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Price: EUR 3

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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.

The titles of all other acts are printed in bold type and preceded by an asterisk.

2011/768/EU:

- ★ **Council Decision of 27 October 2011 on the conclusion of the Agreement in the form of an Exchange of Letters between the European Union and Australia pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union** 6

Agreement in the form of an Exchange of Letters between the European Union and Australia pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union 7

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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

Information relating to the entry into force of an Agreement in the form of an Exchange of Letters between the European Union and Australia pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union

The Agreement in the form of an Exchange of Letters between the European Union and Australia pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union ⁽¹⁾ will enter into force on 1 December 2011.

⁽¹⁾ See page 6 of this Official Journal.

Information relating to the entry into force of an Agreement in the form of an Exchange of Letters between the European Union and New Zealand pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union

The Agreement in the form of an Exchange of Letters between the European Union and New Zealand pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union ⁽¹⁾ will enter into force on 1 December 2011.

⁽¹⁾ See page 2 of this Official Journal.

COUNCIL DECISION

of 27 October 2011

on the conclusion of the Agreement in the form of an Exchange of Letters between the European Union and New Zealand pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union

(2011/767/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first subparagraph of Article 207(4), in conjunction with Article 218(6)(a)(v) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament,

Whereas:

- (1) On 29 January 2007 the Council authorised the Commission to open negotiations with certain other Members of the World Trade Organisation under Article XXIV:6 of the General Agreement on Tariffs and Trade (GATT) 1994 in the course of the accessions to the European Union of the Republic of Bulgaria and Romania.
- (2) Negotiations have been conducted by the Commission within the framework of the negotiating directives adopted by the Council.
- (3) These negotiations have been concluded and the Agreement in the form of an Exchange of Letters between the European Union and New Zealand pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union ('the Agreement') was initialled on 7 September 2010.
- (4) The Agreement was signed on behalf of the Union on 28 April 2011, subject to its conclusion at a later date, in accordance with Council Decision 2011/255/EU ⁽¹⁾.

- (5) The Agreement should be approved,

HAS ADOPTED THIS DECISION:

Article 1

The Agreement in the form of an Exchange of Letters between the European Union and New Zealand pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union ('the Agreement') is hereby approved on behalf of the Union.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to give, on behalf of the Union, the notification provided for in the Agreement ⁽²⁾.

Article 3

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

Done at Luxembourg, 27 October 2011.

For the Council

The President

J. MILLER

⁽¹⁾ OJ L 110, 29.4.2011, p. 12.

⁽²⁾ The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

AGREEMENT

in the form of an Exchange of Letters between the European Union and New Zealand pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union

A. Letter from the Union

Done at Brussels, 28 April 2011.

Sir,

Following negotiations under Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of the Schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union, I have the honour to propose the following:

1. The European Union shall incorporate in its schedule, for the customs territory of the EU 27, the concessions contained in the schedule of the EU-25 with the following modifications:

Add 400 tonnes (carcase weight) to the allocation for New Zealand under the EU tariff rate quota 'meat of sheep or goats, fresh, chilled or frozen', maintaining the present in-quota rate of 0 %;

Create an *erga omnes* allocation of 200 tonnes (carcase weight) under the EU tariff rate quota 'meat of sheep or goats, fresh, chilled or frozen', maintaining the present in-quota rate of 0 %;

Adjust the EU tariff rate quota 'live sheep, other than pure-bred breeding animals', with an in-quota rate 10 %, by removing the allocations of 1 010 tonnes (Romania) and 4 255 tonnes (Bulgaria);

Adjust the EU tariff rate quota 'meat of sheep or goats, fresh, chilled or frozen', with an in-quota rate 0 %, by removing the allocations of 75 tonnes (Romania) and 1 250 tonnes (Bulgaria);

Change the definition of the EU tariff rate quota of 1 300 tonnes 'high quality beef' in the EU WTO schedule to: 'High quality meat of bovine animals fresh, chilled or frozen. Supplying country New Zealand. Qualification for the quota is subject to conditions laid down in the relevant EU provisions'.

