

Member States shall adopt and publish by 30 November 2011 at the latest the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

They shall apply those provisions from 1 December 2011.

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.

Article 4

1. Member States shall in accordance with Directive 91/414/EEC, where necessary, amend or withdraw existing authorisations for plant protection products containing cycloxydim as an active substance by 30 November 2011.

By that date they shall in particular verify that the conditions in Annex I to that Directive relating to cycloxydim are met, with the exception of those identified in part B of the entry concerning that active substance, and that the holder of the authorisation has, or has access to, a dossier satisfying the requirements of Annex II to that Directive in accordance with the conditions of Article 13 of that Directive.

⁽¹⁾ OJ L 366, 15.12.1992, p. 10.

2. By way of derogation from paragraph 1, for each authorised plant protection product containing cycloxydim as either the only active substance or as one of several active substances all of which were listed in Annex I to Directive 91/414/EEC by 31 May 2011 at the latest, Member States shall re-evaluate the product in accordance with the uniform principles provided for in Annex VI to Directive 91/414/EEC, on the basis of a dossier satisfying the requirements of Annex III to that Directive and taking into account part B of the entry in Annex I to that Directive concerning cycloxydim. On the basis of that evaluation, they shall determine whether the product satisfies the conditions set out in Article 4(1)(b), (c), (d) and (e) of Directive 91/414/EEC.

Following that determination Member States shall:

- (a) in the case of a product containing cycloxydim as the only active substance, where necessary, amend or withdraw the authorisation by 31 May 2015 at the latest; or
- (b) in the case of a product containing cycloxydim as one of several active substances, where necessary, amend or

withdraw the authorisation by 31 May 2015 or by the date fixed for such an amendment or withdrawal in the respective Directive or Directives which added the relevant substance or substances to Annex I to Directive 91/414/EEC, whichever is the latest.

Article 5

This Directive shall enter into force on 1 June 2011.

Article 6

This Directive is addressed to the Member States.

Done at Brussels, 20 January 2011.

For the Commission

The President

José Manuel BARROSO

ANNEX

The following entry shall be added at the end of the table in Annex I to Directive 91/414/EEC:

No	Common Name, Identification Numbers	IUPAC Name	Purity ⁽¹⁾	Entry into force	Expiration of inclusion	Specific provisions
'321	Cycloxydim CAS No: 101205-02-1 CIPAC No: 510	(5RS)-2-[(EZ)-1-(ethoxyimino)butyl]-3-hydroxy-5-[(3RS)-thian-3-yl]cyclohex-2-en-1-one	≥ 940 g/kg	1 June 2011	31 May 2021	PART A Only uses as herbicide may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on cycloxydim, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 23 November 2010 shall be taken into account. In this overall assessment Member States shall pay particular attention to the risk to non-target plants. Conditions of use shall include risk mitigation measures, where appropriate. The Member States concerned shall request the submission of further information concerning the methods for analysis of residues of cycloxydim in plant and animal products. The Member States concerned shall ensure that the applicant submits such methods of analysis to the Commission by 31 May 2013.'

⁽¹⁾ Further details on identity and specification of active substance are provided in the review report.

COMMISSION DIRECTIVE 2011/5/EU**of 20 January 2011****amending Council Directive 91/414/EEC to include hymexazol as active substance and amending Decision 2008/934/EC****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾, and in particular Article 6(1) thereof,

Whereas:

