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⁽¹⁾ Text with EEA relevance

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⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION

of 21 February 2011

concerning the conclusion of the Agreement between the European Community and the West African Economic and Monetary Union on certain aspects of air services

(2011/126/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 Article 100(2) in conjunction with Article 218(6)(a) and the first subparagraph of Article 218(8),

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament,

Whereas:

- (1) The Council authorised the Commission on 5 June 2003 to open negotiations with third countries on the replacement of certain provisions in existing bilateral Agreements with a Community Agreement.
- (2) On behalf of the European Community, the Commission has negotiated an Agreement with the West African Economic and Monetary Union on certain aspects of air services in accordance with the mechanisms and directives in the Annex to the Council Decision authorising the Commission to open negotiations with third countries on the replacement of certain provisions in existing bilateral agreements with a Community Agreement.
- (3) The Agreement was signed on behalf of the Community on 30 November 2009 subject to its possible conclusion at a later date, in accordance with Council Decision 2010/144/EC ⁽¹⁾.
- (4) 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.
- (5) The Agreement should be approved,

Article 1

The Agreement between the European Community and the West African Economic and Monetary Union on certain aspects of air services ('the Agreement'), is hereby approved on behalf of the Union.

Article 2

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 9(1) of the Agreement and make the following notification:

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

Article 3

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

Done at Brussels, 21 February 2011.

For the Council
The President
MARTONYI J.

⁽¹⁾ OJ L 56, 6.3.2010, p. 15.

REGULATIONS

COMMISSION REGULATION (EU) No 176/2011

of 24 February 2011

on the information to be provided before the establishment and modification of a functional airspace block

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 550/2004 of the European Parliament and of the Council of 10 March 2004 on the provision of air navigation services in the single European sky (the service provision Regulation) ⁽¹⁾ and in particular Article 9a(9) thereof,

Whereas:

- (1) The functional airspace blocks are key enablers for enhancing cooperation between Member States in order to improve performance and create synergies. For that purpose and in order to optimise the interface of functional airspace blocks in the single European sky, the Member States concerned should cooperate with each other and where appropriate they may also cooperate with third countries.
- (2) Member States have to comply with the requirements of Article 9a of Regulation (EC) No 550/2004 when establishing a functional airspace block.
- (3) Member States that establish a functional airspace block have to provide information to the Commission, the European Aviation Safety Agency, other Member States and other interested parties, giving them an opportunity to submit their observations with the aim of facilitating an exchange of views. However, the Member States should not provide classified information, business secrets or otherwise confidential information.
- (4) The information to be provided under this Regulation should reflect compliance with the objectives for the functional airspace blocks and assist Member States in ensuring consistency with other measures of the single European sky.
- (5) In order to facilitate such exchange of information and submission of observations, the information which is considered as 'adequate' to be provided to Member

States, the Commission, the European Aviation Safety Agency (EASA) and other interested parties should be clearly laid out as well as the procedures for this exchange of information.

- (6) In particular, the Member States concerned should jointly provide the information and accordingly provide one set of information and documentary evidence per functional airspace block.
- (7) The establishment of a functional airspace block should be considered as the legal process through which Member States must enhance cooperation between their respective airspace blocks. Member States should take the necessary measures to comply with this requirement at the latest by 4 December 2012, in accordance with Regulation (EC) No 550/2004.
- (8) The determination whether a functional airspace block has been modified should be made on the basis of the same criteria for all Member States and should be limited to those changes which have a considerable impact on the functional airspace block and/or the neighbouring functional airspace blocks or Member States.
- (9) According to Article 13a of Regulation (EC) No 549/2004 of the European Parliament and of the Council ⁽²⁾, Member States and the Commission should coordinate with the EASA to ensure that all safety aspects are properly addressed when implementing the single European sky.
- (10) This Regulation does not affect the security or defence policy interests of Member States and related confidentiality needs according to Article 13 of Regulation (EC) No 549/2004.
- (11) Pursuant to Article 83 of the Chicago Convention, Member States that establish a functional airspace block will have to register agreements or arrangements for functional airspace blocks and any subsequent amendment thereto with the International Civil Aviation Organisation (ICAO).

⁽¹⁾ OJ L 96, 31.3.2004, p. 10.

⁽²⁾ OJ L 96, 31.3.2004, p. 1.

- (12) The establishment of functional airspace blocks which would result in changes to the ICAO flight information region (FIR) boundaries or to the facilities and services provided within those boundaries should continue to be the subject of the ICAO air navigation planning process and the procedure for amendment of the ICAO air navigation plans.
- (13) Member States should ensure that they fulfil their safety responsibilities effectively when establishing a functional airspace block. They should demonstrate and provide the necessary assurance that the functional airspace block will be established and managed safely and address the Member States and the air navigation service providers safety management elements associated with the functional airspace block establishment, with a focus on their respective safety roles and responsibilities.
- (14) The measures provided for in this Regulation are in accordance with the opinion of the Single Sky Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

This Regulation lays down the requirements for:

- (1) the information to be provided by the Member States concerned to the Commission, the European Aviation Safety Agency (EASA), other Member States and interested parties before the establishment and modification of a functional airspace block;
- (2) the procedures for the provision of the information to and submission of observations from the parties referred to in point (1), before notification of the functional airspace block is made to the Commission.

