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Price: EUR 3

(Continued overleaf)

⁽¹⁾ Text with EEA relevance

EN

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⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

REGULATIONS

COUNCIL REGULATION (EU) No 370/2011

of 11 April 2011

amending Regulation (EC) No 215/2008 on the Financial Regulation applicable to the 10th European Development Fund, as regards the European External Action Service

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 217 thereof,

Having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 ⁽¹⁾ as last amended in Ouagadougou, Burkina Faso, on 22 June 2010 ⁽²⁾,

Having regard to the Internal Agreement between the Representatives of the Governments of the Member States, meeting within the Council, on the financing of Community aid under the multiannual financial framework for the period 2008 to 2013 in accordance with the ACP-EC Partnership Agreement and on the allocation of financial assistance for the Overseas Countries and Territories to which Part Four of the EC Treaty applies ⁽³⁾ ('the Internal Agreement') and in particular Article 10(2) thereof,

Having regard to the proposal from the European Commission,

Having regard to the opinion of the Court of Auditors ⁽⁴⁾,

Having consulted the European Investment Bank,

Whereas:

- (1) Council Regulation (EC) No 215/2008 ⁽⁵⁾, lays down the rules for the establishment and financial implementation of the resources of the 10th European Development Fund (hereinafter 'EDF').

⁽¹⁾ OJ L 317, 15.12.2000, p. 3.

⁽²⁾ OJ L 287, 4.11.2010, p. 3.

⁽³⁾ OJ L 247, 9.9.2006, p. 32.

⁽⁴⁾ OJ C 66, 1.3.2011, p. 1.

⁽⁵⁾ OJ L 78, 19.3.2008, p. 1.

- (2) The Treaty of Lisbon establishes a European External Action Service (hereinafter 'EEAS'). In order to take into account the establishment of the EEAS, Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽⁶⁾ (hereinafter the 'Financial Regulation') has been amended by Regulation (EU, Euratom) No 1081/2010 of the European Parliament and of the Council ⁽⁷⁾. In order to provide for a stable legal framework for the implementation of the EDF and to take into account the establishment of the EEAS and amendments to the Financial Regulation, it is necessary to amend Regulation (EC) No 215/2008.

- (3) According to Council Decision 2010/427/EU of 26 July 2010 establishing the organisation and functioning of the European External Action Service ⁽⁸⁾, the EEAS is a service of a *sui generis* nature and should be treated as an institution for the purposes of the Financial Regulation.

- (4) The Treaty on the Functioning of the European Union provides that Commission Delegations will become part of the EEAS as Union Delegations. It is necessary to ensure the continuity of the functioning of Union Delegations and in particular the continuity and efficiency in the management of EDF resources by the Delegations. Therefore the Commission should be authorised to sub-delegate its powers of implementation of EDF resources to Heads of Union Delegations belonging to EEAS as a separate institution. The authorising officers by delegation should continue to be responsible for the definition of internal management and control systems, while the Heads of Union Delegations should be

⁽⁶⁾ OJ L 248, 16.9.2002, p. 1.

⁽⁷⁾ Regulation (EU, Euratom) No 1081/2010 of the European Parliament and of the Council of 24 November 2010 amending Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities, as regards the European External Action Service, (OJ L 311, 26.11.2010, p. 9).

⁽⁸⁾ OJ L 201, 3.8.2010, p. 30.

responsible for the adequate setting up and functioning of internal management and control systems and for the management of the funds and the operations carried out within their Delegations. They should report twice a year to that effect. It is appropriate to provide for withdrawal of such delegation in accordance with the rules applicable to the Commission.

- (5) In order to comply with the principle of sound financial management, Heads of Union Delegations, when acting as authorising officers by sub-delegation, should apply the Commission rules and should be subject to the same duties, obligations and accountability as any other authorising officers by sub-delegation. For those purposes, they should also refer to the Commission as their institution.
- (6) In the context of discharge, given that the EEAS should be treated as an institution for the purposes of the Financial Regulation, the EEAS should be fully subject to the procedures provided for in Articles 142, 143 and 144 of Regulation (EC) No 215/2008. The EEAS should fully cooperate with institutions involved in the discharge procedure and provide, as appropriate, any additional necessary information, including through attendance at meetings of the relevant bodies. The Commission should remain responsible, in accordance with Article 2 of Regulation (EC) No 215/2008, for the implementation of EDF resources, including for EDF resources implemented by Heads of Union Delegations who are authorising officers by sub-delegation. In order to allow the Commission to fulfil its responsibilities, the Heads of Union Delegations should provide the necessary information. The High Representative of the Union for Foreign Affairs and Security Policy (hereinafter the 'High Representative') should be informed at the same time and should facilitate the cooperation between Union Delegations and Commission departments. Given the novelty of this structure, high standard provisions on transparency and financial accountability need to be applied.
- (7) The accounting officer of the Commission should remain responsible for the entire implementation of EDF resources, including accounting operations relating to EDF resources sub-delegated to Heads of Union Delegations.
- (8) In order to ensure coherence and equality of treatment between authorising officers by sub-delegation who are EEAS staff and those who are Commission staff, and to ensure that the Commission is properly informed, the special financial irregularities panel of the Commission should also be responsible for handling irregularities within the EEAS where the Commission has sub-delegated implementation powers to Heads of Union Delegations. Nevertheless, in order to maintain the link between financial management responsibility and disciplinary action, the Commission should be entitled to request the High Representative to initiate proceedings if the panel finds irregularities concerning those

competencies of the Commission sub-delegated to the Heads of Union Delegations. In such a case the High Representative should take the appropriate action in accordance with the Staff Regulations.

- (9) In order to ensure effective and efficient internal control Heads of Union Delegations should be subject to the verifying powers of the internal auditor of the Commission for the financial management sub-delegated to them.
- (10) In order to ensure democratic scrutiny of the implementation of the EDF resources, Heads of Union Delegations should provide an assurance, together with a report including information on the efficiency and effectiveness of internal management and control systems in their delegation, as well as on the management of operations sub-delegated to them. The Heads of Union Delegations' reports should be annexed to the annual activity report of the responsible authorising officer by delegation and made available to the European Parliament and the Council.
- (11) Regulation (EC) No 215/2008 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 215/2008 is amended as follows:

- (1) in Article 14(3), the first subparagraph is replaced by the following:
- '3. The Commission shall make available, in an appropriate manner, information on the beneficiaries of funds deriving from the EDF held by it when EDF resources are implemented on a centralised basis and directly by its departments or by Union Delegations in accordance with the second paragraph of Article 17, and information on the beneficiaries of funds as provided by the entities to which financial implementation tasks are delegated under other modes of management.'
- (2) in Article 17, the following paragraphs are added:
- 'However, the Commission may delegate its powers to implement EDF resources to the Heads of Union Delegations. It shall, at the same time, inform the High Representative of the Union for Foreign Affairs and Security Policy (High Representative) thereof. When Heads of Union Delegations act as authorising officers by sub-delegation, they shall apply the Commission rules for the implementation of EDF resources and shall be submitted to the same duties, obligations and accountability as any other authorising officer by sub-delegation.'

The Commission may withdraw that delegation in accordance with its own rules.

For the purposes of the second paragraph, the High Representative shall take the measures necessary to facilitate the cooperation between Union Delegations and Commission departments.

Detailed arrangements may be agreed between the Commission and the European External Action Service (EEAS) in order to facilitate the implementation by Union Delegations of the resources foreseen for support expenditure linked to the EDF under Article 6 of the Internal Agreement. Those arrangements shall not contain any derogation from the provisions of this Regulation.;

- (3) in Article 25(1), the first subparagraph is replaced by the following:

‘1. Where the Commission implements EDF resources on a centralised basis, implementation tasks shall be performed either directly, by its departments or by Union Delegations in accordance with the second paragraph of Article 17, or indirectly, in accordance with paragraphs 2, 3 and 4 of this Article and with Articles 26 to 29.;

- (4) in Article 32, the following paragraph is added:

‘5. Where Heads of Union Delegations act as authorising officers by sub-delegation in accordance with the second paragraph of Article 17, they shall be subject to the Commission as the institution responsible for the definition, exercise, control and appraisal of their duties and responsibilities as authorising officers by sub-delegation. The Commission shall, at the same time, inform the High Representative thereof.;

- (5) in Article 38, second paragraph, the following sentence is added:

‘The annual activity reports of the authorising officers by delegation shall also be made available to the European Parliament and the Council.;

- (6) the following Article is inserted:

‘Article 38a

1. Where Heads of Union Delegations act as authorising officers by sub-delegation in accordance with the second paragraph of Article 17, they shall cooperate closely with the Commission for the proper implementation of the funds, in order to ensure, in particular, the legality and regularity of financial transactions, the respect of the principle of sound financial management in the

management of the funds and the effective protection of the financial interests of the Union.