- (1) Commission Regulations (EC) No 451/2000 ⁽²⁾ and (EC) No 1490/2002 ⁽³⁾ lay down the detailed rules for the implementation of the third stage of the programme of work referred to in Article 8(2) of Directive 91/414/EEC and establish a list of active substances to be assessed, with a view to their possible inclusion in Annex I to Directive 91/414/EEC. That list included hymexazol.
- (2) In accordance with Article 11e of Regulation (EC) No 1490/2002 the applicant withdrew its support of the inclusion of that active substance in Annex I to Directive 91/414/EEC within two months from receipt of the draft assessment report. Consequently, Commission Decision 2008/934/EC of 5 December 2008 concerning the non-inclusion of certain active substances in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing these substances ⁽⁴⁾ was adopted on the non-inclusion of hymexazol.
- (3) Pursuant to Article 6(2) of Directive 91/414/EEC the original notifier (hereinafter 'the applicant') submitted a new application requesting the accelerated procedure to be applied, as provided for in Articles 14 to 19 of Commission Regulation (EC) No 33/2008 of 17 January 2008 laying down detailed rules for the application of Council Directive 91/414/EEC as regards a regular and an accelerated procedure for the assessment of active substances which were part of the programme of work referred to in Article 8(2) of that Directive but have not been included into its Annex I ⁽⁵⁾.

- (4) The application was submitted to Finland, which had been designated rapporteur Member State by Regulation (EC) No 451/2000. The time period for the accelerated procedure was respected. The specification of the active substance and the supported uses are the same as were the subject of Decision 2008/934/EC. That application also complies with the remaining substantive and procedural requirements of Article 15 of Regulation (EC) No 33/2008.
- (5) Finland evaluated the additional data submitted by the applicant and prepared an additional report. It communicated that report to the European Food Safety Authority (hereinafter 'the Authority') and to the Commission on 17 September 2009. The Authority communicated the additional report to the other Member States and the applicant for comments and forwarded the comments it had received to the Commission. In accordance with Article 20(1) of Regulation (EC) No 33/2008 and at the request of the Commission, the Authority presented its conclusion on hymexazol to the Commission on 4 November 2010 ⁽⁶⁾. The draft assessment report, the additional report and the conclusion of the Authority were reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health and finalised on 23 November 2010 in the format of the Commission review report for hymexazol.
- (6) It has appeared from the various examinations made that plant protection products containing hymexazol may be expected to satisfy, in general, the requirements laid down in Article 5(1)(a) and (b) of Directive 91/414/EEC, in particular with regard to the uses which have been examined and detailed in the Commission review report. It is therefore appropriate to include hymexazol in Annex I, in order to ensure that in all Member States the authorisations of plant protection products containing this active substance can be granted in accordance with the provisions of that Directive.
- (7) Without prejudice to that conclusion, it is appropriate to obtain further information on certain specific points. Article 6(1) of Directive 91/414/EC provides that inclusion of a substance in Annex I may be subject to conditions. Therefore, it is appropriate to require that the applicant submit further information confirming the nature of residues in root crops and to confirm the risk for granivorous birds and mammals.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.

⁽²⁾ OJ L 55, 29.2.2000, p. 25.

⁽³⁾ OJ L 224, 21.8.2002, p. 23.

⁽⁴⁾ OJ L 333, 11.12.2008, p. 11.

⁽⁵⁾ OJ L 15, 18.1.2008, p. 5.

⁽⁶⁾ European Food Safety Authority; Conclusion on the peer review of the pesticide risk assessment of the active substance hymexazol. EFSA Journal 2010; 8(11):1653. [63 pp.]. doi:10.2903/j.efsa.2010.1653. Available online: www.efsa.europa.eu

