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Price: EUR 3

⁽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 809/2011

of 11 August 2011

amending Regulation (EC) No 2074/2005 as regards documentation accompanying imports of frozen fishery products directly from a freezer vessel

(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 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin ⁽¹⁾, and in particular the second paragraph of Article 9 thereof,

Having regard to Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption ⁽²⁾, and in particular the second paragraph of Article 16 thereof,

Whereas:

- (1) Regulation (EC) No 853/2004 provides *inter alia* that food business operators importing products of animal origin from third countries are to ensure that import only takes place if the requirements of Article 14 of Regulation (EC) No 854/2004 are satisfied.
- (2) Article 14 of Regulation (EC) No 854/2004 provides that a document meeting certain requirements is to accompany consignments of products of animal origin when they are imported into the Union. However, Article 15(3) of that Regulation provides that when fishery products *inter alia* are imported directly from a freezer vessel, that document may be replaced by a document signed by the captain.
- (3) Commission Regulation (EC) No 2074/2005 of 5 December 2005 laying down implementing measures for certain products under Regulation (EC) No 853/2004 of the European Parliament and of the Council and for the organisation of official controls under Regulation (EC) No 854/2004 of the European Parliament and of the Council and Regulation (EC) No 882/2004 of the European Parliament and of the Council, derogating

from Regulation (EC) No 852/2004 of the European Parliament and of the Council and amending Regulations (EC) No 853/2004 and (EC) No 854/2004 ⁽³⁾ set out model health certificates, including one for imports of fishery products, in Annex VI thereto.

- (4) Member States and stakeholder organisations have requested the Commission to establish a model document to be signed by the captain in order to harmonise the information requested and procedures applied when frozen fishery products are imported into the Union directly from a freezer vessel.
- (5) The model document to be signed by the captain should specifically refer to the provisions relevant for handling of fishery products as laid down in Section VIII of Annex III to Regulation (EC) No 853/2004 on board freezer vessels. The model document should also fit into the electronic system for exchange of health certificates and import documents between the National Competent Authorities for health issues in relation to live animals and products of animal origin (TRACES).
- (6) It is therefore appropriate to establish a harmonised model document to be signed by the captain when fishery products are imported into the Union directly from a freezer vessel. Regulation (EC) No 2074/2005 should be amended accordingly.
- (7) 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

Regulation (EC) No 2074/2005 is amended as follows:

- (1) Article 6 is replaced by the following:

⁽¹⁾ OJ L 139, 30.4.2004, p. 55.

⁽²⁾ OJ L 139, 30.4.2004, p. 206.

⁽³⁾ OJ L 338, 22.12.2005, p. 27.

'Article 6

Model health certificates and documents for imports of certain products of animal origin for the purpose of Regulations (EC) Nos 853/2004 and 854/2004

1. The models of the health certificates and documents, as referred to in Article 6(1)(d) of Regulation (EC) No 853/2004, to be used when importing products of animal origin listed in Annex VI to this Regulation are set out in that Annex.

2. The model of the document to be signed by the captain, that may replace the document required under Article 14 of Regulation (EC) No 854/2004 when fishery

products are imported directly from a freezer vessel, as provided for in Article 15(3) of that Regulation, is set out in Annex VI to this Regulation.'

(2) Annex VI is amended in accordance with the Annex to this Regulation.

Article 2

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

It shall apply from 1 April 2012.

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

Done at Brussels, 11 August 2011.

For the Commission

The President

José Manuel BARROSO

ANNEX

Annex VI to Regulation (EC) No 2074/2005 is amended as follows:

- (1) The title of Annex VI and Sections I to VI are replaced by the following:

'MODEL HEALTH CERTIFICATES AND DOCUMENTS FOR IMPORTS OF CERTAIN PRODUCTS OF ANIMAL ORIGIN

SECTION I

CHAPTER I

FROGS' LEGS AND SNAILS

Health certificates as referred to in Article 6(1)(d) of Regulation (EC) No 853/2004 for imports of frogs' legs and snails shall comply with the models laid down respectively in Part A and Part B of Appendix I to this Annex.

CHAPTER II

GELATINE

Without prejudice to other specific Union legislation, in particular to legislation on transmissible spongiform encephalopathies and hormones, health certificates as referred to in Article 6(1)(d) of Regulation (EC) No 853/2004 for imports of gelatine and raw materials for the production of gelatine shall comply with the models laid down respectively in Part A and Part B of Appendix II to this Annex.

CHAPTER III

COLLAGEN

Without prejudice to other specific Union legislation, in particular to legislation on transmissible spongiform encephalopathies and hormones, health certificates as referred to in Article 6(1)(d) of Regulation (EC) No 853/2004 for imports of collagen and raw materials for the production of collagen shall comply with the models laid down respectively in Part A and Part B of Appendix III to this Annex.

CHAPTER IV

FISHERY PRODUCTS

The health certificate as referred to in Article 6(1)(d) of Regulation (EC) No 853/2004 for imports of fishery products shall comply with the model laid down in Appendix IV to this Annex.

CHAPTER V

LIVE BIVALVE MOLLUSCS

The health certificate as referred to in Article 6(1)(d) of Regulation (EC) No 853/2004 for imports of live bivalve molluscs shall comply with the model laid down in Appendix V to this Annex.

CHAPTER VI

HONEY AND OTHER APICULTURE PRODUCTS

The health certificate as referred to in Article 6(1)(d) of Regulation (EC) No 853/2004 for imports of honey and other apiculture products shall comply with the model laid down in Appendix VI to this Annex.

SECTION II

MODEL DOCUMENT TO BE SIGNED BY THE CAPTAIN

The document to be signed by the captain, that may replace that required under Article 14 of Regulation (EC) No 854/2004 when frozen fishery products are imported directly from a freezer vessel, as provided for in Article 15(3) of that Regulation, shall comply with the model document laid down in Appendix VII to this Annex.'