To this effect, they shall take the measures necessary to prevent any situation susceptible to put at stake the responsibility of the Commission for the implementation of EDF resources sub-delegated to them as well as any conflict of priorities which is likely to have an impact on the implementation of the financial management tasks sub-delegated to them.

Where a situation or conflict of the type referred to in the second subparagraph arises, the Heads of Union Delegations shall inform the responsible Directors-General of the Commission and of the EEAS thereof without delay. Those Directors-General shall take appropriate steps to remedy the situation.

2. If Heads of Union Delegations find themselves in a situation referred to in Article 37(4), they shall refer the matter to the specialised financial irregularities panel set up pursuant to Article 54(3). In the event of any illegal activity, fraud or corruption which may harm the interests of the Union, they shall inform the authorities and bodies designated by the applicable legislation.

3. Heads of Union Delegations acting as authorising officers by sub-delegation in accordance with the second paragraph of Article 17 shall report to their authorising officer by delegation so that the latter can integrate their reports in his annual activity report referred to in Article 38. The reports of the Heads of Union Delegations shall include information on the efficiency and effectiveness of internal management and control systems put in place in their Delegation, as well as on the management of operations sub-delegated to them, and provide the assurance pursuant to Article 54(2a). These reports shall be annexed to the annual activity report of the authorising officer by delegation, and shall be made available to the European Parliament and the Council taking into account, where appropriate, their confidentiality.

The Heads of Union Delegations shall fully cooperate with institutions involved in the discharge procedure and provide, as appropriate, any additional necessary information. In this context, they may be requested to attend meetings of the relevant bodies and assist the responsible authorising officer by delegation.

4. Heads of Union Delegations acting as authorising officers by sub-delegation in accordance with the second paragraph of Article 17 shall reply to any request by the authorising officer by delegation at its own request or, in the context of discharge, at the request of the European Parliament.

5. The Commission shall ensure that sub-delegating powers are not detrimental to the discharge procedure, in accordance with Articles 142, 143 and 144.;

(7) in Article 39(1) the following subparagraph is added:

'The accounting officer of the Commission shall remain responsible for the entire implementation of EDF resources, including accounting operations relating to EDF resources sub-delegated to Heads of Union Delegations.;

(8) Article 54 is amended as follows:

(a) the following paragraph is inserted:

'2a. In the event of sub-delegation to the Heads of Union Delegations, the authorising officer by delegation shall be responsible for the definition of the internal management and control systems put in place, their efficiency and effectiveness. The Heads of Union Delegations shall be responsible for the adequate setting up and functioning of those systems, in accordance with the instructions of the authorising officer by delegation, and for the management of the funds and the operations they carry out within the Union Delegation under their responsibility. Before taking up their duties, they must complete specific training courses on the tasks and responsibilities of authorising officers and the implementation of EDF resources, in accordance with Article 37(3).

Heads of Union Delegations shall report on their responsibilities pursuant to the first subparagraph of this paragraph in accordance with Article 38a(3).

Each year, Heads of Union Delegations provide to the authorising officer by delegation the assurance on the internal management and control systems put in place in their Delegation, as well as on the management of operations sub-delegated to them and the results thereof, in order to allow the authorising officer to establish his statement of assurance, as provided for in Article 38.;

(b) the following paragraph is added:

'4. Where Heads of Union Delegations act as authorising officers by sub-delegation in accordance with the second paragraph of Article 17, the specialised

financial irregularities panel set up by the Commission pursuant to paragraph 3 of this Article shall be competent for cases referred to in that paragraph 3.

If the panel detects systemic problems, it shall send a report with recommendations to the authorising officer, the High Representative and to the authorising officer by delegation, provided the latter is not the person involved, as well as to the internal auditor.

On the basis of the opinion of the panel, the Commission may request the High Representative to initiate, in the High Representative's capacity as appointing authority, proceedings entailing liability to disciplinary action or to payment of compensation against authorising officers by sub-delegation if irregularities concern the competencies of the Commission sub-delegated to them. In such a case the High Representative will take appropriate action in accordance with the Staff Regulations in order to enforce decisions on disciplinary action and/or the payment of compensation, as recommended by the Commission.

The Member States shall fully support the Union in the enforcement of any liability under Article 22 of the Staff Regulations of temporary staff to whom Article 2, point (e), of the Conditions of Employment of other servants of the Communities applies.;

(9) in Article 89, the following paragraph is added:

'For the purposes of the internal auditing of the EEAS, Heads of Union Delegations, acting as authorising officers by sub-delegation in accordance with the second paragraph of Article 17 shall be subject to the verifying powers of the internal auditor of the Commission for the financial management sub-delegated to them.;

(10) the following Article is inserted:

'Article 144a

The EEAS shall be fully subject to the procedures provided for in Articles 142, 143 and 144. The EEAS shall fully cooperate with the institutions involved in the discharge procedure and provide, as appropriate, any additional necessary information, including through attendance at meetings of the relevant bodies.;

Article 2

This Regulation shall enter into force on the third 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 Luxembourg, 11 April 2011.

For the Council

The President

PINTÉR S.

COMMISSION IMPLEMENTING REGULATION (EU) No 371/2011**of 15 April 2011****concerning the authorisation of dimethylglycine sodium salt as feed additive for chickens for fattening (holder of the authorisation Taminco N.V.)****(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 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition⁽¹⁾, and in particular Article 9(2) thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation.
- (2) In accordance with Article 7 of Regulation (EC) No 1831/2003, an application was submitted for the authorisation of dimethylglycine sodium salt. That application was accompanied by the particulars and documents required under Article 7(3) of Regulation (EC) No 1831/2003.
- (3) The application concerns the authorisation of dimethylglycine sodium salt as a feed additive for chickens for fattening, to be classified in the additive category 'zootechnical additives'.
- (4) The European Food Safety Authority ('the Authority') concluded in its opinion of 7 December 2010⁽²⁾ that dimethylglycine sodium salt, under the proposed conditions of use, does not have an adverse effect on

animal health, consumer health or the environment, and that this additive has the potential to significantly improve body weight gain and feed to gain ratio in chickens for fattening. The Authority does not consider that there is a need for specific requirements of post-market monitoring. It also verified the report on the method of analysis of the feed additive in feed submitted by the European Union Reference Laboratory for Feed Additives set up by Regulation (EC) No 1831/2003.

- (5) The assessment of dimethylglycine sodium salt shows that the conditions for authorisation, as provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of this preparation should be authorised as specified in the Annex to this Regulation.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

The preparation specified in the Annex, belonging to the additive category 'zootechnical additives' and to the functional group 'other zootechnical additives', is authorised as an additive in animal nutrition subject to the conditions laid down in that Annex.

Article 2

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, 15 April 2011.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.

⁽²⁾ EFSA Journal (2011); 9(1):1950.

ANNEX

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						mg/kg of complete feedingstuff with a moisture content of 12 %			
Category of zootechnical additives. Functional group: other zootechnical additives (improvement of zootechnical parameters)									
4d4	Taminco N.V.	Dimethylglycine sodium salt	<i>Additive composition</i> Dimethylglycine sodium salt with a purity of at least 97 % <i>Active substance</i> Sodium N,N-dimethylglycine C ₄ H ₈ NO ₂ Na, produced by chemical synthesis. <i>Analytical methods</i> ⁽¹⁾ For the determination of the active substance in the additive and premixtures: liquid chromatography (HPLC) with diode array detection (DAD), detection at 193 nm. For the determination of the active substance in feedingstuffs: gas chromatography (GC) using pre-column derivatisation and flame ionisation detection (FID).	Chickens for fattening	—		1 000	1. For safety: glasses and gloves shall be used during handling. 2. Minimum recommended dose: 1 000 mg/kg of complete feedingstuff with a moisture content of 12 %.	6 May 2021

⁽¹⁾ Details of the analytical methods are available at the following address of the European Union Reference Laboratory for Feed Additives: www.irmm.jrc.be/eurl-feed-additives

COMMISSION IMPLEMENTING REGULATION (EU) No 372/2011**of 15 April 2011****fixing the quantitative limit for exports of out-of-quota sugar and isoglucose until the end of the 2011/2012 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 61, first paragraph, point (d), in conjunction with Article 4 thereof,

Whereas:

- (1) According to Article 61, first paragraph, point (d) of Regulation (EC) No 1234/2007, the sugar or isoglucose produced in excess of the quota referred to in Article 56 of that Regulation may be exported only within the quantitative limit to be fixed.
- (2) Detailed implementing rules for out-of-quota exports, in particular concerning the issue of export licences are laid down by Commission Regulation (EC) No 951/2006 ⁽²⁾. However, the quantitative limit should be fixed per marketing year in view of the possible opportunities on the export markets.
- (3) For certain Union producers of sugar and isoglucose, exports from the Union represent an important part of their economic activities and they have established traditional markets outside the Union. Exports of sugar and isoglucose to those markets could be economically viable also without granting export refunds. To that end it is necessary to fix a quantitative limit for out-of-quota sugar and isoglucose exports so that the EU producers concerned may continue to supply their traditional markets.
- (4) For the 2011/2012 marketing year it is estimated that fixing the quantitative limit initially at 650 000 tonnes, in white sugar equivalent, for out-of-quota sugar exports and 50 000 tonnes, in dry matter, for out-of-quota isoglucose would correspond to the market demand.