- (8) A reasonable period should be allowed to elapse before an active substance is included in Annex I in order to permit Member States and the interested parties to prepare themselves to meet the new requirements which will result from the inclusion.
- (9) Without prejudice to the obligations defined by Directive 91/414/EEC as a consequence of including an active substance in Annex I, Member States should be allowed a period of six months after inclusion to review existing authorisations of plant protection products containing hymexazol to ensure that the requirements laid down by Directive 91/414/EEC, in particular in its Article 13 and the relevant conditions set out in Annex I, are satisfied. Member States should vary, replace or withdraw, as appropriate, existing authorisations, in accordance with the provisions of Directive 91/414/EEC. By derogation from the above deadline, a longer period should be provided for the submission and assessment of the complete Annex III dossier of each plant protection product for each intended use in accordance with the uniform principles laid down in Directive 91/414/EEC.
- (10) The experience gained from previous inclusions in Annex I to Directive 91/414/EEC of active substances assessed in the framework of Commission Regulation (EEC) No 3600/92 of 11 December 1992 laying down the detailed rules for the implementation of the first stage of the programme of work referred to in Article 8(2) of Council Directive 91/414/EEC concerning the placing of plant protection products on the market⁽¹⁾ has shown that difficulties can arise in interpreting the duties of holders of existing authorisations in relation to access to data. In order to avoid further difficulties it therefore appears necessary to clarify the duties of the Member States, especially the duty to verify that the holder of an authorisation demonstrates access to a dossier satisfying the requirements of Annex II to that Directive. However, this clarification does not impose any new obligations on Member States or holders of authorisations compared to the directives which have been adopted until now amending Annex I.
- (11) It is therefore appropriate to amend Directive 91/414/EEC accordingly.
- (12) Decision 2008/934/EC provides for the non-inclusion of hymexazol and the withdrawal of authorisations for plant protection products containing that substance by 31 December 2011. It is necessary to delete the line concerning hymexazol in the Annex to that Decision.
- (13) It is therefore appropriate to amend Decision 2008/934/EC accordingly.
- (14) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 91/414/EEC is amended as set out in the Annex to this Directive.

Article 2

The line concerning hymexazol in the Annex to Decision 2008/934/EC is deleted.

Article 3

Member States shall adopt and publish by 30 November 2011 at the latest the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

They shall apply those provisions from 1 December 2011.

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.

Article 4

1. Member States shall in accordance with Directive 91/414/EEC, where necessary, amend or withdraw existing authorisations for plant protection products containing hymexazol as an active substance by 1 December 2011.

By that date they shall in particular verify that the conditions in Annex I to that Directive relating to hymexazol are met, with the exception of those identified in part B of the entry concerning that active substance, and that the holder of the authorisation has, or has access to, a dossier satisfying the requirements of Annex II to that Directive in accordance with the conditions of Article 13 of that Directive.

2. By way of derogation from paragraph 1, for each authorised plant protection product containing hymexazol as either the only active substance or as one of several active substances all of which were listed in Annex I to Directive 91/414/EEC by 31 May 2011 at the latest, Member States shall re-evaluate the product in accordance with the uniform principles provided for in Annex VI to Directive 91/414/EEC, on the basis of a dossier satisfying the requirements of Annex III to that Directive and taking into account part B of the entry in Annex I to that Directive concerning hymexazol. On the basis of that evaluation, they shall determine whether the product satisfies the conditions set out in Article 4(1)(b), (c), (d) and (e) of Directive 91/414/EEC.

⁽¹⁾ OJ L 366, 15.12.1992, p. 10.

Following that determination Member States shall:

Article 5

This Directive shall enter into force on 1 June 2011.

Article 6

This Directive is addressed to the Member States.

(a) in the case of a product containing hymexazol as the only active substance, where necessary, amend or withdraw the authorisation by 31 May 2015 at the latest; or

(b) in the case of a product containing hymexazol as one of several active substances, where necessary, amend or withdraw the authorisation by 31 May 2015 or by the date fixed for such an amendment or withdrawal in the respective Directive or Directives which added the relevant substance or substances to Annex I to Directive 91/414/EEC, whichever is the latest.

Done at Brussels, 20 January 2011.