Article 2

Definitions

For the purpose of this Regulation, the definitions in Article 2 of Regulation (EC) No 549/2004 shall apply.

In addition the following definitions shall apply:

- (1) 'Member States concerned' means the Member States having mutually agreed to establish a functional airspace block under Regulation (EC) No 550/2004.
- (2) 'Interested parties' means the neighbouring third countries to a functional airspace block, relevant airspace users or

groups of airspace users and staff representative bodies as well as adjacent air navigation service providers to those in a functional airspace block.

Article 3

Demonstration of compliance

The Member States concerned shall jointly provide the information set out in the Annex to this Regulation to demonstrate fulfilment of the requirements of Article 9a of Regulation (EC) No 550/2004.

Article 4

Procedure for exchange of information for new functional airspace blocks

1. The Member States concerned shall provide the information set out in the Annex to the Commission at the latest by 24 June 2012. The Commission shall make it available for observations to the EASA, other Member States and interested parties at the latest one week after receipt of the information.

2. The observations of the EASA, other Member States and interested parties shall be submitted to the Commission at the latest two months after receipt of the information. The Commission shall without delay communicate the observations received and its own observations to the Member States concerned.

3. The Member States concerned shall duly consider the observations received before establishing their functional airspace block.

Article 5

Modification of an established functional airspace block

1. For the purpose of this Regulation, an established functional airspace block shall be considered as modified when a proposed modification shall result in changes to the defined dimensions of the functional airspace block.

2. At least six months before a modification is implemented, the Member States concerned shall jointly notify the Commission of the proposed changes and provide information supporting the changes, updating as appropriate the information provided for the establishment of the functional airspace block. The Commission shall make it available for observations to the EASA, other Member States and interested parties at the latest one week after receipt of the information.

3. The observations of the EASA, other Member States and interested parties shall be submitted to the Commission at the latest two months after receipt of the information. The Commission shall without delay communicate the observations received and its own observations to the Member States concerned.

4. The Member States concerned shall duly consider the observations received before modifying their functional airspace block.

*Article 6***Functional airspace blocks already established**

Member States concerned which have already established a functional airspace block prior to the entry into force of this Regulation shall ensure that the required information laid out in the Annex, which has not been already submitted as part of their notification, is provided to the Commission at the latest by 24 June 2012.

*Article 7***Entry into force**

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

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

Done at Brussels, 24 February 2011.

For the Commission
The President
José Manuel BARROSO

ANNEX

INFORMATION TO BE PROVIDED**PART I****General information**

1. The Member States concerned shall specify:
 - (a) the point of contact for the functional airspace block;
 - (b) the defined dimensions of the functional airspace block;
 - (c) the jointly designated air traffic service providers and meteorological service providers, if applicable, and their respective areas of responsibility;
 - (d) the providers of air traffic services providing services without certification in accordance with Article 7(5) of Regulation (EC) No 550/2004 and their respective areas of responsibility.
2. The Member States concerned shall provide the following information on the arrangements concluded regarding the establishment or modification of the functional airspace block, including:
 - (a) copy of the documents which reflect the mutual agreement of the Member States concerned to establish the functional airspace block;
 - (b) information on the arrangements between the national supervisory authorities in the functional airspace block;
 - (c) information on the arrangements between the air traffic service providers in the functional airspace block;
 - (d) information on arrangements between competent civil and military authorities in respect of their involvement in the governance structures of the functional airspace block.
3. Member States concerned may refer to information already provided to the Commission as part of the implementation of the single European sky.

PART II**Requirements of Article 9a(2) of Regulation (EC) No 550/2004**

The Member States concerned shall provide information, including supporting documentation, pertaining to the requirements of Article 9a(2) of Regulation (EC) No 550/2004.

1. Functional airspace block safety case

With regard to the functional airspace block safety case, the following information shall be provided:

- (a) the common safety policy or plans to establish a common safety policy;
- (b) a description of the arrangements dealing with accident and incident investigation and plans on how to address safety data collection, analysis and exchange;
- (c) a description of the way in which safety is being managed to avoid degradation in safety performance within the functional airspace block;
- (d) a description of the arrangements clearly identifying and allocating the responsibilities and interfaces with relation to the setting of safety targets, safety oversight and the accompanying enforcement measures in regard to the provision of air navigation services within the functional airspace block;
- (e) documentation and/or statements that the safety assessment including hazard identification, risk assessment and mitigation has been conducted before introducing operational changes resulting from the establishment or modification of the functional airspace block.