2. The European Union shall also replace the definition of high quality beef in the European Union regulations implementing this quota by the following: 'Selected beef cuts derived from exclusively pasture grazed steers or heifers, the carcasses of which have a dressed weight of not more than 370 kilograms. The carcasses shall be classified as A, L, P, T or F, be trimmed to a fat depth of P or lower and have a muscling classification of 1 or 2 according to the carcase classification system administered by the New Zealand Meat Board'.

3. New Zealand accepts the European Union's approach to netting-out of tariff rate quotas as a way of adjusting the GATT obligations of the EU-25 and those of the Republic of Bulgaria and Romania following the recent enlargement of the European Union.

4. Consultations may be held at any time with regard to any of the above matters at the request of either Party.

I should be obliged if you would confirm that your Government is in agreement with the content of this letter. Should this be the case, this letter and your confirmation shall together constitute an Agreement in the form of an Exchange of Letters between the European Union and New Zealand (the 'Agreement').

The European Union and New Zealand shall notify to each other the completion of their internal procedures for the entry into force of the Agreement. The Agreement shall enter into force 14 days after the date of receipt of the latest notification.

Please accept, Sir, the assurance of my highest consideration.

For the European Union



B. Letter from New Zealand

Done at Brussels, 28 April 2011.

Sir,

I have the honour to acknowledge receipt of your letter of today's date, which reads as follows:

'Following negotiations under Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of the Schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union, I have the honour to propose the following:

1. The European Union shall incorporate in its schedule, for the customs territory of the EU 27, the concessions contained in the schedule of the EU-25 with the following modifications:

Add 400 tonnes (carcase weight) to the allocation for New Zealand under the EU tariff rate quota "meat of sheep or goats, fresh, chilled or frozen", maintaining the present in-quota rate of 0 %;

Create an *erga omnes* allocation of 200 tonnes (carcase weight) under the EU tariff rate quota "meat of sheep or goats, fresh, chilled or frozen", maintaining the present in-quota rate of 0 %;

Adjust the EU tariff rate quota "live sheep, other than pure-bred breeding animals", with an in-quota rate 10 %, by removing the allocations of 1 010 tonnes (Romania) and 4 255 tonnes (Bulgaria);

Adjust the EU tariff rate quota "meat of sheep or goats, fresh, chilled or frozen", with an in-quota rate 0 %, by removing the allocations of 75 tonnes (Romania) and 1 250 tonnes (Bulgaria);

Change the definition of the EU tariff rate quota of 1 300 tonnes "high quality beef" in the EU WTO schedule to: "High quality meat of bovine animals fresh, chilled or frozen. Supplying country New Zealand. Qualification for the quota is subject to conditions laid down in the relevant EU provisions".

2. The European Union shall also replace the definition of high quality beef in the European Union regulations implementing this quota by the following: "Selected beef cuts derived from exclusively pasture grazed steers or heifers, the carcasses of which have a dressed weight of not more than 370 kilograms. The carcasses shall be classified as A, L, P, T or F, be trimmed to a fat depth of P or lower and have a muscling classification of 1 or 2 according to the carcase classification system administered by the New Zealand Meat Board".
3. New Zealand accepts the European Union's approach to netting-out of tariff rate quotas as a way of adjusting the GATT obligations of the EU-25 and those of the Republic of Bulgaria and Romania following the recent enlargement of the European Union.

4. Consultations may be held at any time with regard to any of the above matters at the request of either Party.

I should be obliged if you would confirm that your Government is in agreement with the content of this letter. Should this be the case, this letter and your confirmation shall together constitute an Agreement in the form of an Exchange of Letters between the European Union and New Zealand (the "Agreement").

The European Union and New Zealand shall notify to each other the completion of their internal procedures for the entry into force of the Agreement. The Agreement shall enter into force 14 days after the date of receipt of the latest notification.'

I have the honour to express my Government's agreement with the above letter.

Please accept, Sir, the assurance of my highest consideration.