For the Commission

The President

José Manuel BARROSO

ANNEX

The following entry shall be added at the end of the table in Annex I to Directive 91/414/EEC:

No	Common Name, Identification Numbers	IUPAC Name	Purity ⁽¹⁾	Entry into force	Expiration of inclusion	Specific provisions
'318	Hymexazol CAS No: 10004-44-1 CIPAC No: 528	5-methylisoxazol-3-ol (or 5-methyl-1,2-oxazol-3-ol)	≥ 985 g/kg	1 June 2011	31 May 2021	PART A Only uses as fungicide for seed pelleting of sugar beets in professional seed treatment facilities may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on hymexazol, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 23 November 2010 shall be taken into account. In this overall assessment Member States shall pay particular attention to: — the operators and workers safety. Conditions of authorisation shall include protective measures, where appropriate, — the risk to granivorous birds and mammals. Conditions of use shall include risk mitigation measures, where appropriate. The Member States concerned shall request the submission of confirmatory information as regards the nature of residues in root crops and the risk for granivorous birds and mammals. The Member States concerned shall ensure that the applicant submits such confirmatory information to the Commission by 31 May 2013.'

⁽¹⁾ Further details on identity and specification of active substance are provided in the review report.

COMMISSION DIRECTIVE 2011/6/EU**of 20 January 2011****amending Council Directive 91/414/EEC to include buprofezin as active substance****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾, and in particular Article 6(1) thereof,

Whereas:

(1) Commission Regulations (EC) No 451/2000 ⁽²⁾ and (EC) No 1490/2002 ⁽³⁾ lay down the detailed rules for the implementation of the third stage of the programme of work referred to in Article 8(2) of Directive 91/414/EEC and establish a list of active substances to be assessed, with a view to their possible inclusion in Annex I to Directive 91/414/EEC. That list included buprofezin. By Commission Decision 2008/771/EC ⁽⁴⁾ it was decided not to include buprofezin in Annex I to Directive 91/414/EEC.

(2) Pursuant to Article 6(2) of Directive 91/414/EEC the original notifier (hereinafter 'the applicant') submitted a new application requesting the accelerated procedure to be applied, as provided for in Articles 14 to 19 of Commission Regulation (EC) No 33/2008 of 17 January 2008 laying down detailed rules for the application of Council Directive 91/414/EEC as regards a regular and an accelerated procedure for the assessment of active substances which were part of the programme of work referred to in Article 8(2) of that Directive but have not been included into its Annex I ⁽⁵⁾.

(3) The application was submitted to the United Kingdom, which had been designated rapporteur Member State by Regulation (EC) No 33/2008. The time period for the accelerated procedure was respected. The specification of the active substance and the supported uses are the same as those that were the subject of Decision 2008/771/EC. That application also complies with the remaining substantive and procedural requirements of Article 15 of Regulation (EC) No 33/2008.

(4) The United Kingdom evaluated the new information and data submitted by the applicant and prepared an addi-

tional report in August 2009. It communicated that report to the European Food Safety Authority (hereinafter 'the Authority') and to the Commission on 21 August 2009.

(5) The Authority communicated the additional report to the other Member States and the applicant for comments and forwarded the comments it had received to the Commission. In accordance with Article 20(1) of Regulation (EC) No 33/2008 and at the request of the Commission, the additional report was peer reviewed by the Member States and the Authority. The Authority then presented its conclusion on buprofezin to the Commission on 21 May 2010 ⁽⁶⁾. The draft assessment report, the additional report and the conclusion of the Authority were reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health and finalised on 23 November 2010 in the format of the Commission review report for buprofezin.

(6) The additional report by the rapporteur Member State and the new conclusion by the Authority concentrate on the concerns that lead to the non-inclusion. Those concerns were, in particular, the impossibility to perform a reliable consumer exposure assessment because of lack of data to determine an appropriate residue definition.

(7) The new information submitted by the applicant enabled a consumer exposure assessment. The information currently available indicates that the risk to consumers is acceptable.

(8) Consequently, the additional data and information provided by the applicant permit to eliminate the specific concerns that led to the non-inclusion. No other open scientific questions have arisen.