2. *Optimum use of airspace, taking into account air traffic flows*

The Member States concerned shall provide the following information:

- (a) a description of the relations with the relevant network functions for airspace management and air traffic flow management referred to in Article 6 of Regulation (EC) No 551/2004 of the European Parliament and of the Council ⁽¹⁾, including the coordination, arrangements and procedures to achieve optimised use of the airspace;
- (b) in respect of airspace management within the functional airspace block not covered by the network functions referred to in Article 6 of Regulation (EC) No 551/2004, information on:
 - the arrangements for an integrated airspace management,
 - the provisions for sharing of airspace management data,
 - the arrangements for an effective cooperative decision-making;
- (c) in respect of real time coordination within the functional airspace block:
 - a description of how cross-border activities are managed if new areas are created resulting from the establishment or modification of the functional airspace block.

3. *Consistency with the European route network*

The Member States concerned shall provide information to demonstrate that route design and implementation for the functional airspace block is consistent with, and completed within, the established process for overall coordination, development and implementation of the European route network referred to in Article 6 of Regulation (EC) No 551/2004.

Member States concerned may refer to information already provided to the Commission as part of the implementation of the single European sky.

4. *Overall added value based on cost-benefit analyses*

The Member States concerned shall provide statements confirming that:

- (a) the cost-benefit analysis was conducted according to industry standard practice, using among others discounted cash flow analysis;
- (b) the cost-benefit analysis provides a consolidated view of the impact of the establishment or modification of the functional airspace block on the civil and military airspace users;
- (c) the cost-benefit analysis demonstrates an overall positive financial result (net present value and/or internal rate of return) for the establishment or modification of the functional airspace block;
- (d) the functional airspace block contributes to a reduction of the aviation environmental impact;
- (e) values for costs and benefits, their sources and the assumptions made to develop the cost-benefit analysis were documented;
- (f) the main stakeholders were consulted and provided feedback on the costs and benefit estimates which are applicable to their operations.

5. *Ensure smooth and flexible transfer of responsibility for air traffic control between air traffic service units*

The Member States concerned shall provide information to demonstrate that the transfer of responsibility for air traffic control is smooth and flexible within the functional airspace block. This shall include the following information on the changes introduced by the establishment or modification of the functional airspace block:

- (a) a description of the arrangements for cross border provision of air traffic services;
- (b) the arrangements concluded to enhance coordination procedures between the concerned air traffic service providers within the functional airspace block and further planned initiatives to enhance coordination;

⁽¹⁾ OJ L 96, 31.3.2004, p. 20.

(c) a description of the arrangements concluded to enhance coordination procedures between the concerned civil and military air traffic service providers and further planned initiatives to enhance coordination in line with the concept of flexible use of airspace;

(d) a description of the arrangements concluded to enhance coordination procedures with the concerned adjacent air traffic service providers, and further planned initiatives to enhance coordination.

6. *Ensure compatibility between the different airspace configurations, optimising, inter alia, the current flight information regions*

The Member States concerned shall provide information on the available plans how to achieve harmonised organisation and classification of different airspace configurations within the functional airspace block. The plans shall include:

(a) the principles for airspace classification and airspace organisation for the functional airspace block;

(b) the changes of airspace configuration resulting from the harmonisation within the functional airspace block.

7. *Regional agreements concluded within the ICAO*

The Member States concerned shall provide the list of existing regional agreements concluded in compliance with the framework established by Annex 11 to the Convention on International Civil Aviation which are of relevance with respect to the establishment and operations of the functional airspace block.

8. *Regional agreements in existence*

The Member States concerned shall provide a list of existing agreements concluded by one or more of the Member States concerned, including those with third countries, which are of relevance with respect to the establishment and operations of the functional airspace block.

9. *European Union-wide performance targets*

9.1. The Member States concerned shall provide information on the arrangements concluded in order to facilitate consistency with the European Union-wide performance targets referred to in Article 11 of Regulation (EC) No 549/2004.

9.2. Member States concerned may refer to information already provided to the Commission under the provision of Article 5 of Commission Regulation (EU) No 691/2010 ⁽¹⁾.

⁽¹⁾ OJ L 201, 3.8.2010, p. 1.