(5) World market prices for sugar have been at a constant high level since October 2010 and forecasts of world market prices based on the London and New York sugar futures exchange markets indicate that world market price will remain high throughout 2011 and beyond. Therefore it is difficult to have robust estimates of the quantities that would be eventually imported into the Union. The experience gained in marketing year 2010/2011 shows that certain quantities of out-of-quota sugar had to be released on the internal market in order to ensure the appropriate supply of the Union market. Consequently, it is appropriate that out-of-quota exports are made possible as from 1 January 2012 by when more clear information would be available on the actual Union supply situation.

(6) Exports of sugar from the Union to certain close destinations and to third countries granting Union products a preferential import treatment are currently in a particular favourable competitive position. In view of the absence of appropriate instruments of mutual assistance to fight against irregularities and in order to minimise the risk of fraud and to prevent any abuse associated with the re-import or reintroduction into the Union of out-of-quota sugar certain close destinations should be excluded from the eligible destinations.

(7) In view of the estimated lower risks for eventual frauds regarding isoglucose due to the nature of the product it is not necessary to restrict the eligible destinations for the export of out-of-quota isoglucose.

(8) 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***Fixing the quantitative limit for out-of-quota sugar exports**

1. For the 2011/2012 marketing year, running from 1 October 2011 to 30 September 2012, the quantitative limit referred to in Article 61, first paragraph, point (d) of Regulation (EC) 1234/2007 shall be 650 000 tonnes for exports without refund of out-of-quota white sugar falling within CN code 1701 99.

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 178, 1.7.2006, p. 24.

2. Exports within the quantitative limit fixed in paragraph 1 shall be allowed for all destinations excluding:

- (a) third countries: Andorra, Liechtenstein, the Holy See (Vatican City State), San Marino, Croatia, Bosnia and Herzegovina, Serbia ⁽¹⁾, Montenegro, Albania and the former Yugoslav Republic of Macedonia;
- (b) territories of Member States not forming part of the customs territory of the Union: 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, not forming part of the customs territory of the Union: Gibraltar.

Article 2

Fixing the quantitative limit for out-of-quota isoglucose exports

1. For the 2011/2012 marketing year, running from 1 October 2011 to 30 September 2012, the quantitative limit

referred to in Article 61, first paragraph, point (d) of Regulation (EC) 1234/2007 shall be 50 000 tonnes, in dry matter, for exports without refund of out-of-quota isoglucose falling within CN codes 1702 40 10, 1702 60 10. and 1702 90 30.

2. Exports of the products referred to in paragraph 1 shall only be allowed where they comply with the conditions laid down in Article 4 of Regulation (EC) No 951/2006.

Article 3

Entry into force

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

It shall apply from 1 January 2012.

It shall expire on 30 September 2012.

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

Done at Brussels, 15 April 2011.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ As well as Kosovo under UN Security Council Resolution 1244 of 10 June 1999.

COMMISSION IMPLEMENTING REGULATION (EU) No 373/2011

of 15 April 2011

concerning the authorisation of the preparation of *Clostridium butyricum* FERM-BP 2789 as a feed additive for minor avian species except laying birds, weaned piglets and minor porcine species (weaned) and amending Regulation (EC) No 903/2009 (holder of authorisation Miyarisan Pharmaceutical Co. Ltd, represented by Miyarisan Pharmaceutical Europe S.L.U.)

(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 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition⁽¹⁾, and in particular Article 9(2) and Article 13(3) thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition, for the grounds and procedures for granting such authorisation, and for the possibility to modify the authorisation of a feed additive further to a request from the holder of the authorisation and an opinion of the European Food Safety Authority (the Authority).
- (2) The preparation of *Clostridium butyricum* MIYAIRI 588 (FERM-P 1467) has been authorised as a feed additive for 10 years for use in chickens for fattening by Commission Regulation (EC) No 903/2009⁽²⁾.
- (3) The applicant requested a modification of the strain designation from *Clostridium butyricum* MIYAIRI 588 (FERM-P 1467) to *Clostridium butyricum* FERM-BP 2789, and of the name of the representative of the holder of the authorisation from Mitsui & Co. Deutschland GmbH to Miyarisan Pharmaceutical Europe S.L.U. and, in accordance with Article 7 of Regulation (EC) No 1831/2003, for a new use of this additive for minor avian species (except laying hens), weaned piglets and minor weaned porcine species, requesting that the additive be classified in the additive category 'zootechnical additives'.
- (4) The application was accompanied by the particulars and documents required under Article 7(3) of Regulation (EC) No 1831/2003, and by the relevant data to support its request.

- (5) The Authority concluded in its opinion of 8 December 2010⁽³⁾ that the preparation of *Clostridium butyricum* FERM-BP 2789 set out in the Annex, under the proposed conditions of use, does not have an adverse effect on animal health, human health or the environment, and that this additive has the potential to improve weight gain and the efficiency of feed conversion in the target species. The Authority also concluded that the previous strain designation was not suitable for an unambiguous identification of the production strain and consequently supports the applicant's wish to change it to *Clostridium butyricum* FERM-BP 2789. The Authority concluded that the compatibility has been demonstrated for two additional coccidiostats. The Authority does not consider that there is a need for specific requirements of post-market monitoring. It also verified the report on the method of analysis of the feed additive in feed submitted by the European Union Reference Laboratory for Feed Additives set up by Regulation (EC) No 1831/2003.
- (6) The proposed change of the terms of the authorisation related to the name of the representative of the holder of the authorisation is purely administrative in nature and does not entail a fresh assessment of the additives concerned. The Authority was informed of the application.
- (7) The assessment of the preparation shows that the conditions for authorisation, as provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of that preparation should be authorised as specified in the Annex to this Regulation.
- (8) Regulation (EC) No 903/2009 should therefore be amended accordingly.
- (9) Since the modifications on the conditions of the authorisation are not related to safety reasons, it is appropriate to allow a transitional period for the disposal of existing stocks of the premixtures and compound feed.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.

⁽²⁾ OJ L 256, 29.9.2009, p. 26.

⁽³⁾ EFSA Journal (2011); 9(1):1951.

HAS ADOPTED THIS REGULATION:

Article 1

The preparation specified in the Annex, belonging to the additive category 'zootechnical additives' and to the functional group 'gut flora stabilisers', is authorised as an additive in animal nutrition subject to the conditions laid down in that Annex.

Article 2

In Regulation (EC) No 903/2009 the words '*Clostridium butyricum* MIYAIRI 588 (FERM-P 1467)' and the words 'Mitsui & Co. Deutschland GmbH' are replaced respectively by the words '*Clostridium butyricum* FERM-BP 2789' and by the words 'Miyarisan Pharmaceutical Europe S.L.U'.

In point 2 of the 'Other provisions' column of the Annex to Regulation (EC) No 903/2009 the words 'monensin sodium or lasalocid' are added.

Article 3

Feed containing *Clostridium butyricum* MIYAIRI 588 (FERM-P 1467) labelled in accordance with Regulation (EC) No 903/2009 may continue to be placed on the market and used until stocks are exhausted.

Article 4

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, 15 April 2011.

For the Commission

The President

José Manuel BARROSO

ANNEX

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						CFU/kg of complete feedingstuff with a moisture content of 12 %			
Category of zootechnical additives. Functional group: gut flora stabilisers									
4b1830	Miyarisan Pharmaceutical Co. Ltd represented by Miyarisan Pharmaceutical Europe S.L.U.	Clostridium butyricum FERM BP-2789	<i>Additive composition</i> Preparation of Clostridium butyricum FERM BP-2789 containing a minimum of solid form 5 × 10 ⁸ CFU/g additive.	Minor avian species (excluding laying birds).	—	5 × 10 ⁸ CFU	—	1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life and stability to pelleting. 2. The use is allowed in feed containing the authorised coccidiostats: monensin sodium, diclazuril, maduramycin ammonium, robenidine, narasin, narasin/nicarbazin, semduramicin, decoquinate, salinomycin sodium or lasalocid sodium. 3. For safety: breathing protection shall be used during the handling.	6 May 2021
			<i>Characterisation of the active substance</i> Clostridium butyricum FERM BP-2789. <i>Analytical method</i> ⁽¹⁾ Quantification: pour plate method based on ISO 15213 standard. Identification: pulsed-field gel electrophoresis (PFGE) method.			Piglets (weaned) and minor porcine species (weaned).			