(2) The following Appendix VII is added:

'Appendix VII to Annex VI

**MODEL DOCUMENT, TO BE SIGNED BY THE CAPTAIN, ACCOMPANYING IMPORTS WHEN FROZEN
FISHERY PRODUCTS ARE IMPORTED DIRECTLY INTO THE EUROPEAN UNION FROM A FREEZER VESSEL**

Part I : Details of dispatched consignment	I.1. Consignor		I.2. Certificate reference No		I.2.a.	
	Name		I.3.			
	Address		I.4.			
	Postal code					
	Tel.					
	I.5. Consignee		I.6.			
	Name					
	Address					
	Postal code					
	Tel.					
	I.7. Country of origin	ISO code	I.8.	I.9. Country of destination	ISO code	I.10.
	I.11. Place of origin		I.12.			
	Name		Approval number			
	I.13.		I.14.			
I.15.		I.16. Entry BIP in EU				
		I.17.				
I.18.		I.19. Commodity code (HS code)				
		I.20. Quantity				
I.21.		I.22. Number of packages				
I.23.		I.24. Type of packaging				
I.25. Commodities certified for:						
Human consumption ☐						
I.26.		I.27. For import or admission into EU ☐				
I.28. Identification of the commodities						
Species (Scientific name)		Number of packages		Net weight		

COUNTRY		Fishery products	
I.(bis)	Other information		
	Fishing area(s):		
	IMO/Lloyd's number (if issued) or call sign of the vessel:		
	Fishing Period:	Start date: .../.../...	Stop date: .../.../...
II.	Health attestation	II.a. Certificate reference number	II.b.
II.1.	Public health attestation		
Part II: Certification	I, the undersigned, declare that		
	— the vessel appears on the list of vessels from which imports to the European Union are permitted (being "EU-listed");		
	— the vessel has a programme based on the HACCP principles in order to control hazards;		
	— the part of the vessel where fishery products are handled, equipment, containers and the cold storage for fishery products are kept clean and maintained in good repair and condition;		
	— the fishery products have been protected from contamination and from the effects of the sun or any other source of heat as soon as possible after they have been taken on board, and that they have been handled in a way that prevents bruising and other damage;		
	— the fishery products have not been contaminated by fuel, bilge water or pests;		
	— the slaughter, bleeding, heading, gutting, removing fins, have been carried out hygienically as soon as possible after capture, and the products have been washed immediately and thoroughly. Viscera and parts that may constitute a danger to public health has been removed as soon as possible and kept apart from products intended for human consumption;		
	— only clean seawater has been used as alternative to potable water for the handling and washing of the fishery product;		
	— the fishery products have been subjected to a visual examination for the purpose of detecting visible parasites, and fishery products that are obviously contaminated with parasites are not placed on the market for human consumption;		
	— freezing has been carried out hygienically as soon as possible after capture;		
	— frozen fishery products have been kept at a temperature of not more than – 18 °C in all parts of the product, except whole fish initially frozen in brine intended for the manufacture of canned food may be kept at a temperature of not more than – 9 °C;		
	— frozen blocks have been hygienically and adequately wrapped before landing;		
	— the packages have been marked with an identification mark indicating the approval number of the freezer vessel and the flag state;		
	— the wrapping material is not a source of contamination and has been stored in such a manner that it has not been exposed to a risk of contamination.		
	Notes part I:		
— Box reference I.1: Name and address (street, town and region/province/state, as applicable), telephone and fax numbers or the e-mail address of the owner of/ the responsible for the vessel.			
— Box reference I.2: A unique document number according to your own classification.			
— Box reference I.5:			
The name and address (street, town and post code) of			
— the physical or legal person to whom the consignment is imported directly to the Member State of destination.			

COUNTRY**Fishery products**

- Box reference I.7: The country of which the vessel issuing this document is flying the flag.
- Box reference I.11: The name of the freezer vessel and approval number as listed in accordance with Article 12 of Regulation (EC) No 854/2004 from which the fishery products are imported directly.
- Box reference I.19: Use the appropriate harmonised system (HS) code of the World Customs Organisation under the chapter 03.03.
- Box reference I.20: Total net weight in kilo as sum from I.28.
- Box reference I.22: Sum from I.28.
- Box reference I.25: Tick the box "Human consumption".
- Box reference I.27: Tick the box if final destination is EU.
- Box reference I.28: List the various species with scientific name, number of packages and net weight.

Captain of the freezer vessel

Name (in capital letters):

Date:

Signature:

Stamp:

COMMISSION IMPLEMENTING REGULATION (EU) No 810/2011

of 11 August 2011

approving the active substance kresoxim-methyl, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011

(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 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC ⁽¹⁾, and in particular Articles 13(2) and 78(2) thereof,

Whereas:

- (1) In accordance with Article 80(1)(b) of Regulation (EC) No 1107/2009, Council Directive 91/414/EEC ⁽²⁾ is to apply to active substances listed in Annex I to Commission Regulation (EC) No 737/2007 of 27 June 2007 on laying down the procedure of the renewal of the inclusion of a first group of active substances in Annex I to Council Directive 91/414/EEC and establishing the list of those substances ⁽³⁾, with respect to the procedure and the conditions for approval. Kresoxim-methyl is listed in Annex I to Regulation (EC) No 737/2007.
- (2) The approval of kresoxim-methyl, as set out in Part A of the Annex to Commission Implementing Regulation (EU) No 540/2011 of 25 May 2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards the list of approved active substances ⁽⁴⁾, expires on 31 December 2011. A notification was submitted in accordance with Article 4 of Regulation (EC) No 737/2007 for the renewal of the inclusion of kresoxim-methyl in Annex I to Directive 91/414/EEC within the time period provided for in that Article.
- (3) That notification was found to be admissible by Commission Decision 2008/656/EC of 28 July 2008 on the admissibility of the notifications concerning the renewal of the inclusion in Annex I to Council Directive 91/414/EEC of the active substances azimsulfuron, azoxystrobin, fluroxypyr, imazalil, kresoxim-methyl, prohexadione and spiroxamine, and establishing the list of the notifiers concerned ⁽⁵⁾.

