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⁽¹⁾ Text with EEA relevance

EN

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

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II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) No 426/2011

of 2 May 2011

amending Regulation (EC) No 889/2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91 ⁽¹⁾ and in particular Article 28(6) thereof,

Whereas:

- (1) Article 24 of Regulation (EC) No 834/2007 lays down that the organic production logo of the European Union ('organic logo of the EU') is one of the compulsory indications to be used as regards pre-packaged food bearing terms referring to the organic production method as referred to in Article 23(1), while the use of the logo is optional for these products imported from third countries. Consumers should be assured that organic products have been produced in compliance with the requirements set out in Regulation (EC) No 834/2007 and Commission Regulation (EC) No 889/2008 ⁽²⁾. To that end, the traceability of each product carrying the organic logo of the EU at all stages of production, preparation and distribution is an important factor.
- (2) In order to give the consumers the opportunity to inform themselves of the operators and of their products which are subject to the organic farming control system, the Member States should make available, in an appropriate manner, the relevant information on the operators subject to this system, while observing the requirements of the protection of personal data as laid down in Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data ⁽³⁾.

- (3) Regulation (EC) No 889/2008 should therefore be amended accordingly.

- (4) The measures provided for in this Regulation are in accordance with the opinion of the regulatory Committee on organic production,

HAS ADOPTED THIS REGULATION:

Article 1

In Chapter 8 of Title IV of Regulation (EC) No 889/2008 the following Article 92a is added:

*'Article 92a***Publication of information**

The Member States shall make available to the public, in an appropriate manner including publication on the Internet, the updated lists referred to in Article 28(5) of Regulation (EC) No 834/2007 containing updated documentary evidence related to each operator, as provided for in Article 29(1) of that Regulation and using the model set out in Annex XII to this Regulation. The Member States shall duly observe the requirements of the protection of personal data as laid down in Directive 95/46/EC of the European Parliament and of the Council (*).

(*) OJ L 281, 23.11.1995, p. 31.'

Article 2

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

However, Article 1 shall apply as from 1 January 2013.

⁽¹⁾ OJ L 189, 20.7.2007, p. 1.

⁽²⁾ OJ L 250, 18.9.2008, p. 1.

⁽³⁾ OJ L 281, 23.11.1995, p. 31.

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

Done at Brussels, 2 May 2011.

For the Commission

The President

José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 427/2011**of 2 May 2011****amending Annex I to Regulation (EC) No 798/2008 as regards the entry for Israel in the list of third countries, territories, zones or compartments****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption⁽¹⁾ and in particular the introductory phrase of Article 8, the first paragraph of point 1 of Article 8 and point 4 of Article 8 thereof,

Having regard to Council Directive 2009/158/EC of 30 November 2009 on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs⁽²⁾, and in particular Articles 23(1) and 24(2) thereof,

Whereas:

- (1) Commission Regulation (EC) No 798/2008 of 8 August 2008 laying down a list of third countries, territories, zones or compartments from which poultry and poultry products may be imported into and transit through the Community and the veterinary certification requirements⁽³⁾ provides that the commodities covered by it are only to be imported into and transited through the Union from the third countries, territories, zones or compartments listed in the table in Part 1 of Annex I thereto.
- (2) Pursuant to Regulation (EC) No 798/2008, where an outbreak of highly pathogenic avian influenza (HPAI) occurs in a third country, territory, zone or compartment previously free of that disease, that third country, territory, zone or compartment is to again be considered as free of HPAI, provided that certain conditions are met. Those conditions concern the implementation of a stamping out policy to control the disease, including adequate cleansing and disinfection carried out on all previously infected establishments. In addition, avian influenza surveillance must have been carried out in

accordance with Part II of Annex IV to that Regulation during a three-month period following completion of the stamping out policy and cleansing and disinfection.

- (3) Israel is listed in Part 1 of Annex I to Regulation (EC) No 798/2008 as a third country from which all poultry commodities covered by that Regulation may be imported into the Union. Following a HPAI outbreak in early 2010 imports of certain commodities from Israel to the Union were restricted to defined parts of its territory by that Regulation, as amended by Commission Regulation (EU) No 332/2010⁽⁴⁾. The area from which imports of certain commodities were prohibited is described in column 3 with the code IL-2 in the entry for Israel in Part 1 of Annex I to Regulation (EC) No 798/2008 and applied until 1 May 2010. However, the prohibition of imports of certain poultry commodities from IL-2 in relation to that outbreak should continue for commodities produced before that date.
- (4) In addition, on 8 March 2011 Israel has notified the Commission of an outbreak of HPAI of the H5N1 subtype on its territory.
- (5) Due to the confirmed outbreak of HPAI, the territory of Israel may no longer be considered as free from that disease. As a consequence, the veterinary authorities of Israel have suspended issuing veterinary certificates for consignments of certain poultry commodities accordingly.
- (6) Israel has submitted information to the Commission on the control measures taken in relation to the recent outbreak of the disease. That information and the epidemiological situation in Israel have been evaluated by the Commission.
- (7) Israel has implemented a stamping out policy in order to control the disease and limit its spread. The prompt and decisive action taken by Israel to confine the disease and the positive outcome of the evaluation of the epidemiological situation allow limiting the restrictions on imports into the Union for certain poultry commodities to the zone affected by the disease, which the veterinary authorities of Israel have placed under restrictions.