(9) It has appeared from the various examinations made that plant protection products containing buprofezin may be expected to satisfy, in general, the requirements laid down in Article 5(1)(a) and (b) of Directive 91/414/EEC, in particular with regard to the uses which were examined and detailed in the Commission review report. It is therefore appropriate to include buprofezin in Annex I, in order to ensure that in all Member States the authorisations of plant protection products containing this active substance may be granted in accordance with the provisions of that Directive.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.

⁽²⁾ OJ L 55, 29.2.2000, p. 25.

⁽³⁾ OJ L 224, 21.8.2002, p. 23.

⁽⁴⁾ OJ L 263, 2.10.2008, p. 18.

⁽⁵⁾ OJ L 15, 18.1.2008, p. 5.

⁽⁶⁾ European Food Safety Authority: Conclusion on the peer review of the pesticide risk assessment of the active substance buprofezin EFSA Journal 2010; 8(6):1624. [77 pp.]. doi:10.2903/j.efsa.2010.1624. Available online: www.efsa.europa.eu

- (10) Without prejudice to that conclusion, it is appropriate to obtain confirmatory information on certain specific points. Article 6(1) of Directive 91/414/EEC provides that the inclusion of a substance in Annex I may be subject to conditions. Therefore, it is appropriate to require that the applicant submit further information to confirm the processing and conversion factors in the consumer risk assessment.
- (11) It is therefore appropriate to amend Directive 91/414/EEC accordingly.
- (12) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 91/414/EEC is amended as set out in the Annex to this Directive.

Article 2

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this

Directive by 31 July 2011 at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

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.

Article 3

This Directive shall enter into force on 1 February 2011.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 20 January 2011.

For the Commission

The President

José Manuel BARROSO

ANNEX

The following entry shall be added at the end of the table in Annex I to Directive 91/414/EEC:

No	Common Name, Identification Numbers	IUPAC Name	Purity ⁽¹⁾	Entry into force	Expiration of inclusion	Specific provisions
'325	Buprofezin CAS No: 953030-84-7 CIPAC No: 681	(Z)-2-tert-butylimino-3-isopropyl-5-phenyl-1,3,5-thiadiazinan-4-one	≥ 985 g/kg	1 February 2011	31 January 2021	PART A Only uses as insecticide and acaricide may be authorised. PART B For the implementation of the uniform principles of Annex VI the conclusions of the review report on buprofezin, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 23 November 2010, shall be taken into account. In this overall assessment Member States shall pay particular attention to: (a) the operators' and workers' safety and ensure that conditions of use impose adequate personal protective equipment where appropriate; (b) the dietary exposure of consumers to the buprofezin (aniline) metabolites in processed food; (c) the application of an appropriate waiting period for rotational crops in greenhouses; (d) the risk to aquatic organisms and ensure that conditions of use impose adequate risk mitigation measures, where appropriate. The Member States concerned shall request the submission of confirmatory information as regards the processing and conversion factors for consumer risk assessment. The Member States concerned shall ensure that the applicant submits such confirmatory information to the Commission by 31 January 2013.'

⁽¹⁾ Further details on identity and specification of active substance are provided in the review report.

DECISIONS

POLITICAL AND SECURITY COMMITTEE DECISION BiH/17/2011

of 14 January 2011

on the appointment of an EU Operation Commander for the European Union military operation in Bosnia and Herzegovina

(2011/35/CFSP)

THE POLITICAL AND SECURITY COMMITTEE,

Having regard to the Treaty on European Union, and in particular Article 38, second paragraph, thereof,

Having regard to Council Joint Action 2004/570/CFSP of 12 July 2004 on a European Union military operation in Bosnia and Herzegovina⁽¹⁾, and in particular Article 6(1) thereof,

Whereas:

- (1) Pursuant to Article 6(1) of Joint Action 2004/570/CFSP the Council authorised the Political and Security Committee to take decisions on the appointment of the EU Operation Commander.
- (2) According to Political and Security Committee Decision BiH/10/2007 of 25 September 2007 on the appointment of an EU Operation Commander for the European Union military operation in Bosnia and Herzegovina⁽²⁾, Deputy Supreme Allied Commander for Europe (DSACEUR) General John McCOLL was appointed EU Operation Commander for the European Union military operation in Bosnia and Herzegovina.
- (3) NATO has decided to appoint General Sir Richard SHIRREFF as DSACEUR to replace General John McCOLL. The assignment of General Sir Richard SHIRREFF will begin on 4 March 2011. General Sir Richard SHIRREFF should also replace General John McCOLL in his capacity as EU Operation Commander for the European Union military operation in Bosnia and Herzegovina.