- (4) Within the time period provided for in Article 6 of Regulation (EC) No 737/2007, the notifier submitted the data required in accordance with that Article together with an explanation as regards the relevance of each new study submitted.
- (5) The rapporteur Member State prepared an assessment report in consultation with the co-rapporteur Member State and submitted it to the European Food Safety Authority (hereinafter 'the Authority') and the Commission. In addition to the assessment of the active substance, that report includes a list of the studies the rapporteur Member State relied on for its assessment.
- (6) The Authority communicated the assessment report to the notifier and to the Member States for comments and forwarded the comments received to the Commission. The Authority also made the assessment report available to the public.
- (7) At the request of the Commission, the assessment report was peer reviewed by the Member States and the Authority. The Authority presented its conclusion on the peer review of the risk assessment of kresoxim-methyl ⁽⁶⁾ to the Commission. The assessment 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 17 June 2011 in the format of the Commission review report for kresoxim-methyl.
- (8) It has appeared from the various examinations made that plant protection products containing kresoxim-methyl may be expected to continue to satisfy, in general, the requirements laid down in Article 5(1)(a) and (b) of Directive 91/414/EEC, in particular as regards the uses which were examined and detailed in the Commission review report. It is therefore appropriate to approve kresoxim-methyl.
- (9) In accordance with Article 13(2) of Regulation (EC) No 1107/2009 in conjunction with Article 6 thereof and in the light of current scientific and technical knowledge, it is, however, necessary to include certain conditions and restrictions not provided for in the first inclusion in Annex I to Directive 91/414/EEC.

⁽¹⁾ OJ L 309, 24.11.2009, p. 1.

⁽²⁾ OJ L 230, 19.8.1991, p. 1.

⁽³⁾ OJ L 169, 29.6.2007, p. 10.

⁽⁴⁾ OJ L 153, 11.6.2011, p. 1.

⁽⁵⁾ OJ L 214, 9.8.2008, p. 70.

⁽⁶⁾ European Food Safety Authority; Conclusion on the peer review of the pesticide risk assessment of the active substance kresoxim-methyl. EFSA Journal 2010;8(11):1891. [88 pp.]. doi:10.2903/j.efsa.2010.1891. Available online: www.efsa.europa.eu/efsajournal.htm

- (10) Without prejudice to the conclusion that kresoxim-methyl should be approved, it is, in particular, appropriate to require further confirmatory information.
- (11) A reasonable period should be allowed to elapse before approval in order to permit Member States and interested parties to prepare themselves to meet the new requirements resulting from the approval.
- (12) Without prejudice to the obligations provided for by Regulation (EC) No 1107/2009 as a consequence of approval, taking into account the specific situation created by the transition from Directive 91/414/EEC to Regulation (EC) No 1107/2009, the following should, however, apply. Member States should be allowed a period of 6 months after approval to review authorisations of plant protection products containing kresoxim-methyl. Member States should, as appropriate, vary, replace or withdraw authorisations. By way of derogation from that deadline, a longer period should be provided for the submission and assessment of the update of the complete Annex III dossier, as set out in Directive 91/414/EEC, of each plant protection product for each intended use in accordance with the uniform principles.
- (13) The experience gained from 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 to that Directive or the Regulations approving active substances.
- (14) In accordance with Article 13(4) of Regulation (EC) No 1107/2009 the Annex to Implementing Regulation (EU) No 540/2011 should be amended accordingly.
- (15) 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

Approval of active substance

The active substance kresoxim-methyl, as specified in Annex I, is approved subject to the conditions laid down in that Annex.

Article 2

Re-evaluation of plant protection products

1. Member States shall in accordance with Regulation (EC) No 1107/2009, where necessary, amend or withdraw existing authorisations for plant protection products containing kresoxim-methyl as an active substance by 30 June 2012.

By that date they shall in particular verify that the conditions in Annex I to this Regulation are met, with the exception of those identified in Part B of the column on specific provisions of that Annex, and that the holder of the authorisation has, or has access to, a dossier satisfying the requirements of Annex II to Directive 91/414/EEC in accordance with the conditions of Article 13(1) to (4) of that Directive and Article 62 of Regulation (EC) No 1107/2009.

2. By way of derogation from paragraph 1, for each authorised plant protection product containing kresoxim-methyl as either the only active substance or as one of several active substances all of which were listed in the Annex to Implementing Regulation (EU) No 540/2011 by 31 December 2011 at the latest, Member States shall re-evaluate the product in accordance with the uniform principles, as referred to in Article 29(6) of Regulation (EC) No 1107/2009, on the basis of a dossier satisfying the requirements of Annex III to Directive 91/414/EEC and taking into account Part B of the column on specific provisions of Annex I to this Regulation. On the basis of that evaluation, they shall determine whether the product satisfies the conditions set out in Article 29(1) of Regulation (EC) No 1107/2009.

Following that determination Member States shall:

- (a) in the case of a product containing kresoxim-methyl as the only active substance, where necessary, amend or withdraw the authorisation by 31 December 2015 at the latest; or
- (b) in the case of a product containing kresoxim-methyl as one of several active substances, where necessary, amend or withdraw the authorisation by 31 December 2015 or by the date fixed for such an amendment or withdrawal in the respective act or acts which added the relevant substance or substances to Annex I to Directive 91/414/EEC or approved that substance or substances, whichever is the latest.

⁽¹⁾ OJ L 366, 15.12.1992, p. 10.

*Article 3***Amendments to Implementing Regulation (EU) No 540/2011**

The Annex to Implementing Regulation (EU) No 540/2011 is amended in accordance with Annex II to this Regulation.