For the Government of New Zealand



COUNCIL DECISION

of 27 October 2011

on the conclusion of the Agreement in the form of an Exchange of Letters between the European Union and Australia pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union

(2011/768/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first subparagraph of Article 207(4), in conjunction with Article 218(6)(a)(v) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament,

Whereas:

- (1) On 29 January 2007 the Council authorised the Commission to open negotiations with certain other Members of the World Trade Organisation under Article XXIV:6 of the General Agreement on Tariffs and Trade (GATT) 1994 in the course of the accessions to the European Union of the Republic of Bulgaria and Romania.
- (2) Negotiations have been conducted by the Commission within the framework of the negotiating directives adopted by the Council.
- (3) These negotiations have been concluded and the Agreement in the form of an Exchange of Letters between the European Union and Australia pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union (the Agreement) was initialled on 15 June 2010.
- (4) The Agreement was signed on behalf of the Union on 24 May 2011, subject to its conclusion at a later date, in accordance with Council Decision 2011/247/EU ⁽¹⁾.

- (5) The Agreement should be approved,

HAS ADOPTED THIS DECISION:

Article 1

The Agreement in the form of an Exchange of Letters between the European Union and Australia pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union (the Agreement) is hereby approved on behalf of the Union.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to give, on behalf of the Union, the notification provided for in the Agreement ⁽²⁾.

Article 3

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

Done at Luxembourg, 27 October 2011.

For the Council

The President

J. MILLER

⁽¹⁾ OJ L 104, 20.4.2011, p. 1.

⁽²⁾ The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

AGREEMENT

in the form of an Exchange of Letters between the European Union and Australia pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union

A. Letter from the Union

Done at Geneva, 24 May 2011

Sir,

Following negotiations under Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of the Schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union, I have the honour to propose the following:

1. The European Union will incorporate in its schedule, for the customs territory of the EU 27, the concessions granted and applied for the EU 25 with the following modifications:

Add 400 tonnes (carcase weight) to the allocation for Australia under the EU tariff rate quota 'meat of sheep or goats, fresh, chilled or frozen', maintaining the present in-quota rate of 0 %;

Create an erga omnes allocation of 200 tonnes (carcase weight) under the EU tariff rate quota 'meat of sheep or goats, fresh, chilled or frozen', maintaining the present in-quota rate of 0 %;

Adjust the EU tariff rate quota 'live sheep, other than pure-bred breeding animals', with an in-quota rate 10 %, by removing the allocations of 1 010 tonnes (Romania) and 4 255 tonnes (Bulgaria);

Adjust the EU tariff rate quota 'meat of sheep or goats, fresh, chilled or frozen', with an in-quota rate 0 %, by removing the allocations of 75 tonnes (Romania) and 1 250 tonnes (Bulgaria).

2. The European Union will ensure that the full additional allocation of 400 tonnes for Australia under the EU tariff rate quota 'meat of sheep or goats, fresh, chilled or frozen', is available in the first annual quota period which applies on the date of entry into force of the agreement, and in each annual quota period thereafter.
3. Australia accepts the European Union's approach to netting-out of tariff rate quotas as a way of adjusting the GATT obligations of the EU 25 and those of the Republic of Bulgaria and Romania following the recent enlargement of the European Union.
4. Consultations may be held at any time with regard to any of the above matters at the request of either Party.

I should be obliged if you would confirm that your Government is in agreement with the content of this letter. Should this be the case, this letter and your confirmation will together constitute an Agreement in the form of an Exchange of Letters between the European Union and Australia.

The European Union and Australia will notify to each other the completion of their internal procedures for the entry into force of the Agreement. The Agreement will enter into force 14 days after the date of the latest notification.

Please accept, Sir, the assurance of my highest consideration.

For the European Union



B. Letter from Australia

Done at Geneva, 24 May 2011

Sir,

I have the honour to acknowledge receipt of your letter of today's date, which reads as follows:

'Following negotiations under Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of the Schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union, I have the honour to propose the following:

1. The European Union will incorporate in its schedule, for the customs territory of the EU 27, the concessions granted and applied for the EU 25 with the following modifications:

Add 400 tonnes (carcase weight) to the allocation for Australia under the EU tariff rate quota "meat of sheep or goats, fresh, chilled or frozen", maintaining the present in-quota rate of 0 %;

Create an erga omnes allocation of 200 tonnes (carcase weight) under the EU tariff rate quota "meat of sheep or goats, fresh, chilled or frozen", maintaining the present in-quota rate of 0 %;

Adjust the EU tariff rate quota "live sheep, other than pure-bred breeding animals", with an in-quota rate 10 %, by removing the allocations of 1 010 tonnes (Romania) and 4 255 tonnes (Bulgaria);

Adjust the EU tariff rate quota "meat of sheep or goats, fresh, chilled or frozen", with an in-quota rate 0 %, by removing the allocations of 75 tonnes (Romania) and 1 250 tonnes (Bulgaria).