COMMISSION REGULATION (EU) No 177/2011**of 24 February 2011****temporarily suspending customs duties on imports of certain cereals for the 2010/2011 marketing year**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products ('Single CMO' Regulation) ⁽¹⁾, and in particular Article 187 in conjunction with Article 4 thereof,

Whereas:

- (1) World cereal prices have increased extremely rapidly since the start of the 2010/11 marketing year, more than during the previous price increase in the 2007/8 marketing year. For example, world common wheat prices have increased by 65 % since July 2010. Since then cereal prices on the EU market have followed the same trend. The price of common wheat on the EU market has increased by over 90 % to stabilise at around EUR 280 per tonne. The price of other cereals on the EU market has followed the same trend, 'Rouen delivered' barley and 'Bordeaux delivered' maize being above EUR 215 per tonne. The trend in prices on the world cereal market is largely due to the failing ability of production to meet demand.
- (2) The outlook for the global cereal market for the end of the 2010/11 marketing year suggests that these high prices will persist, global stocks being estimated at 342 million tonnes at the end of the 2010/11 marketing year, i.e. 62 million tonnes less than at the end of the 2009/10 marketing year.
- (3) The reduced-duty import quota opened by Commission Regulation (EC) No 1067/2008 ⁽²⁾ for common wheat of low and medium quality and the reduced-duty import quota for feed barley opened by Commission Regulation (EC) No 2305/2003 ⁽³⁾ were much under-used in 2010, with a percentage of 13 % and 5 % respectively. This under-use is set to continue in 2011, all the more so since the EU's traditional suppliers — Russia and the Ukraine — have imposed restrictions on exports.
- (4) The persistence of high world prices until the end of the 2010/11 marketing year and the expected under-use in 2011 of reduced-duty import quotas threatens to disrupt

the availability of supply on the Union market in the last few months of the 2010/11 marketing year. In this context, in order to make it easier to maintain a flow of imports which will help maintain EU market equilibrium, it is therefore considered appropriate to temporarily suspend customs duties for the import tariff quotas for common wheat of low and medium quality and feed barley opened by Regulations (EC) No 1067/2008 and (EC) No 2305/2003 respectively, until 30 June 2011, end of the 2010/11 marketing year.

- (5) However, traders should not be penalised in cases where cereals are en route for importation into the Union. Therefore, the time required for transport should be taken into account and traders allowed to release cereals for free circulation under the customs-duty suspension regime provided for in this Regulation, for all products whose direct transport to the Union has started at the latest on 30 June 2011. The evidence to be provided showing direct transport to the Union and the date on which the transport commenced should also be established.
- (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. The application of customs duties on imports for products of CN codes 1001 90 99, of a quality other than high quality as defined in Annex II to Commission Regulation (EU) No 642/2010 ⁽⁴⁾, and CN 1003 00 is suspended for the 2010/11 marketing year for all imports under the reduced-duty tariff quotas opened by Regulations (EC) No 1067/2008 and (EC) No 2305/2003.

2. Where the cereals referred to in paragraph 1 of this Article undergo direct transport to the Union and such transport began at the latest by 30 June 2011, the suspension of customs duties under this Regulation shall continue to apply for the purposes of the release into free circulation of the products concerned.

Proof of direct transport to the Union and of the date on which the transport commenced shall be provided, to the satisfaction of the relevant authorities, by the original transport document.

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 290, 31.10.2008, p. 3.

⁽³⁾ OJ L 342, 30.12.2003, p. 7.

⁽⁴⁾ OJ L 187, 21.7.2010, p. 5.

Article 2

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

It shall apply up to 30 June 2011.

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

Done at Brussels, 24 February 2011.

For the Commission
The President
José Manuel BARROSO

COMMISSION REGULATION (EU) No 178/2011**of 24 February 2011****amending for the 145th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freeze of funds and other financial resources in respect of the Taliban of Afghanistan ⁽¹⁾, and in particular Article 7(1)(a) and 7a(1) thereof,

Whereas:

- (1) Annex I to Regulation (EC) No 881/2002 lists the persons, groups and entities covered by the freezing of funds and economic resources under that Regulation.
- (2) On 8 February 2011 the Sanctions Committee of the United Nations Security Council decided to add two

natural persons to its list of persons, groups and entities to whom the freezing of funds and economic resources should apply.

- (3) Annex I to Regulation (EC) No 881/2002 should therefore be updated accordingly.
- (4) In order to ensure that the measures provided for in this Regulation are effective, this Regulation should enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 881/2002 is hereby amended as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the day 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, 24 February 2011.

*For the Commission,
On behalf of the President,
Director — Head of Foreign Policy Instruments Service*

⁽¹⁾ OJ L 139, 29.5.2002, p. 9.

ANNEX

Annex I to Regulation (EC) No 881/2002 is amended as follows:

The following entries shall be added under the heading 'Natural persons':