⁽¹⁾ Details of the analytical methods are available at the following address of the European Union Reference Laboratory for Feed Additives: www.irmm.jrc.be/crl-feed-additives

COMMISSION IMPLEMENTING REGULATION (EU) No 374/2011**of 11 April 2011****entering a name in the register of protected designations of origin and protected geographical indications (Farina di castagne della Lunigiana (PDO))**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽¹⁾, and in particular the first subparagraph of Article 7(4) thereof,

Whereas:

- (1) Pursuant to the first subparagraph of Article 6(2) of Regulation (EC) No 510/2006, Italy's application to register the name 'Farina di castagne della Lunigiana' was published in the *Official Journal of the European Union* ⁽²⁾.

- (2) As no statement of objection under Article 7 of Regulation (EC) No 510/2006 has been received by the Commission, that name should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name contained in the Annex to this Regulation is hereby entered in the register.

Article 2

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, 11 April 2011.

*For the Commission
On behalf of the President,
Dacian CIOLOȘ
Member of the Commission*

⁽¹⁾ OJ L 93, 31.3.2006, p. 12.
⁽²⁾ OJ C 220, 14.8.2010, p. 14.

ANNEX

Agricultural products intended for human consumption listed in Annex I to the Treaty:

Class 1.6. Fruit, vegetables and cereals, fresh or processed

ITALY

Farina di castagne della Lunigiana (PDO)

COMMISSION IMPLEMENTING REGULATION (EU) No 375/2011**of 11 April 2011****entering a name in the register of protected designations of origin and protected geographical indications (Formaggella del Luinese (PDO))**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽¹⁾, and in particular the first subparagraph of Article 7(4) thereof,

Whereas:

(1) Pursuant to the first subparagraph of Article 6(2) of Regulation (EC) No 510/2006, Italy's application to register the name 'Formaggella del Luinese' was published in the *Official Journal of the European Union* ⁽²⁾.

(2) As no statement of objection pursuant to Article 7 of Regulation (EC) No 510/2006 has been received by the Commission, that name should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name contained in the Annex to this Regulation is hereby entered in the register.

*Article 2*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, 11 April 2011.

*For the Commission,
On behalf of the President,
Dacian CIOLOŞ
Member of the Commission*

⁽¹⁾ OJ L 93, 31.3.2006, p. 12.

⁽²⁾ OJ C 220, 14.8.2010, p. 18.

ANNEX

Agricultural products intended for human consumption listed in Annex I to the Treaty:

Class 1.3. Cheeses

ITALY

Formaggella del Luinese (PDO)

COMMISSION IMPLEMENTING REGULATION (EU) No 376/2011**of 15 April 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 16 April 2011.

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

Done at Brussels, 15 April 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	EG	74,4
	JO	78,3
	MA	54,5
	TN	64,0
	TR	92,2
	ZZ	72,7
0707 00 05	EG	152,2
	TR	141,9
	ZZ	147,1
0709 90 70	MA	82,8
	TR	111,5
	ZA	13,0
	ZZ	69,1
0805 10 20	EG	57,8
	IL	74,3
	MA	48,4
	TN	53,5
	TR	72,7
	ZZ	61,3
0805 50 10	EG	53,5
	TR	52,8
	ZZ	53,2
0808 10 80	AR	80,2
	BR	81,6
	CA	114,9
	CL	86,9
	CN	113,5
	MK	47,7
	NZ	110,1
	US	120,5
	UY	57,7
	ZA	81,5
	ZZ	89,5
0808 20 50	AR	89,6
	CL	108,4
	CN	70,7
	ZA	85,8
	ZZ	88,6

⁽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 IMPLEMENTING REGULATION (EU) No 377/2011**of 15 April 2011****on selling prices for cereals in response to the 10th individual invitations to tender within the tendering procedures opened by Regulation (EU) No 1017/2010**

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(f), in conjunction with Article 4, thereof

Whereas:

- (1) Commission Regulation (EU) No 1017/2010 ⁽²⁾ has opened the sales of cereals by tendering procedures, 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 accordance with Article 46(1) of Regulation (EU) No 1272/2009 and Article 4 of Regulation (EU) No 1017/2010, in the light of the tenders received in response to individual invitations to tender, the Commission has to fix for each cereal and per Member State a minimum selling price or to decide not to fix a minimum selling price.
- (3) On the basis of the tenders received for the 10th individual invitations to tender, it has been decided that a

minimum selling price should be fixed for certain cereals and for certain Member States and no minimum selling price should be fixed for other cereals and other Member States.

- (4) In order to give a rapid signal to the market and to ensure efficient management of the measure, this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*.
- (5) 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 10th individual invitations to tender for selling of cereals within the tendering procedures opened by Regulation (EU) No 1017/2010, in respect of which the time limit for the submission of tenders expired on 13 April 2011, the decisions on the selling price per cereal and Member State are 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, 15 April 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 293, 11.11.2010, p. 41.

⁽³⁾ OJ L 349, 29.12.2009, p. 1.

ANNEX

Decisions on sales

(EUR/tonne)

Member State	The minimum selling price		
	Common wheat	Barley	Maize
	CN code 1001 90	CN code 1003 00	CN code 1005 90 00
Belgique/België	X	X	X
Bulgaria	X	X	X
Česká republika	X	—	X
Danmark	X	X	X
Deutschland	X	°	X
Eesti	X	X	X
Éire/Ireland	X	X	X
Elláda	X	X	X
España	X	X	X
France	X	°	X
Italia	X	X	X
Kýpros	X	X	X
Latvija	X	X	X
Lietuva	X	X	X
Luxembourg	X	X	X
Magyarország	X	X	X
Malta	X	X	X
Nederland	X	X	X
Österreich	X	X	X
Polska	X	X	X
Portugal	X	X	X
România	X	X	X
Slovenija	X	X	X
Slovensko	X	X	X
Suomi/Finland	X	154,00	X
Sverige	X	173,60	X
United Kingdom	X	170,25	X

— no minimum selling price fixed (all offers rejected)

° no offers

X no cereals available for sales

not applicable

COMMISSION IMPLEMENTING REGULATION (EU) No 378/2011
of 15 April 2011
fixing the import duties in the cereals sector applicable from 16 April 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 (EU) No 642/2010 of 20 July 2010 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of import duties in the cereals sector ⁽²⁾, and in particular Article 2(1) thereof,

Whereas:

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

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

- (3) Pursuant to Article 2(2) of Regulation (EU) No 642/2010, the price to be used for the calculation of the import duty on products of CN codes 1001 10 00, 1001 90 91, ex 1001 90 99 (high quality common wheat), 1002 00, 1005 10 90, 1005 90 00 and 1007 00 90 is the daily cif representative import price determined as specified in Article 5 of that Regulation.

- (4) Import duties should be fixed for the period from 16 April 2011 and should apply until new import duties are fixed and enter into force,

HAS ADOPTED THIS REGULATION:

Article 1

From 16 April 2011, the import duties in the cereals sector referred to in Article 136(1) of Regulation (EC) No 1234/2007 shall be those fixed in Annex I to this Regulation on the basis of the information contained in Annex II.

Article 2

This Regulation shall enter into force on 16 April 2011.

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

Done at Brussels, 15 April 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 187, 21.7.2010, p. 5.

ANNEX I

Import duties on the products referred to in Article 136(1) of Regulation (EC) No 1234/2007 applicable from 16 April 2011

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

⁽¹⁾ For goods arriving in the Union via the Atlantic Ocean or via the Suez Canal the importer may benefit, pursuant to Article 2(4) of Regulation (EU) No 642/2010, from a reduction in the duty of:

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

⁽²⁾ The importer may benefit from a flatrate reduction of EUR 24 per tonne where the conditions laid down in Article 3 of Regulation (EU) No 642/2010 are met.

ANNEX II

Factors for calculating the duties laid down in Annex I

1.4.2011-14.4.2011

1. Averages over the reference period referred to in Article 2(2) of Regulation (EU) No 642/2010:

(EUR/t)

	Common wheat ⁽¹⁾	Maize	Durum wheat, high quality	Durum wheat, medium quality ⁽²⁾	Durum wheat, low quality ⁽³⁾	Barley
Exchange	Minneapolis	Chicago	—	—	—	—
Quotation	253,38	208,52	—	—	—	—
Fob price USA	—	—	238,83	228,83	208,83	162,14
Gulf of Mexico premium	—	14,64	—	—	—	—
Great Lakes premium	74,16	—	—	—	—	—

⁽¹⁾ Premium of 14 EUR/t incorporated (Article 5(3) of Regulation (EU) No 642/2010).⁽²⁾ Discount of 10 EUR/t (Article 5(3) of Regulation (EU) No 642/2010).⁽³⁾ Discount of 30 EUR/t (Article 5(3) of Regulation (EU) No 642/2010).