*Article 4***Entry into force and application**

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

It shall apply from 1 January 2012.

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

Done at Brussels, 11 August 2011.

For the Commission

The President

José Manuel BARROSO

ANNEX I

Conditions of approval as active substance under Regulation (EC) No 1107/2009:

Common Name, Identification Numbers	IUPAC Name	Purity ⁽¹⁾	Date of approval	Expiration of approval	Specific provisions
Kresoxim-methyl CAS No 143 390-89-0 CIPAC No 568	methyl (E)-methoxyimino [a-(o-tolyloxy)-o-tolyl]acetate	≥ 910 g/kg Methanol: max. 5 g/kg Methyl chloride: max. 1 g/kg Toluene: max. 1 g/kg	1 January 2012	31 December 2021	PART A Only uses as fungicide may be authorised. PART B For the implementation of the uniform principles, as referred to in Article 29(6) of Regulation (EC) No 1107/2009, the conclusions of the review report on kresoxim-methyl and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 17 June 2011, shall be taken into account. Member States shall pay particular attention to the protection of groundwater under vulnerable conditions; the conditions of authorisation shall include, where appropriate, risk mitigation measures. The applicant shall submit confirmatory information as regards: Groundwater exposure risk assessment, and in particular: — on the lysimeter study to support the statement that the two unidentified peaks observed do not correspond to metabolites individually exceeding the trigger value of 0,1 µg/L, — on the recovery of metabolite BF 490-5 in order to confirm its absence in the lysimeter leachate at levels exceeding 0,1 µg/L, — on a groundwater exposure risk assessment for the late application in apples, pears and grapes. The applicant shall submit to the Member States, the Commission and the Authority such information by 31 December 2013.

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

ANNEX II

The Annex to Implementing Regulation (EU) No 540/2011 is amended as follows:

- (1) in Part A, the entry relating to kresoxim-methyl is deleted;
- (2) in Part B, the following entry is added:

No	Common Name, Identification Numbers	IUPAC Name	Purity (*)	Date of approval	Expiration of approval	Specific provisions
'8	Kresoxim-methyl CAS No 143 390-89-0 CIPAC No 568	methyl (E)-methoxyimino [a-(o-tolyloxy)-o-tolyl]acetate	≥ 910 g/kg Methanol: max. 5 g/kg Methyl chloride: max. 1 g/kg Toluene: max. 1 g/kg	1 January 2012	31 December 2021	PART A Only uses as fungicide may be authorised. PART B For the implementation of the uniform principles, as referred to in Article 29(6) of Regulation (EC) No 1107/2009, the conclusions of the review report on kresoxim-methyl and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 17 June 2011, shall be taken into account. Member States shall pay particular attention to the protection of groundwater under vulnerable conditions; the conditions of authorisation shall include, where appropriate, risk mitigation measures. The applicant shall submit confirmatory information as regards: Groundwater exposure risk assessment, and in particular: — on the lysimeter study to support the statement that the two unidentified peaks observed do not correspond to metabolites individually exceeding the trigger value of 0,1 µg/L, — on the recovery of metabolite BF 490-5 in order to confirm its absence in the lysimeter leachate at levels exceeding 0,1 µg/L, — on a groundwater exposure risk assessment for the late application in apples, pears and grapes. The applicant shall submit to the Member States, the Commission and the Authority such information by 31 December 2013.'

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

COMMISSION IMPLEMENTING REGULATION (EU) No 811/2011**of 11 August 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 Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors ⁽²⁾, and in particular Article 136(1) thereof,

Whereas:

Implementing Regulation (EU) No 543/2011 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 XVI, Part A thereto,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 136 of Implementing Regulation (EU) No 543/2011 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 12 August 2011.

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

Done at Brussels, 11 August 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 157, 15.6.2011, 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
0707 00 05	TR	105,8
	ZZ	105,8
0709 90 70	TR	126,8
	ZZ	126,8
0805 50 10	AR	70,6
	CL	76,4
	TR	61,0
	UY	72,0
	ZA	76,8
	ZZ	71,4
0806 10 10	EG	119,5
	MA	187,2
	TR	171,9
	ZZ	159,5
0808 10 80	AR	74,7
	BR	78,5
	CL	84,8
	CN	74,2
	NZ	104,1
	US	121,3
	ZA	87,5
	ZZ	89,3
0808 20 50	AR	95,9
	CL	75,1
	CN	49,3
	NZ	108,0
	ZA	117,8
0809 30	TR	119,3
	ZZ	119,3
0809 40 05	BA	48,8
	ZZ	48,8

⁽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'.

DECISIONS

COMMISSION DECISION

of 10 August 2011

on setting up the Group of Experts on Trafficking in Human Beings and repealing Decision 2007/675/EC

(2011/502/EU)

THE EUROPEAN COMMISSION,

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

Whereas:

- (1) Article 67(3) of the Treaty assigned the European Union the task of ensuring a high level of security within the area of freedom, security and justice. That objective is to be achieved by preventing and combating crime, organised and other, including trafficking in human beings and crimes against children.
- (2) According to Article 5(3) of the Charter of Fundamental Rights of the European Union, trafficking in human beings is prohibited.
- (3) Trafficking in human beings, as defined in Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA⁽¹⁾, is a serious crime comprising violations of fundamental human rights and human dignity and requiring a multi-disciplinary approach across the entire trafficking chain, encompassing countries of origin, transit and destination alike.
- (4) On 25 March 2003, by Decision 2003/209/EC⁽²⁾, the Commission decided to set up a consultative group known as the 'Experts Group on Trafficking in Human Beings'. By Decision 2007/675/EC⁽³⁾, the Commission repealed the Decision of 25 March 2003 and set up a new consultative group, the Group of Experts on Trafficking in Human Beings, which has contributed substantively to the prevention of and the fight against trafficking in human beings and enabled the Commission to gather opinions about initiatives relating to trafficking

in human beings. Following the expiry of the 3-year period of validity of Decision 2007/675/EC, it has to be repealed and replaced.