(4) In accordance with Article 5 of Protocol (No 22) on the position of Denmark annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark does not participate in the elaboration and the implementation of decisions and actions of the Union which have defence implications.

(5) The Copenhagen European Council adopted on 12 and 13 December 2002 a declaration stating that the 'Berlin plus' arrangements and the implementation thereof will apply only to those Member States of the Union which are also either NATO members or parties to the 'Partnership for Peace', and which have consequently concluded bilateral security agreements with NATO,

HAS ADOPTED THIS DECISION:

Article 1

General Sir Richard SHIRREFF is hereby appointed EU Operation Commander for the European Union military operation in Bosnia and Herzegovina.

Article 2

This Decision shall enter into force on 4 March 2011.

Done at Brussels, 14 January 2011.

For the Political and Security Committee

The Chairperson

O. SKOOG

⁽¹⁾ OJ L 252, 28.7.2004, p. 10.

⁽²⁾ OJ L 293, 10.11.2007, p. 8.

COMMISSION DECISION**of 20 January 2011****concerning the non-inclusion of 1,3-dichloropropene in Annex I to Council Directive 91/414/EEC***(notified under document C(2011) 119)***(Text with EEA relevance)****(2011/36/EU)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾, and in particular the fourth subparagraph of Article 8(2) thereof,

Whereas:

- (1) By Commission Decision 2007/619/EC ⁽²⁾ it was decided not to include the active substance 1,3-dichloropropene in Annex I to Directive 91/414/EEC. That Decision was taken within the framework of the second stage of the programme of work provided for in Commission Regulations (EC) No 451/2000 ⁽³⁾ and (EC) No 703/2001 ⁽⁴⁾ which lay down the detailed rules for the implementation of the second stage of the programme of work referred to in Article 8(2) of Directive 91/414/EEC and which establish a list of active substances to be assessed, with a view to their possible inclusion in Annex I to Directive 91/414/EEC.
- (2) The original notifier submitted a new application pursuant to Article 6(2) of Directive 91/414/EEC and Commission Regulation (EC) No 33/2008 of 17 January 2008 laying down detailed rules for the application of Council Directive 91/414/EEC as regards a regular and an accelerated procedure for the assessment of active substances which were part of the programme of work referred to in Article 8(2) of that Directive but have not been included into its Annex I ⁽⁵⁾. It requested the application of the accelerated procedure pursuant to Chapter III of Regulation (EC) No 33/2008 and submitted an updated dossier. The application was submitted to Spain, which had been designated rapporteur Member State by Regulation (EC) No 451/2000.
- (3) That application complies with the substantive and procedural requirements of Article 15 of Regulation

(EC) No 33/2008 and was submitted within the time period provided for in the second sentence of Article 13 of that Regulation.