⁽¹⁾ OJ L 18, 23.1.2003, p. 11.

⁽²⁾ OJ L 343, 22.12.2009, p. 74.

⁽³⁾ OJ L 226, 23.8.2008, p. 1.

⁽⁴⁾ OJ L 102, 23.4.2010, p. 10.

- (8) In addition, Israel is carrying out surveillance activities for avian influenza which appear to meet the requirements laid down in Part II of Annex IV to Regulation (EC) No 798/2008.
- (9) Taking into account the favourable development of the epidemiological situation and the surveillance activities for avian influenza in resolving the outbreak in accordance with the conditions set out in Regulation (EC) No 798/2008, it is appropriate to limit the time period during which the authorisation for imports into the Union is suspended to a three-month period until 14 June 2011 following adequate cleansing and disinfection of the previously infected holding.
- (10) Regulation (EC) No 798/2008 should therefore be amended accordingly.
- (11) 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*
- In Part 1 of Annex I to Regulation (EC) No 798/2008, the entry for Israel is replaced by the text in the Annex to this Regulation.
- 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 Brussels, 2 May 2011.

For the Commission
The President
José Manuel BARROSO

ANNEX

IL — Israel	IL-0	Whole country	SPF							
			EP, E							S4
	IL-1	Area of Israel excluding IL-2 and IL-3	BPR, BPP, DOC, DOR, HEP, HER, SRP		N			A		S5, ST1
			WGM	VIII						
			POU, RAT		N					
	IL-2	Area of Israel inside the following boundaries: — to the west: road number 4, — to the south: road number 5812 connecting to road number 5815, — to the east: the security fence until road number 6513, — to the north: road number 6513 until the junction with road 65. From this point in a straight line to the entrance of Givat Nili and from there in a straight line to the junction of roads 652 and 4.	BPR, BPP, DOC, DOR, HEP, HER, SRP		N, P2		1.5.2010	A		S5, ST1
			WGM	VIII	P2		1.5.2010			
			POU, RAT		N, P2		1.5.2010			
	IL-3	Area of Israel inside the following boundaries: — to the north: road 386 until municipal boundaries of Jerusalem, the Refaim river, the former Israel Jordan border ("green line"), — to the east: road 356, — to the south: roads 8670, 3517 and 354, — to the west: a straight line going north until road 367, following 367 west and then north until road 375 and west of the village of Matta a north-north-east line to road 386.	BPR, BPP, DOC, DOR, HEP, HER, SRP		N, P2	8.3.2011	14.6.2011	A		S5, ST1
			WGM	VIII	P2	8.3.2011	14.6.2011			
			POU, RAT		N, P2	8.3.2011	14.6.2011'			

COMMISSION REGULATION (EU) No 428/2011**of 27 April 2011****concerning the classification of certain goods in the Combined Nomenclature**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific provisions of the Union, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column (1) of the table set out in the Annex should be classified under the CN code indicated in column (2), by virtue of the reasons set out in column (3) of that table.

(4) It is appropriate to provide that binding tariff information which has been issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature but which is not in accordance with this Regulation can, for a period of 3 months, continue to be invoked by the holder, pursuant to Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽²⁾.

(5) The Customs Code Committee has not issued an opinion within the time limit set by its Chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column (1) of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column (2) of that table.

Article 2

Binding tariff information issued by the customs authorities of Member States, which is not in accordance with this Regulation, can continue to be invoked for a period of 3 months pursuant to Article 12(6) of Regulation (EEC) No 2913/92.

Article 3

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, 27 April 2011.

*For the Commission,
On behalf of the President,
Algirdas ŠEMETA
Member of the Commission*

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ OJ L 302, 19.10.1992, p. 1.