- (5) In the light of the valuable work carried out by both expert groups since 2003 that has enabled the Commission to further develop its policy in this area, and taking into account the increasing importance at global level of the policy on trafficking in human beings, there is a continuing need for a group of experts.
- (6) A new group of experts should continue to advise the Commission, taking into account recent developments at EU level. These include, the adoption of Directive 2011/36/EU; the appointment of the EU Anti-Trafficking Coordinator; the Action-Oriented Paper on strengthening the EU external dimension on action against trafficking in human beings, of 30 November 2009.
- (7) The group should be composed of 15 members representing a wide range of expertise in all the aspects of anti-trafficking policies and also a balanced representation in terms of institutional background and geographic regions.
- (8) Rules on disclosure of information by members of the group should be laid down.
- (9) Personal data relating to members of the group should be processed in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data⁽⁴⁾.
- (10) The term of office of the members should be 4 years and should be renewable.
- (11) It is appropriate to fix a period for the application of this Decision. The Commission will in due time consider the advisability of an extension.

- (12) Decision 2007/675/EC should be repealed,

⁽¹⁾ OJ L 101, 15.4.2011, p. 1.

⁽²⁾ OJ L 79, 26.3.2003, p. 25.

⁽³⁾ Commission Decision 2007/675/EC of 17 October 2007 setting up the Group of Experts on Trafficking in Human Beings (OJ L 277, 20.10.2007, p. 29).

⁽⁴⁾ OJ L 8, 12.1.2001, p. 1.

HAS DECIDED AS FOLLOWS:

Article 1

Subject matter

The Group of Experts on Trafficking in Human Beings, hereinafter referred to as 'the group', is hereby established.

Article 2

Tasks

The group's tasks shall be ⁽¹⁾:

- (a) to advise the Commission on matters related to trafficking in human beings and protecting its victims by issuing written contributions, as appropriate and agreed with the Commission, and ensuring a coherent approach to the subject;
- (b) to help the Commission to assess the evolution of policy in the field of trafficking in human beings at national, European and international levels;
- (c) to assist the Commission in identifying and defining possible relevant measures and actions at national, European and international level across the range of the anti-trafficking policies;
- (d) to provide a forum for discussion on matters related to trafficking in human beings and bring about exchanges of experience.

Article 3

Consultation

The Commission may consult the group on any matter relating to trafficking in human beings.

Article 4

Membership — Appointment

1. The group shall be composed of 15 members.
2. The members of the group shall be individuals with expertise and experience in the prevention and the fight against trafficking in human beings and protection of its victims.
3. The composition of the group shall reflect the balance of expertise required on the different forms of trafficking as well as the various aspects involved, such as, but not limited to labour, healthcare, law enforcement, migration, victims support, development cooperation, gender, children, fundamental rights and education.
4. Members of the group must be nationals of a Member State of the European Union or, if appropriate, of a candidate or potential candidate country or a European Economic Area country.

⁽¹⁾ The following list may be adapted as required.

5. Members are appointed by the Director-General of DG Home Affairs from among those who have responded to the call for applications (see Annex to the present Decision).

6. On the basis of the call for applications, applicants who were deemed suitable candidates for group membership but were not appointed should be placed on a reserve list, with their consent. The Commission will use this list for the appointment of replacements for members, if needed.

7. Members are appointed in a personal capacity for a period of 4 years. They shall remain in office until replaced or until their term of office ends. Their term of office may be renewed.

8. Members who are no longer capable of contributing effectively to the group's deliberations, who resign or who do not comply with the conditions set out in this Article, or Article 339 of the Treaty, may be replaced for the remainder of their term of office.

9. Members shall act independently and in the public interest.

10. The names of the group's members shall be published in the Register of Commission expert groups and other similar entities ⁽²⁾ and on the Internet site of DG Home Affairs.

11. Personal data shall be collected, processed and published in accordance with Regulation (EC) No 45/2001.

Article 5

Operation

1. The group shall be chaired by the EU Anti-Trafficking Coordinator.

2. In agreement with the Commission, the group may set up sub-groups to examine specific questions on the basis of terms of reference defined by the group. Such groups shall be dissolved as soon as their mandate is fulfilled.

3. The Chairperson may invite experts from outside the group with specific competence in a subject on the agenda to participate in the work of the group or a sub-group on an ad-hoc basis.

4. The Chairperson may invite official representatives of Member States, candidate countries, potential candidates or third countries and of international, inter-governmental and non-governmental organisations to participate in the meetings of the group as invited experts or observers.

⁽²⁾ Members who do not wish to have their names disclosed may apply for derogation from this rule. The request not to disclose the name of a member of an expert group shall be considered justified whenever publication could endanger his or her security or integrity or unduly prejudice his or her privacy.

5. At the latest 2 months after the beginning and 2 months after the halfway point of the term of office, the Commission and the group shall meet in order to exchange their views regarding the working priorities of the group.

6. The working priorities shall reflect the need for a coordinated, multi-disciplinary and coherent policy response to all aspects of trafficking in human beings.

7. Members of the group as well as invited experts and observers shall comply with the obligations of professional secrecy laid down by the Treaties and their implementing rules, as well as with the Commission's rules on security regarding the protection of EU classified information, laid down in the Annex to Commission Decision 2001/844/EC, ECSC, EURATOM⁽¹⁾. Should they fail to respect these obligations, the Commission may take appropriate measures.

8. The meetings of the group and sub-groups shall be held on Commission premises. The Commission shall provide secretarial services.

9. The group shall submit its opinions and reports to the Commission. The Commission may fix a deadline by which an opinion or a report is to be delivered.