2. The European Union will ensure that the full additional allocation of 400 tonnes for Australia under the EU tariff rate quota "meat of sheep or goats, fresh, chilled or frozen", is available in the first annual quota period which applies on the date of entry into force of the agreement, and in each annual quota period thereafter.
3. Australia accepts the European Union's approach to netting-out of tariff rate quotas as a way of adjusting the GATT obligations of the EU 25 and those of the Republic of Bulgaria and Romania following the recent enlargement of the European Union.
4. Consultations may be held at any time with regard to any of the above matters at the request of either Party.

I should be obliged if you would confirm that your Government is in agreement with the content of this letter. Should this be the case, this letter and your confirmation will together constitute an Agreement in the form of an Exchange of Letters between the European Union and Australia.

The European Union and Australia will notify to each other the completion of their internal procedures for the entry into force of the Agreement. The Agreement will enter into force 14 days after the date of the latest notification.'

I have the honour to express my Government's agreement with the above letter.

Please accept, Sir, the assurance of my highest consideration.

For the Government of Australia



COUNCIL DECISION

of 27 October 2011

on the conclusion of the Agreement in the form of an Exchange of Letters between the European Union and the Argentine Republic pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union

(2011/769/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first subparagraph of Article 207(4), in conjunction with Article 218(6)(a)(v) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament,

Whereas:

- (1) On 29 January 2007 the Council authorised the Commission to open negotiations with certain other Members of the World Trade Organisation under Article XXIV:6 of the General Agreement on Tariffs and Trade (GATT) 1994 in the course of the accessions to the European Union of the Republic of Bulgaria and Romania.
- (2) Negotiations have been conducted by the Commission within the framework of the negotiating directives adopted by the Council.
- (3) These negotiations have been concluded and the Agreement in the form of an Exchange of Letters between the European Union and the Argentine Republic pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union ('the Agreement') was initialled on 22 September 2010.
- (4) The Agreement was signed on behalf of the Union on 20 April 2011, subject to its conclusion at a later date, in accordance with Council Decision 2011/256/EU ⁽¹⁾.

- (5) The Agreement should be approved,

HAS ADOPTED THIS DECISION:

Article 1

The Agreement in the form of an Exchange of Letters between the European Union and the Argentine Republic pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union ('the Agreement') is hereby approved on behalf of the Union.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to give, on behalf of the Union, the notification provided for in the Agreement ⁽²⁾.

Article 3

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

Done at Luxembourg, 27 October 2011.

For the Council
The President
J. MILLER

⁽¹⁾ OJ L 110, 29.4.2011, p. 13.

⁽²⁾ The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

AGREEMENT

in the form of an Exchange of Letters between the European Union and the Argentine Republic pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union

A. Letter from the Union

Brussels, 20 April 2011

Sir,

Following negotiations under Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of the Schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union, I have the honour to propose the following:

The European Union shall incorporate in its schedule, for the customs territory of the EU 27, the concessions contained in the schedule of the EU 25 with the following modifications:

Add 1 500 tonnes in the country allocated (Argentina) EU tariff rate quota 'boneless meat of bovine animals, fresh or chilled', maintaining the present in quota rate of 20 %. For the first four years of implementation, the increase will be 2 000 tonnes. As from the fifth year of implementation onwards, the increase will be 1 500 tonnes;

Create a country allocation (Argentina) of 200 tonnes under the EU tariff rate quota 'boneless buffalo meat, frozen', the allocation of Argentina also covering 'fresh and chilled', maintaining the present in quota rate of 20 %;

Add 122 790 tonnes (*erga omnes*) in the EU tariff rate quota 'common wheat (medium and low quality)', maintaining the present in quota rate of 12 €/t;

Add 890 tonnes (*erga omnes*) in the EU tariff rate quota 'barley', maintaining the present in quota rate of 16 €/t;

Add 890 tonnes (*erga omnes*) in the EU tariff rate quota 'malting barley', maintaining the present in quota rate of 8 €/t;

Add 35 914 tonnes (*erga omnes*) in the EU tariff rate quota 'maize', maintaining the present in quota rate of 0 %.