2. Averages over the reference period referred to in Article 2(2) of Regulation (EU) No 642/2010:

Freight costs: Gulf of Mexico–Rotterdam: 17,88 EUR/t

Freight costs: Great Lakes–Rotterdam: 49,29 EUR/t

DIRECTIVES

COMMISSION IMPLEMENTING DIRECTIVE 2011/47/EU

of 15 April 2011

amending Council Directive 91/414/EEC to include aluminium sulphate as active substance and amending Commission Decision 2008/941/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 1112/2002 ⁽²⁾ and (EC) No 2229/2004 ⁽³⁾ lay down the detailed rules for the implementation of the fourth 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 aluminium sulphate.
- (2) In accordance with Article 24e of Regulation (EC) No 2229/2004 the notifier 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 2008/941/EC of 8 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 aluminium sulphate.
- (3) Pursuant to Article 6(2) of Directive 91/414/EEC the original notifier (hereinafter the 'applicant') submitted a

new application requesting the application of the accelerated procedure 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 the Netherlands, which had been designated rapporteur Member State by Regulation (EC) No 2229/2004. 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 2008/941/EC. That application also complies with the remaining substantive and procedural requirements of Article 15 of Regulation (EC) No 33/2008.
- (5) The Netherlands 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 9 March 2010. 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 aluminium sulphate to the Commission on 28 October 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 11 March 2011 in the format of the Commission review report for aluminium sulphate.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.

⁽²⁾ OJ L 168, 27.6.2002, p. 14.

⁽³⁾ OJ L 379, 24.12.2004, p. 13.

⁽⁴⁾ OJ L 335, 13.12.2008, p. 91.

⁽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 aluminium sulfate. *EFSA Journal* 2010;8(11):1889. [32 pp.] doi:10.2903/j.efsa.2010.1889. Available online: www.efsa.europa.eu/efsajournal.htm

- (6) It has appeared from the various examinations made that plant protection products containing aluminium sulphate 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 aluminium sulphate 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 confirmatory information as regards the specification of the technical material, as commercially manufactured, in the form of appropriate analytical data.
- (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 aluminium sulphate 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 2008/941/EC provides for the non-inclusion of aluminium sulphate and the withdrawal of authorisation of plant protection products containing that substance by 31 December 2011. It is necessary to delete the line concerning aluminium sulphate in the Annex to that Decision.
- (13) It is therefore appropriate to amend Decision 2008/941/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 aluminium sulphate in the Annex to Decision 2008/941/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 aluminium sulphate as an active substance by 30 November 2011.

⁽¹⁾ OJ L 366, 15.12.1992, p. 10.

By that date they shall in particular verify that the conditions in Annex I to that Directive relating to aluminium sulphate 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 aluminium sulphate 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 aluminium sulphate. 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 aluminium sulphate 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 aluminium sulphate 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, 15 April 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
'351	Aluminium sulphate CAS No: 10043-01-3 CIPAC not available	<i>Aluminium sulphate</i>	970 g/kg	1 June 2011	31 May 2021	PART A Only indoor uses as post-harvest bactericide for ornamental plants may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on aluminium sulphate, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 11 March 2011 shall be taken into account. The Member States concerned shall request the submission of confirmatory information as regards the specification of the technical material, as commercially manufactured, in the form of appropriate analytical data. The Member States concerned shall ensure that the applicant submits such information to the Commission by 1 December 2011.'

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

COMMISSION IMPLEMENTING DIRECTIVE 2011/48/EU**of 15 April 2011****amending Council Directive 91/414/EEC to include bromadiolone as active substance and amending
Commission Decision 2008/941/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 1112/2002 ⁽²⁾ and (EC) No 2229/2004 ⁽³⁾ lay down the detailed rules for the implementation of the fourth 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 bromadiolone.
- (2) In accordance with Article 24e of Regulation (EC) No 2229/2004 the notifier 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 2008/941/EC of 8 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 bromadiolone.
- (3) Pursuant to Article 6(2) of Directive 91/414/EEC the original notifier (hereinafter 'the applicant') submitted a new application requesting the application of the accelerated procedure 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 Sweden, which had been designated rapporteur Member State by Regulation (EC) No 2229/2004. 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 2008/941/EC. That application also complies with the remaining substantive and procedural requirements of Article 15 of Regulation (EC) No 33/2008.
- (5) Sweden 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 4 December 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 bromadiolone to the Commission on 15 September 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 11 March 2011 in the format of the Commission review report for bromadiolone.
- (6) It has appeared from the various examinations made that plant protection products containing bromadiolone 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 bromadiolone 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.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.

⁽²⁾ OJ L 168, 27.6.2002, p. 14.

⁽³⁾ OJ L 379, 24.12.2004, p. 13.

⁽⁴⁾ OJ L 335, 13.12.2008, p. 91.

⁽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 bromadiolone. EFSA Journal 2010;8(10):1783. [44 pp.] doi:10.2903/j.efsa.2010.1783. Available online: www.efsa.europa.eu/efsajournal.htm

- (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 confirmatory information as regards: the specification of the technical material as commercially manufactured, in the form of appropriate analytical data, the relevance of the impurities, the determination of bromadiolone in water, the effectiveness of proposed mitigation measures to reduce the risk to birds and non-target mammals and the groundwater exposure assessment in respect of metabolites.
- (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 bromadiolone 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 2008/941/EC provides for the non-inclusion of bromadiolone and the withdrawal of authorisation of plant protection products containing that substance by 31 December 2011. It is necessary to delete the line concerning bromadiolone in the Annex to that Decision.
- (13) It is therefore appropriate to amend Decision 2008/941/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 bromadiolone in the Annex to Decision 2008/941/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 bromadiolone as an active substance by 30 November 2011.

⁽¹⁾ OJ L 366, 15.12.1992, p. 10.

By that date they shall in particular verify that the conditions in Annex I to that Directive relating to bromadiolone 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 bromadiolone 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 bromadiolone. 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 bromadiolone 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 bromadiolone 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, 15 April 2011.

For the Commission
The President

José Manuel BARROSO

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
'352	bromadiolone CAS No: 28772-56-7 CIPAC No: 371	3-[(1RS,3RS;1RS,3SR)-3-(4'-bromobiphenyl-4-yl)-3-hydroxy-1-phenylpropyl]-4-hydroxy-coumarin	≥ 970 g/kg	1 June 2011	31 May 2021	PART A Only uses as rodenticide in the form of pre-prepared baits placed into the rodent tunnels may be authorised. The nominal concentration of the active substance in the plant protection products shall not exceed 50 mg/kg. Authorisations shall be granted for uses by professional users only. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on bromadiolone, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 11 March 2011 shall be taken into account. In this overall assessment Member States shall: — pay particular attention to the risk to professional operators and ensure that conditions of use include the application of adequate personal protective equipment where appropriate, — pay particular attention to the risk to birds and non-target mammals from primary and secondary poisoning. Conditions of authorisation shall include risk mitigation measures, where appropriate. The Member States concerned shall request the submission of confirmatory information as regards: (a) the specification of the technical material, as commercially manufactured, in the form of appropriate analytical data; (b) the relevance of the impurities; (c) the determination of bromadiolone in water with a limit of quantification of 0,01 µg/l; (d) the effectiveness of proposed mitigation measures to reduce risk to birds and non-target mammals; (e) the groundwater exposure assessment in respect of metabolites. The Member States concerned shall ensure that the applicant submits to the Commission the information set out in points (a), (b) and (c) by 30 November 2011 and the information set out in points (d) and (e) by 31 May 2013.'

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

DECISIONS

COUNCIL DECISION

of 11 April 2011

appointing one Italian member of the Committee of the Regions

(2011/243/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 305 thereof,

Having regard to the proposal of the Italian Government,

Whereas:

Article 1

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

— Mr Riccardo VENTRE, *Assessore del Comune di Piana di Monte Verna* (change of mandate).

Article 2

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

Done at Luxembourg, 11 April 2011.

- (1) On 22 December 2009 and on 18 January 2010, the Council adopted Decisions 2009/1014/EU ⁽¹⁾ and 2010/29/EU ⁽²⁾ appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2010 to 25 January 2015.

- (2) One member's seat on the Committee of the Regions has become vacant following the end of the term of office of Mr Riccardo VENTRE,

For the Council
The President
PINTÉR S.

⁽¹⁾ OJ L 348, 29.12.2009, p. 22.

⁽²⁾ OJ L 12, 19.1.2010, p. 11.

COMMISSION IMPLEMENTING DECISION

of 15 April 2011

of excluding from European Union financing certain expenditure incurred by the Member States under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF), under the European Agricultural Guarantee Fund (EAGF) and under the European Agricultural Fund for Rural Development (EAFRD)

(notified under document C(2011) 2517)

(only the Bulgarian, Danish, Dutch, English, French, German, Greek, Italian, Portuguese, Romanian, and Spanish texts are authentic)

(2011/244/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy ⁽¹⁾, and in particular Article 7(4) thereof,

Having regard to Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy ⁽²⁾, and in particular Article 31 thereof,

Having consulted the Committee on the Agricultural Funds,

Whereas:

(1) Under Article 7(4) of Regulation (EC) No 1258/1999 and Article 31 of Regulation (EC) No 1290/2005, the Commission is to carry out the necessary verifications, communicate to the Member States the results of these verifications, take note of the comments of the Member States, initiate a bilateral discussion so that an agreement may be reached with the Member States in question, and formally communicate its conclusions to them.