10. The deliberations of the group shall not be subject to any vote. When an opinion or a report is adopted unanimously by the group, the latter shall establish common conclusions and attach them to the minutes. When the group fails to reach unanimous agreement on an opinion or a report, it shall inform the Commission of the dissenting views expressed.

11. The Commission may publish, in the original language of the document concerned, any summary, conclusion or partial conclusion or working document prepared by the group.

12. The Commission shall publish relevant information on the activities carried out by the group either by including it in the Register or via a link from the Register to the Internet site of DG Home Affairs.

Article 6

Meeting expenses

1. Participants in the activities of the group shall not be remunerated for the services they render.

2. Travel and subsistence expenses incurred by participants in the activities of the group shall be reimbursed by the Commission in accordance with the provisions in force within the Commission.

3. Those expenses shall be reimbursed within the limits of available appropriations allocated under the annual procedure for the allocation of resources.

Article 7

Repeal

Decision 2007/675/EC is repealed.

Article 8

Entry into Force and Applicability

This Decision shall enter into force on the 20th day following its publication in the *Official Journal of the European Union* and shall apply for 5 years.

Done at Brussels, 10 August 2011.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ Commission Decision 2001/844/EC, ECSC, EURATOM of 29 November 2001 amending its internal Rules of Procedure (OJ L 317, 3.12.2001, p. 1).

ANNEX

Call for applications for the selection of experts appointed in their personal capacity for the Group of Experts on Trafficking in Human Beings

By Decision 2011/502/EU ⁽¹⁾, the Commission has set up the Group of Experts on Trafficking in Human Beings. The EU Anti-Trafficking Coordinator will chair the group and may consult the group on any matter relating to trafficking in human beings.

The tasks of the group of experts are:

- (a) to advise the Commission on matters related to trafficking in human beings by issuing written contributions, as appropriate and agreed with the Commission, and ensuring a coherent approach to the subject;
- (b) to help the Commission to assess the evolution of policy in the field of trafficking in human beings at national, European and international levels;
- (c) to assist the Commission in identifying and defining possible relevant measures and actions at European and national level across the range of anti-trafficking policy;
- (d) to provide a forum for discussion on matters related to trafficking in human beings and bring about an exchange of experience.

The Commission is therefore calling for applications with a view to selecting members of the group of experts.

The group of experts shall consist of 15 members appointed in their personal capacity, in accordance with Article 4 of the above Decision.

The Commission shall select members in a personal capacity for a 4-year renewable period. They shall give the Commission an independent opinion free from outside influence and shall respect the conditions of confidentiality mentioned in Article 5 of the Commission Decision establishing the group of experts. They shall undertake to act independently and in the public interest. The Commission will take the following criteria into account when assessing applications:

- (a) proven competence, high level of professional achievement and experience (at least 5 years), including at European and/or international level, in areas of activities in preventing and fighting trafficking in human beings and protecting victims and/or related areas;
- (b) sound understanding of the current EU *acquis* in the field of trafficking in human beings;
- (c) demonstrated ability to work in English;
- (d) the need to strike a balance within the group of experts in terms of representativeness of applicants, gender and geographical origin ⁽²⁾;
- (e) the need for a balance of expertise on different forms of trafficking including labour and sexual exploitation, on different aspects such as prevention, prosecution, victims' assistance, as well as in other related areas such as, but not limited to law enforcement, labour, migration, healthcare, social services, children's rights, education and on fundamental rights, social rights, gender equality, etc.;
- (f) the need to favour continuity of the work of the Experts Group established by Commission Decision 2007/675/EC ⁽³⁾;
- (g) Members of the group must be nationals of a Member State of the European Union or, if appropriate, of a candidate or potential candidate country or a European Economic Area country.

The above will be assessed on the basis of the filled-in CV and application form.

Applications may only be submitted by filling in the model application form (Appendix) and model CV ⁽⁴⁾. Applicants are asked to clearly state in their application the area of trafficking in human beings in which they possess particular expertise.

⁽¹⁾ Commission Decision 2011/502/EU of 10 August 2011 on setting up the Group of Experts on Trafficking in Human Beings and repealing Decision 2007/675/EC (see page 14 of this Official Journal).

⁽²⁾ Commission Decision 2000/407/EC of 19 June 2000 relating to gender balance within the committees and expert groups established by it (OJ L 154, 27.6.2000, p. 34).

⁽³⁾ Commission Decision 2007/675/EC of 17 October 2007 setting up the Group of Experts on Trafficking in Human Beings (OJ L 277, 20.10.2007, p. 29).

⁽⁴⁾ All curricula vitae should be submitted in the European format: www.cedefop.eu.int/transparency/cv.asp

The duly signed applications must be sent in by [...] at the latest either by e-mail or by post to the following address:

European Commission
Directorate-General Home Affairs
Unit A2 Secretariat
LX 46 3/131
1049 BRUSSELS
Belgium
HOME-ANTITRAFFICKING@ec.europa.eu

Where applications are sent by e-mail, the date of e-mail will be the date of sending. Where applications are sent by post, the postmark will be considered the date of sending.

The Commission will reimburse travel and subsistence expenses in connection with the activities of the group of experts in accordance with the provisions in force at the Commission, within the limits of the available budgetary appropriations. Members will receive no remuneration for their duties.

The list of members of the group of experts will be published in the Register of Commission expert groups and other similar entities ⁽¹⁾ and on the Internet site of DG Home Affairs.

Personal data will be collected, processed and published in accordance with the provisions of Regulation (EC) No 45/2001 of the European Parliament and of the Council ⁽²⁾.

For any further information please contact Ms Joanna BECZAŁA, tel. +32 22969639, e-mail joanna.beczala@ec.europa.eu

Information on the results of the call for applications will be published on the Internet site of DG Home Affairs and, if appropriate, in the *Official Journal of the European Union*.

⁽¹⁾ Members who do not wish to have their names disclosed may apply for derogation from this rule. The request not to disclose the name of a member of an expert group shall be considered justified whenever publication could endanger his or her security or integrity or unduly prejudice his or her privacy.