- (4) Spain evaluated the new information and data submitted by the notifier and prepared an additional report on 15 April 2009.
- (5) The additional report was peer reviewed by the Member States and the European Food Safety Authority, hereinafter 'EFSA', and presented to the Commission on 30 September 2009 in the format of the EFSA Conclusion for 1,3-dichloropropene ⁽⁶⁾. This report was reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health and finalised on 9 July 2010 in the format of the Commission review report for 1,3-dichloropropene.
- (6) The new assessment by the rapporteur Member State and the new conclusion by the EFSA concentrated on the concerns that lead to the non-inclusion, which were due to the release in the environment of large amounts of known and unknown polychlorinated impurities, for which no information on persistency, toxicological behaviour, uptake from crops, accumulation, metabolic fate and residue level were available, as well as to the inconclusive nature of the consumer risk assessment and to the risk of groundwater potential contamination, for birds, mammals, aquatic organisms and other non-target organism.
- (7) New data and information were submitted by the notifier in the updated dossier to address the concerns which lead to the non-inclusion, in particular as regards the identity of a number of impurities, the level of residues expected in crops, the risk to groundwater contamination and the risk to birds, mammals, aquatic organisms and non-target organisms. A new assessment was performed, as included in the additional report and in the EFSA Conclusion for 1,3-dichloropropene.
- (8) However, the additional data and information provided by the notifier did not permit to eliminate all the specific concerns that led to the non-inclusion.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.⁽²⁾ OJ L 249, 25.9.2007, p. 11.⁽³⁾ OJ L 55, 29.2.2000, p. 25.⁽⁴⁾ OJ L 98, 7.4.2001, p. 6.⁽⁵⁾ OJ L 15, 18.1.2008, p. 5.⁽⁶⁾ European Food Safety Authority; Conclusion on the peer review of the pesticide risk assessment of the active substance (EZ)-1,3-dichloropropene on request from the European Commission. EFSA Journal 2009; 7(10):1341. [102 pp.]. doi:10.2903/j.efsa.2009.1341. Available online: www.efsa.europa.eu

- (9) In particular, there is a concern for the consumer exposure in relation to 11 unidentified manufacturing impurities. Furthermore, the potential contamination of groundwater in relation to 1,3-dichloropropene, its relevant toxic breakdown product (EZ)-3-chloroacrylic acid and 11 unidentified manufacturing impurities were not adequately addressed and there is a potential for long-range transport through the atmosphere of 10 manufacturing impurities. In addition, the risk to non-target organisms was not demonstrated to be acceptable.
- (10) The Commission invited the notifier to submit its comments on the results of the peer review and on its intention or not to further support the substance. Furthermore, in accordance with Article 21(1) of Regulation (EC) No 33/2008, the Commission invited the notifier to submit comments on the draft review report. The notifier submitted its comments, which have been carefully examined.
- (11) However, despite the arguments put forward by the notifier, the concerns identified could not be eliminated, and assessments made on the basis of the information submitted and evaluated during the EFSA expert meetings have not demonstrated that it may be expected that, under the proposed conditions of use, plant protection products containing 1,3-dichloropropene satisfy in general the conditions laid down in Article 5(1)(a) and (b) of Directive 91/414/EEC.
- (12) 1,3-dichloropropene should therefore not be included in Annex I to Directive 91/414/EEC.
- (13) Decision 2007/619/EC should be repealed.
- (14) This Decision does not prejudice the submission of a further application for 1,3-dichloropropene pursuant to Article 6(2) of Directive 91/414/EEC and Chapter II of Regulation (EC) No 33/2008.
- (15) The Standing Committee on the Food Chain and Animal Health did not deliver an opinion within the time-limit laid down by its Chairman and the Commission therefore submitted to the Council a proposal relating to these measures. On the expiry of the period laid down in the second subparagraph of Article 19(2) of Directive 91/414/EEC, the Council had neither adopted the proposed implementing act nor indicated its opposition to the proposal for implementing measures and it is accordingly for the Commission to adopt these measures,
- HAS ADOPTED THIS DECISION:
- Article 1*
- 1,3-dichloropropene shall not be included as active substance in Annex I to Directive 91/414/EEC.
- Article 2*
- Decision 2007/619/EC is repealed.
- Article 3*
- This Decision is addressed to the Member States.
- Done at Brussels, 20 January 2011.
- For the Commission*
John DALLI
Member of the Commission
-

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DECISIONS

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2011/36/EU:

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⁽¹⁾ Text with EEA relevance

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