(2) The Member States have had an opportunity to request the launch of a conciliation procedure. That opportunity has been used in some cases and the reports issued on the outcome have been examined by the Commission.

(3) Under Regulations (EC) No 1258/1999 and (EC) No 1290/2005, only agricultural expenditure which has been incurred in a way that has not infringed European Union rules may be financed.

(4) In the light of the verifications carried out, the outcome of the bilateral discussions and the conciliation procedures, part of the expenditure declared by the Member States does not fulfil this requirement and cannot, therefore, be financed under the EAGGF Guarantee Section, the EAGF and the EAFRD.

(5) The amounts that are not recognised as being chargeable to the EAGGF Guarantee Section, the EAGF and the EAFRD should be indicated. Those amounts do not relate to expenditure incurred more than 24 months before the Commission's written notification of the results of the verifications to the Member States.

(6) As regards the cases covered by this decision, the assessment of the amounts to be excluded on grounds of non-compliance with European Union rules was notified by the Commission to the Member States in a summary report on the subject.

(7) This Decision is without prejudice to any financial conclusions that the Commission may draw from the judgments of the Court of Justice in cases pending on 31 December 2010 and relating to its content,

HAS ADOPTED THIS DECISION:

Article 1

The expenditure itemised in the Annex hereto that has been incurred by the Member States' accredited paying agencies and declared under the EAGGF Guarantee Section, under the EAGF or under the EAFRD shall be excluded from European Union financing because it does not comply with European Union rules.

⁽¹⁾ OJ L 160, 26.6.1999, p.103.

⁽²⁾ OJ L 209, 11.8.2005, p. 1.

Article 2

This Decision is addressed to the Republic of Bulgaria, the Kingdom of Denmark, the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Kingdom of the Netherlands, the Portuguese Republic, Romania and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 15 April 2011.

For the Commission

Dacian CIOLOȘ

Member of the Commission

ANNEX

MS	Measure	Financial Year	Reason	Type	%	Currency	Amount	Deductions	Financial impact
BUDGET ITEM 6701									
BG	Decoupled Direct Aids	2009	Weaknesses in the functioning of LPIS-GIS	FLAT RATE	10,00	EUR	– 20 848 236,79	0,00	– 20 848 236,79
					TOTAL (BG)	EUR	– 20 848 236,79	0,00	– 20 848 236,79
DK	Fruit and Vegetables - Operational Programmes	2007	Deficient performance of the on-the-spot control	FLAT RATE	2,00	DKK	– 36 186,06	0,00	– 36 186,06
DK	Fruit and Vegetables - Operational Programmes	2008	Deficient performance of the on-the-spot control	FLAT RATE	2,00	EUR	– 58 609,25	0,00	– 58 609,25
DK	Dried Fodder	2005	Non-compliance with the minimum percentage of additional checks of operators who dried fodder has been supplied to and the late submission of the annual statistics	FLAT RATE	2,00	DKK	– 81 519,23	0,00	– 81 519,23
DK	Dried Fodder	2006	Non-compliance with the minimum percentage of additional checks of operators who dried fodder has been supplied to and the late submission of the annual statistics	FLAT RATE	2,00	DKK	– 384 358,59	0,00	– 384 358,59
DK	Dried Fodder (2007+)	2007	Non-compliance with the minimum percentage of additional checks of operators who dried fodder has been supplied to and the late submission of the annual statistics	FLAT RATE	2,00	DKK	– 376 720,62	0,00	– 376 720,62
DK	Dried Fodder (2007+)	2008	Non-compliance with the minimum percentage of additional checks of operators who dried fodder has been supplied to and the late submission of the annual statistics	FLAT RATE	2,00	DKK	– 54 280,43	0,00	– 54 280,43
					TOTAL (DK)	EUR	– 58 609,25	0,00	– 58 609,25
					TOTAL (DK)	DKK	– 933 064,93	0,00	– 933 064,93
ES	Meat Premiums - Ewe and Goats	2004	Late start of on-the-spot checks	FLAT RATE	2,00	EUR	– 1 559 059,12	0,00	– 1 559 059,12
ES	Meat Premiums - Bovines	2004	On-the-spot control weakness	FLAT RATE	5,00	EUR	– 13 753,33	0,00	– 13 753,33

MS	Measure	Financial Year	Reason	Type	%	Currency	Amount	Deductions	Financial impact
ES	Meat Premiums - Bovines	2004	On-the-spot control weaknesses - insufficient or inadequate quality of control - inadequate control	FLAT RATE	5,00	EUR	- 1 401 451,46	0,00	- 1 401 451,46
ES	Meat Premiums - Ewe and Goats	2005	Late start of on-the-spot checks	FLAT RATE	2,00	EUR	- 1 652 652,30	0,00	- 1 652 652,30
ES	Meat Premiums - Bovines	2005	On-the-spot control weakness	FLAT RATE	5,00	EUR	- 14 080,18	0,00	- 14 080,18
ES	Meat Premiums - Bovines	2005	On-the-spot control weaknesses - insufficient or inadequate quality of control - inadequate control	FLAT RATE	5,00	EUR	- 1 421 329,38	0,00	- 1 421 329,38
ES	Meat Premiums - Bovines	2006	On-the-spot control weaknesses - insufficient or inadequate quality of control - inadequate control	FLAT RATE	5,00	EUR	- 1 379 600,32	- 4 082,25	- 1 375 518,07
ES	Fruit and Vegetables - Operational Programmes	2006	Deficiencies in the environmental management of packaging	ONE-OFF		EUR	- 2 672 816,95	0,00	- 2 672 816,95
ES	Fruit and Vegetables - Operational Programmes	2007	Deficiencies in the environmental management of packaging	ONE-OFF		EUR	- 16 985 313,14	0,00	- 16 985 313,14
ES	Fruit and Vegetables - Operational Programmes	2008	Deficiencies in the environmental management of packaging	ONE-OFF		EUR	- 17 594 421,01	0,00	- 17 594 421,01
ES	Meat Premiums - Bovines	2006	On-the-spot control weaknesses	FLAT RATE	2,00	EUR	- 187 589,74	0,00	- 187 589,74
ES	Olive Oil - Production Aid	2003	Deficiencies in the controls of yields	FLAT RATE	2,00	EUR	- 21 570,64	0,00	- 21 570,64
ES	Olive Oil - Production Aid	2003	Incorrect technical tolerances leading to non respect of Olive GIS requirements the first year of application	FLAT RATE	5,00	EUR	- 4 462,77	0,00	- 4 462,77
ES	Olive Oil - Production Aid	2004	Correction of effect of flat rate correction on one-off correction	ONE-OFF		EUR	166 246,08	0,00	166 246,08
ES	Olive Oil - Production Aid	2004	Deficiencies in the controls of yields	FLAT RATE	2,00	EUR	- 16 844 579,61	0,00	- 16 844 579,61
ES	Olive Oil - Production Aid	2004	Incorrect calculation of sanctions	ONE-OFF		EUR	- 5 230 671,00	0,00	- 5 230 671,00
ES	Olive Oil - Production Aid	2004	Incorrect technical tolerances leading to non respect of Olive GIS requirements the first year of application	FLAT RATE	5,00	EUR	- 5 678 034,36	0,00	- 5 678 034,36