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
1. A battery-powered apparatus in the form of a cylinder with dimensions of approximately 21 cm in height with a diameter of 9 cm and a weight of approximately 310 g (so-called 'aerosol dispenser') specifically designed to be used together with an interchangeable aerosol can. The apparatus comprises: — an electromechanical system for the activation of the spraying mechanism of the aerosol can, — a sensor and buttons for activation of the electromechanical system, and — a plastic housing with an aperture enabling the dispersal of aerosol when the electromechanical system is activated. The apparatus, when equipped with an aerosol can, is capable of freshening air within a limited space inside a building by dispersing portions of fragrance, either when the sensor detects the presence of a person, or at regular pre-set intervals.	8509 80 00	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 3(b) to Chapter 85 and by the wording of CN codes 8509 and 8509 80 00. Given that the apparatus itself does not project, disperse or spray but merely activates the spraying mechanism of the aerosol can, classification under heading 8424 is excluded. The apparatus is an electromechanical appliance with a self-contained motor of heading 8509 of the kind commonly used for domestic purposes. It is therefore to be classified under CN code 8509 80 00.
2. A set put up for retail sale consisting of: — an electromechanical appliance (so-called 'aerosol dispenser'), and — an interchangeable aerosol can. The 'aerosol dispenser' is a battery-powered apparatus in the form of a cylinder with dimensions of approximately 21 cm in height with a diameter of 9 cm and a weight of approximately 310 g comprising: — an electromechanical system for the activation of the spraying mechanism of the aerosol can, — a sensor and buttons for activation of the electromechanical system, and — a plastic housing with an aperture enabling the dispersal of aerosol when the electromechanical system is activated. The aerosol can contains a prepared room deodoriser, perfumed, of CN code 3307 49 00. The 'aerosol dispenser', when equipped with an aerosol can, is capable of freshening air within a limited space inside a building by dispersing portions of fragrance, either when the sensor detects the presence of a person, or at regular pre-set intervals. The aerosol can is consumable goods which can be replaced when empty by another aerosol can of the same dimensions.	8509 80 00	Classification is determined by General Rules 1, 3(b) and 6 for the interpretation of the Combined Nomenclature, Note 3(b) to Chapter 85 and by the wording of CN codes 8509 and 8509 80 00. The component that gives the set its essential character is the aerosol dispenser because it is permanently used, whereas the aerosol can has to be replaced when empty. Given that the apparatus itself does not project, disperse or spray but merely activates the spraying mechanism of the aerosol can, classification under heading 8424 is excluded. The apparatus is an electromechanical appliance with a self-contained motor of heading 8509 of the kind commonly used for domestic purposes. The set is therefore to be classified under CN code 8509 80 00.

COMMISSION IMPLEMENTING REGULATION (EU) No 429/2011**of 2 May 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 3 May 2011.

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

Done at Brussels, 2 May 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	JO	78,3
	MA	36,7
	TN	112,2
	TR	87,3
	ZZ	78,6
0707 00 05	AL	107,4
	EG	152,2
	TR	113,8
	ZZ	124,5
0709 90 70	JO	78,3
	MA	78,8
	TR	129,8
	ZZ	95,6
0709 90 80	EC	33,0
	ZZ	33,0
0805 10 20	EG	58,1
	IL	81,6
	MA	53,3
	TN	51,7
	TR	68,8
	ZZ	62,7
0805 50 10	TR	46,0
	ZZ	46,0
0808 10 80	AR	78,0
	BR	82,1
	CA	111,8
	CL	89,9
	CN	89,1
	MA	86,7
	MK	50,2
	NZ	112,0
	US	128,6
	UY	62,5
	ZA	85,8
	ZZ	88,8

⁽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 430/2011**of 2 May 2011****amending the representative prices and additional import duties for certain products in the sugar sector fixed by Regulation (EU) No 867/2010 for the 2010/11 marketing year**

THE EUROPEAN COMMISSION,

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

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

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

Whereas:

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

for the 2010/11 marketing year are fixed by Commission Regulation (EU) No 867/2010 ⁽³⁾. These prices and duties have been last amended by Commission Regulation (EU) No 424/2011 ⁽⁴⁾.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 3 May 2011.

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

Done at Brussels, 2 May 2011.

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

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 178, 1.7.2006, p. 24.

⁽³⁾ OJ L 259, 1.10.2010, p. 3.

⁽⁴⁾ OJ L 111, 30.4.2011, p. 14.

ANNEX

Amended representative prices and additional import duties applicable to white sugar, raw sugar and products covered by CN code 1702 90 95 from 3 May 2011

(EUR)

CN code	Representative price per 100 kg net of the product concerned	Additional duty per 100 kg net of the product concerned
1701 11 10 ⁽¹⁾	42,38	0,00
1701 11 90 ⁽¹⁾	42,38	2,19
1701 12 10 ⁽¹⁾	42,38	0,00
1701 12 90 ⁽¹⁾	42,38	1,89
1701 91 00 ⁽²⁾	41,51	5,02
1701 99 10 ⁽²⁾	41,51	1,88
1701 99 90 ⁽²⁾	41,51	1,88
1702 90 95 ⁽³⁾	0,42	0,27

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

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