- (a) 'Khalil Ahmed **Haqqani** (*alias* (a) Khalil Al-Rahman Haqqani, (b) Khalil ur Rahman Haqqani, (c) Khaleel Haqqani). Title: Haji. Address: (a) Peshawar, Pakistan; (b) Near Dergey Manday Madrasa in Dergey Manday Village, near Miram Shah, North Waziristan Agency (NWA), Federally Administered Tribal Areas (FATA), Pakistan, (c) Kayla Village near Miram Shah, North Waziristan Agency (NWA), Federally Administered Tribal Areas (FATA), Pakistan; (d) Sarana Zadran Village, Paktia Province, Afghanistan. Date of birth: (a) 1.1.1966, (b) between 1958 and 1964. Nationality: Afghan. Other information: (a) Senior member of the Haqqani Network, which operates out of North Waziristan in the Federally Administered Tribal Areas of Pakistan; (b) Had previously travelled to, and raised funds in, Dubai, United Arab Emirates; (c) Brother of Jalaluddin Haqqani and uncle of Sirajuddin Jallaloudine Haqqani. Date of designation referred to in Article 2a(4)(b): 9.2.2011.'
- (b) 'Said Jan '**Abd Al-Salam** (*alias* (a) Sa'id Jan 'Abd-al-Salam, (b) Dilawar Khan Zain Khan, (c) Qazi 'Abdallah, (d) Qazi Abdullah, (e) Ibrahim Walid, (f) Qasi Sa'id Jan, (g) Said Jhan, (h) Farhan Khan, (i) Aziz Cairo, (j) Nangiali). Date of birth: (a) 5.2.1981, (b) 1.1.1972. Nationality: Afghan. Passport No: (a) OR801168 (Afghan passport under the name of Said Jan 'Abd al-Salam issued on 28.2.2006, expires on 27.2.2011), (b) 4117921 (Pakistani passport under the name of Dilawar Khan Zain Khan issued on 9.9.2008, expires on 9.9.2013). National identification No: 281020505755 (Kuwaiti Civil Identification number under the name Said Jan 'Abd al-Salam). Other information: In approximately 2005, ran a "basic training" camp for Al-Qaida in Pakistan. Date of designation referred to in Article 2a(4)(b): 9.2.2011.'
-

COMMISSION REGULATION (EU) No 179/2011**of 24 February 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 25 February 2011.

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

Done at Brussels, 24 February 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	IL	122,2
	MA	66,9
	TN	115,9
	TR	111,8
	ZZ	104,2
0707 00 05	MK	140,7
	TR	180,1
	ZZ	160,4
0709 90 70	MA	42,6
	TR	120,1
	ZZ	81,4
0805 10 20	EG	57,8
	IL	78,3
	MA	55,5
	TN	45,5
	TR	62,1
	ZZ	59,8
0805 20 10	IL	152,4
	MA	100,8
	US	107,8
	ZZ	120,3
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	CN	70,2
	EG	51,1
	IL	130,4
	JM	74,2
	MA	107,1
	PK	34,8
	TR	68,3
	ZZ	76,6
0805 50 10	EG	68,7
	MA	57,3
	TR	51,0
	ZZ	59,0
0808 10 80	CA	91,7
	CN	84,1
	MK	50,2
	US	140,1
	ZZ	91,5
0808 20 50	AR	120,7
	CL	125,8
	CN	49,6
	US	115,8
	ZA	107,7
	ZZ	103,9

⁽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 180/2011**of 24 February 2011****amending the representative prices and additional import duties for certain products in the sugar sector fixed by Regulation (EU) No 867/2010 for the 2010/11 marketing year**

THE EUROPEAN COMMISSION,

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

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

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

Whereas:

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

for the 2010/11 marketing year are fixed by Commission Regulation (EU) No 867/2010 ⁽³⁾. These prices and duties have been last amended by Commission Regulation (EU) No 164/2011 ⁽⁴⁾.

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

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties applicable to imports of the products referred to in Article 36 of Regulation (EC) No 951/2006, as fixed by Regulation (EU) No 867/2010 for the 2010/11, marketing year, are hereby amended as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 25 February 2011.

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

Done at Brussels, 24 February 2011.

*For the Commission,
On behalf of the President,
José Manuel SILVA RODRÍGUEZ
Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 178, 1.7.2006, p. 24.

⁽³⁾ OJ L 259, 1.10.2010, p. 3.

⁽⁴⁾ OJ L 47, 22.2.2011, p. 16.

ANNEX

Amended representative prices and additional import duties applicable to white sugar, raw sugar and products covered by CN code 1702 90 95 from 25 February 2011

(EUR)

CN code	Representative price per 100 kg net of the product concerned	Additional duty per 100 kg net of the product concerned
1701 11 10 ⁽¹⁾	54,96	0,00
1701 11 90 ⁽¹⁾	54,96	0,00
1701 12 10 ⁽¹⁾	54,96	0,00
1701 12 90 ⁽¹⁾	54,96	0,00
1701 91 00 ⁽²⁾	51,19	2,11
1701 99 10 ⁽²⁾	51,19	0,00
1701 99 90 ⁽²⁾	51,19	0,00
1702 90 95 ⁽³⁾	0,51	0,21