MS	Measure	Financial Year	Reason	Type	%	Currency	Amount	Deductions	Financial impact
ES	Olive Oil - Production Aid	2005	Correction of effect of flat rate correction on one-off correction	ONE-OFF		EUR	78 467,60	0,00	78 467,60
ES	Olive Oil - Production Aid	2005	Deficiencies in the controls of yields	FLAT RATE	2,00	EUR	- 19 830 448,92	0,00	- 19 830 448,92
ES	Olive Oil - Production Aid	2005	Incorrect calculation of sanctions	ONE-OFF		EUR	- 3 923 380,00	0,00	- 3 923 380,00
ES	Olive Oil - Production Aid	2005	Incorrect technical tolerances leading to non respect of Olive GIS requirements the first year of application	FLAT RATE	5,00	EUR	- 89 880,78	0,00	- 89 880,78
ES	Olive Oil - Production Aid	2006	Correction of effect of flat rate correction on one-off correction	ONE-OFF		EUR	11 060,06	0,00	11 060,06
ES	Olive Oil - Production Aid	2006	Deficiencies in the controls of yields	FLAT RATE	2,00	EUR	- 19 030 403,00	0,00	- 19 030 403,00
ES	Olive Oil - Production Aid	2006	Incorrect calculation of sanctions	ONE-OFF		EUR	- 553 003,00	0,00	- 553 003,00
ES	Olive Oil - Production Aid	2006	Incorrect technical tolerances leading to non respect of Olive GIS requirements the first year of application	FLAT RATE	5,00	EUR	- 10 623,55	0,00	- 10 623,55
					TOTAL (ES)	EUR	- 115 843 350,82	- 4 082,25	- 115 839 268,57
FR	Direct Payments	2007	Weaknesses in the administrative procedure	ONE-OFF		EUR	- 724 823,68	0,00	- 724 823,68
FR	Direct Decoupled Aid (single payment scheme - SPS)	2008	Weaknesses in the administrative procedure	ONE-OFF		EUR	- 872 782,68	0,00	- 872 782,68
FR	Decoupled Direct Aids	2009	Weaknesses in the administrative procedure	ONE-OFF		EUR	- 727 988,33	0,00	- 727 988,33
					TOTAL (FR)	EUR	- 2 325 594,69	0,00	- 2 325 594,69
GB	Export refunds - Other	2006	Weaknesses in the procedure for certification of exit	FLAT RATE	5,00	EUR	- 339,41	0,00	- 339,41
GB	Export refunds - Non-Annex I	2006	Weaknesses in the procedure for certification of exit	FLAT RATE	5,00	EUR	- 1 551,62	0,00	- 1 551,62

MS	Measure	Financial Year	Reason	Type	%	Currency	Amount	Deductions	Financial impact
GB	Export refunds - Sugar and isoglucose	2006	Weaknesses in the procedure for certification of exit	FLAT RATE	5,00	EUR	– 2 957,78	0,00	– 2 957,78
GB	Export refunds - Other	2007	Weaknesses in the procedure for certification of exit	FLAT RATE	5,00	EUR	– 224,14	0,00	– 224,14
GB	Export refunds - Non-Annex I	2007	Weaknesses in the procedure for certification of exit	FLAT RATE	5,00	EUR	– 1 024,64	0,00	– 1 024,64
GB	Export refunds - Sugar and isoglucose	2007	Weaknesses in the procedure for certification of exit	FLAT RATE	5,00	EUR	– 1 953,22	0,00	– 1 953,22
GB	Export refunds - Sugar and isoglucose	2008	Weaknesses in the procedure for certification of exit	FLAT RATE	5,00	EUR	– 153,04	0,00	– 153,04
GB	Export refunds - Other	2008	Weaknesses in the procedure for certification of exit	FLAT RATE	5,00	EUR	– 17,57	0,00	– 17,57
GB	Export refunds - Non-Annex I	2008	Weaknesses in the procedure for certification of exit	FLAT RATE	5,00	EUR	– 80,28	0,00	– 80,28
GB	Export refunds - Sugar and isoglucose	2009	Weaknesses in the procedure for certification of exit	FLAT RATE	5,00	EUR	– 7,57	0,00	– 7,57
GB	Export refunds - Other	2009	Weaknesses in the procedure for certification of exit	FLAT RATE	5,00	EUR	– 0,87	0,00	– 0,87
GB	Export refunds - Non-Annex I	2009	Weaknesses in the procedure for certification of exit	FLAT RATE	5,00	EUR	– 3,97	0,00	– 3,97
GB	Fruit and Vegetables - Operational Programmes	2006	Deficiencies in key controls on recognition and operational programmes	FLAT RATE	5,00	EUR	– 508 223,82	0,00	– 508 223,82
GB	Fruit and Vegetables - Operational Programmes	2006	Deficiencies in key controls on recognition and operational programmes	ONE-OFF		EUR	– 6 171 594,78	0,00	– 6 171 594,78
GB	Fruit and Vegetables - Operational Programmes	2007	Deficiencies in key controls on recognition and operational programmes	FLAT RATE	5,00	EUR	– 999 359,83	0,00	– 999 359,83
GB	Fruit and Vegetables - Operational Programmes	2007	Deficiencies in key controls on recognition and operational programmes	ONE-OFF		EUR	– 12 135 684,18	0,00	– 12 135 684,18
GB	Fruit and Vegetables - Operational Programmes	2008	Deficiencies in key controls on recognition and operational programmes	ONE-OFF		EUR	– 6 589 732,17	0,00	– 6 589 732,17

MS	Measure	Financial Year	Reason	Type	%	Currency	Amount	Deductions	Financial impact
GB	Fruit and Vegetables - Operational Programmes	2008	Deficiencies in key controls on recognition and operational programmes	FLAT RATE	5,00	EUR	- 542 656,97	0,00	- 542 656,97
GB	Exceptional support measures	2009	Rendering and transport costs unduly charged to the EU budget; dead animals claimed for EU financing	ONE-OFF		EUR	- 284 317,36	0,00	- 284 317,36
					TOTAL (GB)	EUR	- 27 239 883,22	0,00	- 27 239 883,22
GR	Additional Amounts of Aid	2008	Incorrect information in the LPIS/GIS and weaknesses in the on-the-spot controls	FLAT RATE	5,00	EUR	- 3 685 863,71	0,00	- 3 685 863,71
GR	Other Direct Aid - Sugar - other than Export refunds	2008	Incorrect information in the LPIS/GIS and weaknesses in the on-the-spot controls	FLAT RATE	5,00	EUR	- 130 504,79	0,00	- 130 504,79
GR	Other Direct Aid - Direct Payments	2008	Incorrect information in the LPIS/GIS and weaknesses in the on-the-spot controls	FLAT RATE	5,00	EUR	- 1 497 576,86	0,00	- 1 497 576,86
GR	Other Direct Aid - Cotton	2008	Incorrect information in the LPIS/GIS and weaknesses in the on-the-spot controls	FLAT RATE	5,00	EUR	- 9 155 093,09	0,00	- 9 155 093,09
GR	Other Direct Aid - Article 69 of Reg.1782/2003 - except Ovines and Bovines	2008	Incorrect information in the LPIS/GIS and weaknesses in the on-the-spot controls	FLAT RATE	5,00	EUR	- 3 310 395,31	0,00	- 3 310 395,31
GR	Direct Decoupled Aid (single payment scheme - SPS)	2008	Incorrect information in the LPIS/GIS and weaknesses in the on-the-spot controls	FLAT RATE	5,00	EUR	- 91 632 386,41	0,00	- 91 632 386,41
GR	Other Direct Aids	2009	Incorrect information in the LPIS/GIS and weaknesses in the on-the-spot controls	FLAT RATE	5,00	EUR	5 928,18	0,00	5 928,18
GR	Other Direct Aid - Article 69 of Reg.1782/2003 - except Ovines and Bovines	2009	Incorrect information in the LPIS/GIS and weaknesses in the on-the-spot controls	FLAT RATE	5,00	EUR	1 407,54	0,00	1 407,54
GR	Additional Amounts of Aid	2009	Incorrect information in the LPIS/GIS and weaknesses in the on-the-spot controls	FLAT RATE	5,00	EUR	2 668,68	0,00	2 668,68
GR	Decoupled Direct Aids	2009	Incorrect information in the LPIS/GIS and weaknesses in the on-the-spot controls	FLAT RATE	5,00	EUR	- 810 049,67	0,00	- 810 049,67

MS	Measure	Financial Year	Reason	Type	%	Currency	Amount	Deductions	Financial impact
GR	Olive Oil - Production Aid	2004	Weaknesses in the controls of mills and in the olive cultivation GIS	FLAT RATE	10,00	EUR	– 193 490,20	0,00	– 193 490,20
GR	Olive Oil - Production Aid (2007+)	2005	Weaknesses in the controls of mills and in the olive cultivation GIS	FLAT RATE	15,00	EUR	– 283 443,46	0,00	– 283 443,46
GR	Olive Oil - Production Aid (2007+)	2005	Weaknesses in the controls of mills and in the olive cultivation GIS	FLAT RATE	10,00	EUR	– 43 471 909,07	0,00	– 43 471 909,07
GR	Olive Oil - Production Aid (2007+)	2006	Weaknesses in the controls of mills and in the olive cultivation GIS	FLAT RATE	10,00	EUR	– 447 353,51	0,00	– 447 353,51
GR	Olive Oil - Production Aid (2007+)	2006	Weaknesses in the controls of mills and in the olive cultivation GIS	FLAT RATE	15,00	EUR	– 89 134 155,41	– 215 120,80	– 88 919 034,62
GR	Olive Oil - Financement GIS	2004	Ineligible expenditures concerning activities carried out after 31 October 2003	ONE-OFF		EUR	– 3 437 468,51	0,00	– 3 437 468,51
GR	Olive Oil - Financement GIS	2006	Ineligible expenditures concerning activities carried out after 31 October 2003	ONE-OFF		EUR	– 263 620,00	0,00	– 263 620,00
					TOTAL (GR)	EUR	– 247 443 305,60	– 215 120,80	– 247 228 184,80
IT	Public Storage - Sugar	2005	Booking the sugar intake in 2005 not subject to physical movement	ONE-OFF		EUR	– 797 560,00	0,00	– 797 560,00
IT	Public Storage - Sugar	2006	35 % increase in storage costs	FLAT RATE	10,00	EUR	– 171 418,00	0,00	– 171 418,00
IT	Public Storage - Sugar	2006	Late inventory controls	FLAT RATE	5,00	EUR	– 781 044,00	0,00	– 781 044,00
IT	Public Storage - Sugar	2007	35 % increase in storage costs	FLAT RATE	10,00	EUR	– 182 006,00	0,00	– 182 006,00
IT	Public Storage - Sugar	2008	35 % increase in storage costs	FLAT RATE	10,00	EUR	– 111 062,00	0,00	– 111 062,00
IT	Public Storage - Sugar	2009	35 % increase in storage costs	FLAT RATE	10,00	EUR	– 34 547,00	0,00	– 34 547,00
					TOTAL (IT)	EUR	– 2 077 637,00	0,00	– 2 077 637,00