⁽²⁾ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1.).

*Appendix***APPLICATION FORM****1. Information concerning the applicant**

1.1. Title:

1.2. Name:

1.3. First name:

1.4. Gender:

1.5. Contact address for the Commission (address for correspondence)

1.5.1. Street, Number:

1.5.2. Post code:

1.5.3. Town/city:

1.5.4. Country:

1.5.5. Direct telephone + country code (area code):

1.5.6. Direct fax + country code (area code) number:

1.5.7. E-mail:

2. Information concerning the applicant's current employment

2.1. Name of Employer (relevant stakeholder):

2.2. Address of the stakeholder

2.2.1. Street, Number:

2.2.2. Post code:

2.2.3. Town/city:

2.2.4. Country:

2.3. Position held by the applicant:

2.4. Duration of employment:

2.5. Description of applicant's responsibilities (including specific competences, specific projects or tasks, any publications, experience at EU and international level, max. 15 lines/2 000 characters):

3. Reason for applying

(Include information on your availability and degree of possible engagement in the work of the group, max. 15 lines/2 000 characters):

Authorised signatory of the applicant's organisation ⁽¹⁾:

Title	
Name and Surname	
Position in the applicant organisation ⁽²⁾	

Date:
Signature:

⁽¹⁾ For EU agencies only.

⁽²⁾ *Idem*.

COMMISSION DECISION

of 11 August 2011

authorising Spain to temporarily suspend the application of Articles 1 to 6 of Regulation (EU) No 492/2011 of the European Parliament and of the Council on freedom of movement for workers within the Union with regard to Romanian workers

(2011/503/EU)

THE EUROPEAN COMMISSION,

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

Having regard to the Act of Accession of Bulgaria and Romania ⁽¹⁾, and in particular Article 23 paragraph 7 second subparagraph of Annex VII, Part 1 'Freedom of movement for persons', thereof,

Having regard to the request from Spain of 28 July 2011,

Whereas:

(1) Spain has been fully applying Articles 1 to 6 of Regulation (EEC) No 1612/68 of the Council of 15 October 1968 on freedom of movement for workers within the Community ⁽²⁾ to Romanian nationals since 1 January 2009. Regulation (EEC) No 1612/68 was codified and replaced by Regulation (EU) No 492/2011 of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union ⁽³⁾, which entered into force on 16 June 2011.

(2) With reference to a serious disturbance of the Spanish labour market, Spain notified the Commission on 22 July 2011, pursuant to paragraph 7 third subparagraph of Annex VII Part 1 of the 2005 Act of Accession, that it had decided on that day to re-introduce restrictions on labour market access for Romanian workers, notably because of the need to take immediate action in view of the seasonal situation in the agricultural sector in the summer; otherwise the danger of an increase in the number of arrivals of Romanian workers while awaiting a Commission Decision, pursuant to paragraph 7 second subparagraph of that Annex VII, would endanger the very effectiveness of the re-introduced restrictions. At the same time, the Spanish government submitted a reasoned *ex-post* notification with supporting information as to the labour market disturbance.

(3) By letter of 28 July 2011, pursuant to paragraph 7 second subparagraph of Annex VII to the 2005 Act of Accession, Spain followed up the notification of 22 July 2011, requesting the Commission to state that Articles 1 to 6 of Regulation (EU) No 492/2011 be wholly suspended in respect of Romanian workers throughout Spain and in all sectors of the labour market and that the Decision to be taken should be reviewed by 31 December 2012.

(4) Spain justifies its request by reference to the current serious disturbance in the labour market in Spain, in particular the unprecedented fall in the level of employment following the economic recession that started in 2008 which has resulted in a large increase in the level of unemployment with the unemployment rate currently exceeding 20 % and the difficulty to re-create a substantial number of jobs in the short-term.

(5) Spain states that the disturbance in the Spanish labour market, which seriously threatens the level of employment, is of a general nature and not limited to a particular region or sector.

(6) Spain also justifies its request with the following elements: the decrease in the employment rate of Romanian nationals in Spain; the steady rise of unemployment and the high increase in the number of Romanian nationals resident in Spain which occurred despite the adverse evolution of the labour market in Spain and which had an impact on the capacity of Spain to absorb new inflows of workers.

(7) Paragraph 7 of Annex VII Part 1 of the 2005 Act of Accession constitutes a safeguard clause, the purpose of which is to allow a Member State that already fully applies Articles 1 to 6 of Regulation (EU) No 492/2011 to workers, who are concerned by the transitional arrangements of that Annex, and that undergoes or foresees a serious labour market disturbance to re-impose restrictions on the free movement of workers in order to restore to normal the disturbed labour market situation in a given region or occupation.

(8) Paragraph 7 of Annex VII Part 1 of the 2005 Act of Accession provides for two connected procedures: the normal procedure under paragraph 7 second subparagraph and the urgent procedure under paragraph 7 third subparagraph. While the procedure

⁽¹⁾ OJ L 157, 21.6.2005, p. 203.

⁽²⁾ OJ L 257, 19.10.1968, p. 2. English Special Edition Series I Chapter 1968(II) p. 475.

⁽³⁾ OJ L 141, 27.5.2011, p. 1.

in paragraph 7 second subparagraph requires a Member State to request the Commission to state within 2 weeks the whole or partial suspension of Union law on free access to the labour market in a given region or occupation, the procedure in paragraph 7 third subparagraph provides that, in urgent and exceptional cases where the Member State cannot await the outcome of a Commission Decision under paragraph 7 second subparagraph, it can already unilaterally suspend EU law on free movement of workers.