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

DIRECTIVES

COMMISSION DIRECTIVE 2011/14/EU

of 24 February 2011

amending Council Directive 91/414/EEC to include profoxydim 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) In accordance with Article 6(2) of Directive 91/414/EEC Spain received on 2 April 1998 an application from BASF SE for the inclusion of the active substance profoxydim in Annex I to Directive 91/414/EEC. Commission Decision 1999/43/EC ⁽²⁾ confirmed that the dossier was 'complete' in the sense that it could be considered as satisfying, in principle, the data and information requirements of Annexes II and III to Directive 91/414/EEC.
- (2) For that active substance, the effects on human and animal health and the environment have been assessed, in accordance with the provisions of Article 6(2) and (4) of Directive 91/414/EEC, for the uses proposed by the applicant. The designated rapporteur Member State submitted a draft assessment report on 28 March 2001.
- (3) For profoxydim the draft assessment report was reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health. The review was finalised on 23 November 2010 in the format of the Commission review report for profoxydim.
- (4) It has appeared from the various examinations made that plant protection products containing profoxydim may be expected to satisfy, in general, the requirements laid down in Article 5(1)(a) and (b) and Article 5(3) 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 profoxydim in Annex I to that Directive, 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.

(5) 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 provisional authorisations of plant protection products containing profoxydim 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 transform existing provisional authorisations into full authorisations, amend them or withdraw them 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.

(6) It is therefore appropriate to amend Directive 91/414/EEC accordingly.

(7) 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 adopt and publish by 31 January 2012 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 February 2012.

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

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.

⁽²⁾ OJ L 14, 19.1.1999, p. 30.

Article 3

1. Member States shall in accordance with Directive 91/414/EEC, where necessary, amend or withdraw existing authorisations for plant protection products containing profoxydim as active substance by 31 January 2012. By that date, they shall in particular verify that the conditions in Annex I to that Directive relating to profoxydim are met, with the exception of those identified in Part B of the entry concerning the 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(2) of that Directive.

2. By way of derogation from paragraph 1, for each authorised plant protection product containing profoxydim 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 July 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 profoxydim. 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 profoxydim as the only active substance, where necessary, amend or withdraw the authorisation by 31 January 2013 at the latest; or
- (b) in the case of a product containing profoxydim as one of several active substances, where necessary, amend or withdraw the authorisation by 31 January 2013 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 4

This Directive shall enter into force on 1 August 2011.

Article 5

This Directive is addressed to the Member States.

Done at Brussels, 24 February 2011.

For the Commission
The President

José Manuel BARROSO

ANNEX

In Annex I to Directive 91/414/EEC, the following entry is added at the end of the table:

No	Common Name, Identification Numbers	IUPAC Name	Purity ⁽¹⁾	Entry into force	Expiration of inclusion	Specific provisions
'330	Profoxydim CAS No 139001-49-3 CIPAC No 621	2 - [(1 E/Z) - [(2 R S) - 2 - (4 - chlorophenoxy) propoxyimino] butyl] - 3 - hydroxy - 5 - [(3 R S; 3 S R) - tetrahydro - 2 H - thiopyran - 3 - yl] cyclohex - 2 - enone	≥ 940 g/kg	1 August 2011	31 July 2021	PART A Only uses as herbicide in rice may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on profoxydim, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 28 January 2011 shall be taken into account. In this overall assessment, Member States must pay particular attention to: — the protection of groundwater when the active substance is applied in regions with vulnerable soil and/or climatic conditions, — the long term risk to non-target organisms. 'Conditions of authorisation shall include risk mitigation measures where appropriate.'

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

DECISIONS

COMMISSION DECISION

of 24 February 2011

amending Decision 2007/697/EC granting a derogation requested by Ireland pursuant to Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources

*(notified under document C(2011) 1032)***(Only the English text is authentic)**

(2011/127/EU)

THE EUROPEAN COMMISSION,

livestock numbers and 4,2 % of the total net agricultural area. Decision 2007/697/EC expires on 17 July 2010.

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

Having regard to Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources ⁽¹⁾, and in particular the third subparagraph of paragraph 2 of Annex III thereto,

Whereas:

- (1) If the amount of manure that a Member State intends to apply per hectare each year is different from those specified in the first sentence of the second subparagraph of paragraph 2 of Annex III to Directive 91/676/EEC and in point (a) of that subparagraph, that amount is to be fixed so as not to prejudice the achievement of the objectives specified in Article 1 of that Directive and it has to be justified on the basis of objective criteria, such as long growing seasons and crops with high nitrogen uptake.
- (2) On 22 October 2007, the Commission adopted Decision 2007/697/EC granting a derogation requested by Ireland pursuant to Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources ⁽²⁾, allowing Ireland the application of 250 kg nitrogen per hectare per year from livestock manure on farms with at least 80 % grassland.
- (3) The derogation granted by Decision 2007/697/EC concerned approximately 5 000 farms in Ireland corresponding to approximately 2,7 % of total number of holdings with cattle or sheep, 10 % of total grazing