MS	Measure	Financial Year	Reason	Type	%	Currency	Amount	Deductions	Financial impact
NL	Fruit and Vegetables - Operational Programmes	2006	Ineligible costs for printing on packages and expenditures of a producer organisation with decentralised marketing	ONE-OFF		EUR	– 5 166 882,80	0,00	– 5 166 882,80
NL	Fruit and Vegetables - Operational Programmes	2007	Ineligible costs for printing on packages and expenditures of a producer organisation with decentralised marketing	ONE-OFF		EUR	– 10 543 404,52	0,00	– 10 543 404,52
NL	Fruit and Vegetables - Operational Programmes	2008	Ineligible costs for printing on packages and expenditures of a producer organisation with decentralised marketing	ONE-OFF		EUR	– 6 981 120,47	0,00	– 6 981 120,47
					TOTAL (NL)	EUR	– 22 691 407,79	0,00	– 22 691 407,79
PT	Other Direct Aid - Bovines	2007	Weaknesses established in the functioning of IT system	ONE-OFF		EUR	– 415 669,10	0,00	– 415 669,10
PT	Other Direct Aid - Bovines	2008	Weaknesses established in the functioning of IT system	ONE-OFF		EUR	– 304 813,73	0,00	– 304 813,73
					TOTAL (PT)	EUR	– 720 482,83	0,00	– 720 482,83
RO	Other Direct Aid - Energy Crops	2009	Weaknesses in functioning of LPIS-GIS, in the performance of the on-the-spot/field visits following administrative cross-checks	FLAT RATE	10,00	EUR	– 6 694,99	0,00	– 6 694,99
RO	Other Direct Aid - Energy Crops	2009	Weaknesses in functioning of LPIS-GIS, in the performance of the on-the-spot/field visits following administrative cross-checks	ONE-OFF		EUR	– 108 740,61	0,00	– 108 740,61
RO	Other Direct Aids	2009	Weaknesses in functioning of LPIS-GIS, in the performance of the on-the-spot/field visits following administrative cross-checks	ONE-OFF		EUR	– 52 831,05	0,00	– 52 831,05
RO	Decoupled Direct Aids	2009	Weaknesses in functioning of LPIS-GIS, in the performance of the on-the-spot/field visits following administrative cross-checks	FLAT RATE	10,00	EUR	– 489 527,30	0,00	– 489 527,30
RO	Decoupled Direct Aids	2009	Weaknesses in functioning of LPIS-GIS, in the performance of the on-the-spot/field visits following administrative cross-checks	ONE-OFF		EUR	– 38 620 445,36	0,00	– 38 620 445,36

MS	Measure	Financial Year	Reason	Type	%	Currency	Amount	Deductions	Financial impact
					TOTAL (RO)	EUR	– 39 278 239,32	0,00	– 39 278 239,32
					TOTAL (6701)	EUR	– 478 526 747,31	– 219 203,05	– 478 307 544,26
					TOTAL (6701)	DKK	– 933 064,93	0,00	– 933 064,93

BUDGET ITEM 6711

BG	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2009	Weaknesses in the functioning of LPIS-GIS	FLAT RATE	10,00	EUR	– 1 204 509,85	0,00	– 1 204 509,85
BG	Rural Development EAFRD Complement to direct payment (2007-2013)	2009	Weaknesses in the functioning of LPIS-GIS and on-the-spot controls	FLAT RATE	5,00	EUR	– 2 490 360,23	0,00	– 2 490 360,23
					TOTAL (BG)	EUR	– 3 694 870,08	0,00	– 3 694 870,08
GR	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2007	Incorrect information in the LPIS/GIS and weaknesses in the on-the-spot controls	FLAT RATE	5,00	EUR	– 3 154 596,63	0,00	– 3 154 596,63
GR	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2008	Incorrect information in the LPIS/GIS and weaknesses in the on-the-spot controls	FLAT RATE	5,00	EUR	– 8 414 084,26	0,00	– 8 414 084,26
GR	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2009	Incorrect information in the LPIS/GIS and weaknesses in the on-the-spot controls	FLAT RATE	5,00	EUR	– 597 155,10	0,00	– 597 155,10
					TOTAL (GR)	EUR	– 12 165 835,99	0,00	– 12 165 835,99
RO	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2009	Weaknesses in functioning of LPIS-GIS, in the performance of the on-the-spot/field visits following administrative cross-checks	FLAT RATE	10,00	EUR	– 7 246 383,51	0,00	– 7 246 383,51

MS	Measure	Financial Year	Reason	Type	%	Currency	Amount	Deductions	Financial impact
RO	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2009	Weaknesses in functioning of LPIS-GIS, in the performance of the on-the-spot/field visits following administrative cross-checks	ONE-OFF		EUR	– 10 512 529,35	0,00	– 10 512 529,35
RO	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2009	Weaknesses in functioning of LPIS-GIS, in the performance of the on-the-spot/field visits following administrative cross-checks	ONE-OFF		EUR	– 877 717,21	0,00	– 877 717,21
RO	Rural Development EAFRD Complement to direct payment (2007-2013)	2009	Weaknesses in functioning of LPIS-GIS, in the performance of the on-the-spot/field visits following administrative cross-checks	FLAT RATE	10,00	EUR	– 10 975 412,09	0,00	– 10 975 412,09
RO	Rural Development EAFRD Complement to direct payment (2007-2013)	2009	Weaknesses in functioning of LPIS-GIS, in the performance of the on-the-spot/field visits following administrative cross-checks	ONE-OFF		EUR	– 6 008 420,75	0,00	– 6 008 420,75
					TOTAL (RO)	EUR	– 35 620 462,91	0,00	– 35 620 462,91
					TOTAL (6711)	EUR	– 51 481 168,98	0,00	– 51 481 168,98

BUDGET ITEM 05070107

DE	Irregularities	2009	Reimbursement concerning irregularity cases	ONE-OFF		EUR	508 165,76	0,00	508 165,76
					TOTAL (DE)	EUR	508 165,76	0,00	508 165,76
					TOTAL (05070107)	EUR	508 165,76	0,00	508 165,76

CORRIGENDA**Corrigendum to Council Implementing Regulation (EU) No 84/2011 of 31 January 2011 amending Regulation (EC) No 765/2006 concerning restrictive measures against President Lukashenko and certain officials of Belarus**

(Official Journal of the European Union L 28 of 2 February 2011)

In the table of contents and on page 17, the title:

for: 'Council Implementing Regulation (EU) No 84/2011 of 31 January 2011 amending Regulation (EC) No 765/2006 concerning restrictive measures against President Lukashenko and certain officials of Belarus',

read: 'Council Regulation (EU) No 84/2011 of 31 January 2011 amending Regulation (EC) No 765/2006 concerning restrictive measures against President Lukashenko and certain officials of Belarus'.

Corrigendum to Commission Regulation (EC) No 891/2009 of 25 September 2009 opening and providing for the administration of certain Community tariff quotas in the sugar sector

(Official Journal of the European Union L 254 of 26 September 2009)

On page 92, Annex III, Part C:

for: '— in German: Anwendung der Verordnung (EG) Nr. 891/2009, Zucker zur industriellen Einfuhr. Laufende Nummer 09.4380',

read: '— in German: Anwendung der Verordnung (EG) Nr. 891/2009, Zucker zur außerordentlichen Einfuhr. Laufende Nummer 09.4380'.

Corrigenda

★ Corrigendum to Council Implementing Regulation (EU) No 84/2011 of 31 January 2011 amending Regulation (EC) No 765/2006 concerning restrictive measures against President Lukashenko and certain officials of Belarus (OJ L 28, 2.2.2011)	44
★ Corrigendum to Commission Regulation (EC) No 891/2009 of 25 September 2009 opening and providing for the administration of certain Community tariff quotas in the sugar sector (OJ L 254, 26.9.2009)	44

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