- (9) The analysis of the available economic data shows that Spain is indeed facing a serious labour market disturbance, characterised by the by far highest unemployment rate in the EU (Eurostat monthly unemployment data show 21,0 %, against 9,4 % on average in the EU and 9,9 % in the Euro area in June 2011), a particularly dramatic unemployment among youth (45,7 % in June 2011) and a slow economic recovery (Eurostat figures show GDP growth first quarter 2011 compared with the previous quarter was only 0,3 %, against 0,8 % for the EU and the Euro area), hampered in addition by the current international financial turbulence requiring Spain to introduce further budget cuts aiming at fiscal consolidation, which could have further short-term negative effects on its scope for economic growth. The impact of the employment decline has been a general one affecting all regions and all sectors of production. Labour force survey data for the period between 2008 and 2010 also shows a general fall in the employment level of 9 %, in the construction sector even of 33 %, affecting all regions, varying between 6 % in the Basque country to 13 % in the Valenciana Autonomous Community.
- (10) Consequently the Commission considers that Spain has provided evidence that it is undergoing a labour market disturbance in a generalised way which seriously affects the level of employment in all regions and all sectors and is liable to persist in the near future.
- (11) Moreover, the analysis by the Commission has established that: Romanian nationals living in Spain are strongly affected by unemployment at a rate of more than 30 % (source: Eurostat Labour force survey data, first quarter 2011). The inflows of Romanian nationals arriving in Spain, despite a certain decrease due to the economic recession, remain at substantial levels, even though there is a low labour demand in Spain. The number of Romanian nationals usually resident in Spain has increased from 388 000 on 1 January 2006 to 823 000 on 1 January 2010 (source: Eurostat migration statistics).
- (12) It is likely that a continuing unrestricted inflow of Romanian workers would be a factor in increasing pressure on the Spanish labour market.
- (13) Therefore, in order to restore to normal the situation of the Spanish labour market, it is appropriate to authorise Spain to limit temporarily the free access of Romanian workers to that labour market.
- (14) Restrictions on access to the labour market constitute a derogation from a fundamental principle of the Treaty on the Functioning of the European Union, namely the free movement of workers. In accordance with the well-established case-law of the Court of Justice, such measures should be restrictively interpreted and applied.
- (15) Therefore, although with a view to the specific current situation in the Spanish labour market and considering displacement and other potential spill-over effects between regions and sectors caused by a selective restriction, it is at this time appropriate that restrictions should apply for employed activities in the entire territory of Spain and to all sectors, the scope of the derogation can be reduced, should the Commission ascertain that the relevant particulars which led to its acceptance have changed or that its effects prove to be more restrictive than its purpose requires, in particular for employed activities requiring university degree and equivalent qualifications.
- (16) Equally, though in order for the restrictions authorised by this Decision to have the envisaged effect on the Spanish labour market, it is now considered appropriate that these restrictions remain in place until 31 December 2012. This timeframe may be shortened if the Commission determines that the relevant particulars which led to the adoption of this Decision have changed or that its effects prove to be more restrictive than its purpose requires.
- (17) To this effect, Spain will be required to provide quarterly to the Commission such statistical data, as will be required to ascertain the evolution of the labour market per sector of activity and occupation. The first quarterly report is to be presented before 31 December 2011.
- (18) The Decision to authorise Spain to re-introduce restrictions on the free access of Romanian nationals to the Spanish labour market is further made under certain conditions to ensure that these restrictions are strictly limited to what is necessary to meet the envisaged purpose.
- (19) It is therefore not appropriate to authorise the re-introduction of restrictions in respect of Romanian nationals and their family members who are already employed in the Spanish labour market and in respect of those Romanian nationals and their family members already registered as jobseekers by the Public Employment Services in Spain.

- (20) The principles governing restrictions on access to the labour market, as laid down in Annex VII Part 1 of the 2005 Act of Accession, such as the standstill clause and the principle of Union preference in paragraph 14, should also be respected.
- (21) The right of family members of Romanian workers to take up employment in Spain should be governed *mutatis mutandis* by paragraph 8 of Annex VII Part 1 of the 2005 Act of Accession.
- (22) The restrictions on the rights of Romanian nationals and their family members to access the Spanish labour market authorised by this Decision are strictly limited to the scope of this Decision and can in no way affect any other rights that Romanian nationals and their family members enjoy under Union law.
- (23) A quarterly monitoring and information process on the development of the Spanish labour market has to be ensured.
- (24) For monitoring purposes, an obligation to provide the Commission with details of the measures that Spain has taken on the basis of this Decision has to be ensured,

HAS ADOPTED THIS DECISION:

Article 1

Spain is hereby authorised under the conditions specified in Articles 2 to 4 of this Decision to suspend Articles 1 to 6 of Regulation (EU) No 492/2011 with regard to Romanian nationals until 31 December 2012.

Article 2

This Decision shall not affect the Romanian nationals and their family members:

1. who are employed in Spain on the day of entry into force of this Decision;
2. who are registered as jobseekers by the Public Employment Services in Spain on the day of entry into force of this Decision.

Article 3

The application of this Decision shall be subject *mutatis mutandis* to the conditions on transitional arrangements as laid down in Annex VII Part 1 of the 2005 Act of Accession.

Article 4

Spain shall take all necessary measures to continue to monitor closely the development of the labour market. It shall provide to the Commission quarterly statistical data evidencing the evolution of the labour market per sector of activity and occupation. The first quarterly report is to be presented before 31 December 2011.

Spain shall provide the Commission and the Member States without delay in case of any significant change with an update of the relevant particulars it has supplied in respect of its request for a Commission decision and in respect of which this Decision is taken.

Article 5

This Decision may be amended or repealed in particular if the relevant particulars referred to in Article 4 and which led to its adoption have changed or that its effects prove to be more restrictive than its purpose requires.

Article 6

Spain shall provide the Commission with details of the measures it has taken on the basis of this Decision within 2 months of receipt thereof.

Article 7

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

Done at Brussels, 11 August 2011.

For the Commission

The President

José Manuel BARROSO

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