- (4) On 12 May 2010 Ireland submitted to the Commission a request for an extension of the derogation. The request contained a justification on the basis of the objective criteria specified in the third subparagraph of paragraph 2 of Annex III to Directive 91/676/EEC.
- (5) Ireland has adopted a new action programme for the period July 2010 to December 2013, which mainly maintains the measures of the action programme for the period until 30 June 2010 and applies to the whole territory of Ireland.
- (6) The fourth report on implementation of Directive 91/676/EEC in Ireland for the period 2004-2007 shows in general stable or improving water quality. For groundwater, 2 % of sites showed average nitrate values above 50 mg/l and 74 % of sites values below 25 mg/l. For surface river waters, 97 % of monitoring sites showed average nitrate values below 25 mg/l, and no sites showed average values above 50 mg/l. 93 % of lakes were classified as either oligotrophic or mesotrophic and 7 % of lakes were classified as eutrophic or hypertrophic.
- (7) Livestock numbers decreased further during the period 2004-2007, by about 4 % for cattle, 19 % for sheep, 4 % for pigs and 7 % for poultry ⁽³⁾. The annual use of organic nitrogen from livestock manure and of mineral nitrogen decreased by 5 % and 17 % respectively. The total farmed area decreased by 3 % to 4,28 million hectares and grassland still accounts for over 90 % of the agricultural area.

⁽¹⁾ OJ L 375, 31.12.1991, p. 1.⁽²⁾ OJ L 284, 30.10.2007, p. 27.⁽³⁾ Reference period for poultry: 2003-2005.

- (8) In the light of the scientific information referred to in the request for extension of the derogation and the measures which Ireland has committed itself to in the action programme for the period July 2010 to December 2013, it can be concluded that the conditions for obtaining the derogation as specified in Directive 91/676/EEC, such as long growing seasons and crops with high nitrogen uptake, are still fulfilled, and that the derogation does not prejudice the achievement of the objectives of that Directive.
- (9) For the purpose of ensuring that the grassland farms concerned may continue to benefit from a derogation, it is appropriate to extend the period of application of Decision 2007/697/EC to 31 December 2013.
- (10) The deadlines for reporting to the Commission set out in Decision 2007/697/EC should however be adapted in order to simplify the administrative burden by allowing Ireland to establish only one deadline for all reporting obligations.
- (11) The measures provided for in this Decision are in accordance with the opinion of the Nitrates Committee set up pursuant to Article 9 of Directive 91/676/EEC,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2007/697/EC is amended as follows:

1. Article 1 is replaced by the following:

'Article 1

The derogation requested by Ireland by letter of 18 October 2006 and the extension requested by letter of 12 May 2010,

for the purpose of allowing a higher amount of livestock manure than that provided for in the first sentence of the second subparagraph of paragraph 2 of Annex III to Directive 91/676/EEC and in point (a) of that subparagraph, is granted, subject to conditions laid down in this Decision.'

2. The second subparagraph of Article 8(1) is replaced by the following:

'Those maps shall be submitted to the Commission annually by June.'

3. Article 11 is replaced by the following:

'Article 11

Application

This Decision shall apply in the context of the Irish Action Programme as implemented by the *European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2010 (Statutory Instrument No 610 of 2010)*.

It shall expire on 31 December 2013.'

Article 2

This Decision is addressed to Ireland.

Done at Brussels, 24 February 2011.

For the Commission

Janez POTOČNIK

Member of the Commission

COMMISSION DECISION

of 24 February 2011

amending Decision 2007/863/EC granting a derogation requested by the United Kingdom with regard to Northern Ireland pursuant to Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources

*(notified under document C(2011) 1033)***(Only the English text is authentic)**

(2011/128/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources ⁽¹⁾, and in particular the third subparagraph of paragraph 2 of Annex III thereto,

Whereas:

- (1) If the amount of manure that a Member State intends to apply per hectare each year is different from those specified in the first sentence of the second subparagraph of paragraph 2 of Annex III to Directive 91/676/EEC and in point (a) of that subparagraph, that amount is to be fixed so as not to prejudice the achievement of the objectives specified in Article 1 of that Directive and it has to be justified on the basis of objective criteria, such as long growing seasons and crops with high nitrogen uptake.
- (2) On 14 December 2007, the Commission adopted Decision 2007/863/EC granting a derogation requested by the United Kingdom with regard to Northern Ireland pursuant to Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources ⁽²⁾, allowing Northern Ireland the application of 250 kg nitrogen per hectare per year from livestock manure on farms with at least 80 % grassland.
- (3) The derogation granted by Decision 2007/863/EC concerned in 2009 approximately 150 farms in Northern Ireland corresponding to approximately 0,6 % of total number of holdings and 1 % of the total net agricultural area. Decision 2007/863/EC expires on 31 December 2010.
- (4) On 23 September 2010 the United Kingdom for the region of Northern Ireland submitted to the Commission

a request for an extension of the derogation. The request contained a justification on the basis of the objective criteria specified in the third subparagraph of paragraph 2 of Annex III to Directive 91/676/EEC.

- (5) The United Kingdom for the region of Northern Ireland has adopted a new action programme for the period January 2011 to December 2014, which mainly maintains the measures of the action programme for the period until 31 December 2010 and applies to the whole territory of Northern Ireland.
- (6) Nitrate concentrations in Northern Ireland surface freshwaters remain relatively low, with average nitrate concentrations below 25 mg NO₃/l in 2008 for 99,7 % of monitoring stations. Between 2005 and 2008, surface freshwater monitoring sites showed in general stable or decreasing average nitrate concentrations, including in catchments with the highest proportion of derogation farms. For groundwater average nitrate concentrations are below 25 mg NO₃/l in 2008 for 91,9 % of the monitoring stations and show similar stable or downwards trends as for surface waters.
- (7) Livestock numbers decreased in Northern Ireland during the period 2006-2010 by about 12,5 % for sheep, 11,5 % for poultry and 4,7 % for cattle and increased by 9,8 % for pigs. Northern Ireland farming continues to be a predominantly grass-based system.
- (8) The amount of manure N produced on farms in Northern Ireland during the period 2006-2010 decreased by 6,4 % while the rate of application of livestock manure per ha of land decreased by 4,7 %. The agricultural area available for manure application decreased by 1,7 %. Cattle dominate as the main source of manure N in Northern Ireland, followed by sheep, poultry and pigs. The decrease in overall manure N is largely due to the decline in the cattle sector and within that sector, the main driver of change is reduced numbers of beef cows and their offspring.

⁽¹⁾ OJ L 375, 31.12.1991, p. 1.

⁽²⁾ OJ L 337, 21.12.2007, p. 122.

- (9) In the light of the scientific information referred to in the request for extension of the derogation and the measures which the United Kingdom for the region of Northern Ireland has committed itself to in the action programme for the period January 2011 to December 2014, it can be concluded that the conditions for obtaining the derogation as specified in Directive 91/676/EEC, such as long growing seasons and crops with high nitrogen uptake, are still fulfilled, and that the derogation does not prejudice the achievement of the objectives of that Directive.
- (10) For the purpose of ensuring that the grassland farms concerned may continue to benefit from a derogation, it is appropriate to extend the period of application of Decision 2007/863/EC to 31 December 2014.
- (11) The deadlines for reporting to the Commission set out in Decision 2007/863/EC should however be adapted in order to simplify the administrative burden by allowing United Kingdom for the region of Northern Ireland to establish only one deadline for all reporting obligations.
- (12) The measures provided for in this Decision are in accordance with the opinion of the Nitrates Committee set up pursuant to Article 9 of Directive 91/676/EEC,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2007/863/EC is amended as follows:

1. Article 1 is replaced by the following:

'Article 1

The derogation requested by the United Kingdom with regard to Northern Ireland by letter of 10 August 2007

and the extension requested by letter of 23 September 2010, for the purpose of allowing a higher amount of livestock manure than that provided for in the first sentence of the second subparagraph of paragraph 2 of Annex III to Directive 91/676/EEC and in point (a) of that subparagraph, is granted, subject to conditions laid down in this Decision.';

2. the last sentence of Article 8(1) is replaced by the following:

'Those maps shall be submitted to the Commission annually by June.';

3. Article 11 is replaced by the following:

'Article 11

Application

This Decision shall apply in the context of the *Nitrates Action Programme Regulation (Northern Ireland) 2010*.

It shall expire on 31 December 2014.'.

Article 2

This Decision is addressed to the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 24 February 2011.

For the Commission

Janez POTOČNIK
Member of the Commission

CORRIGENDA**Corrigendum to Commission Regulation (EU) No 177/2010 of 2 March 2010 amending Regulation (EEC) No 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code**

(Official Journal of the European Union L 52 of 3 March 2010)

On page 31, 'Number of packages (box 31)':

for: 'Type/Length: an ..5',

read: 'Type/length: n ..5'.

***Procès-verbal* of rectification to the Economic Partnership Agreement between the CARIFORUM States, of the one part, and the European Community and its Member States, of the other part, signed at Bridgetown, Barbados on 15 October 2008 and at Haiti on 10 December 2009**

(Official Journal of the European Union L 289 of 30 October 2008)

This *procès-verbal* of rectification cancels and replaces the corrigendum published in the *Official Journal of the European Union* L 24 of 27 January 2011, page 126.

This rectification has been carried out by means of a *procès-verbal* of rectification signed at Brussels on 15 December 2010 with the Council as depository.

Appendix 1 to Annex III, 'Schedule of tariff liberalisation of the CARIFORUM States'

On page II/1511, the tariff codes in the second column, immediately following tariff codes 'BHM 8703.22' and 'DOM 8703.22':

for: 'DOM 8703.21.10

DOM 8703.21.20

DOM 8703.21.99',

read: 'DOM 8703.22.10

DOM 8703.22.20

DOM 8703.22.99'.

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