The European Union and the Argentine Republic shall notify to each other the completion of their internal procedures for the entry into force of the Agreement. The Agreement shall enter into force 14 days after the date of receipt of the latest notification.

I should be obliged if you would confirm that your Government is in agreement with the content of this letter. Should this be the case, this letter and your confirmation shall together constitute an Agreement in the form of an Exchange of Letters between the European Union and the Argentine Republic.

Please accept, Sir, the assurance of my highest consideration.

For the European Union



B. Letter from the Argentine Republic

Brussels, 20 April 2011

Sir,

I have the honour to acknowledge receipt of your letter of today's date, which reads as follows:

'Following negotiations under Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of the Schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union, I have the honour to propose the following:

The European Union shall incorporate in its schedule, for the customs territory of the EU 27, the concessions contained in the schedule of the EU 25 with the following modifications:

Add 1 500 tonnes in the country allocated (Argentina) EU tariff rate quota "boneless meat of bovine animals, fresh or chilled", maintaining the present in quota rate of 20 %. For the first four years of implementation, the increase will be 2 000 tonnes. As from the fifth year of implementation onwards, the increase will be 1 500 tonnes;

Create a country allocation (Argentina) of 200 tonnes under the EU tariff rate quota "boneless buffalo meat, frozen", the allocation of Argentina also covering "fresh and chilled", maintaining the present in quota rate of 20 %;

Add 122 790 tonnes (*erga omnes*) in the EU tariff rate quota "common wheat (medium and low quality)", maintaining the present in quota rate of 12 €/t;

Add 890 tonnes (*erga omnes*) in the EU tariff rate quota "barley", maintaining the present in quota rate of 16 €/t;

Add 890 tonnes (*erga omnes*) in the EU tariff rate quota "malting barley", maintaining the present in quota rate of 8 €/t;

Add 35 914 tonnes (*erga omnes*) in the EU tariff rate quota "maize", maintaining the present in quota rate of 0 %.

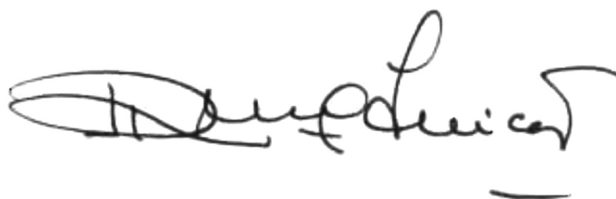
The European Union and the Argentine Republic shall notify to each other the completion of their internal procedures for the entry into force of the Agreement. The Agreement shall enter into force 14 days after the date of receipt of the latest notification.

I should be obliged if you would confirm that your Government is in agreement with the content of this letter. Should this be the case, this letter and your confirmation shall together constitute an Agreement in the form of an Exchange of Letters between the European Union and the Argentine Republic.'

I have the honour to express my Government's agreement with the above letter.

Please accept, Sir, the assurance of my highest consideration.

For the Government of the Argentine Republic



**Amendment to the International Convention on the Harmonization of Frontier Controls of Goods
(Harmonization Convention), Geneva, 21 October 1982 ⁽¹⁾**

According to the UN Depositary Notification C.N.534.2011.TREATIES – 1 the following text of Annex 9 to the Harmonization Convention enters into force on 30 November 2011:

‘ANNEX 9

FACILITATION OF BORDER CROSSING PROCEDURES FOR INTERNATIONAL RAIL FREIGHT

Article 1

Principles

1. This Annex, supplementing the provisions of the Convention, is intended to define the steps that need to be taken to facilitate and expedite the crossing of borders for international rail freight.
2. The Contracting Parties shall undertake to cooperate in order to standardise as fully as possible formalities and requirements in respect of documents and procedures in all areas connected with the carriage of goods by rail.

Article 2

Definition

“Border (interchange) station” shall mean a railway station where operational or administrative procedures are performed in view of enabling a border crossing of rail freight. This railway station may be at the border or near the border.

Article 3

Crossing of borders by officials and other persons engaged in international rail transport

1. The Contracting Parties shall endeavour to facilitate the procedures for granting of visas for locomotive crews, refrigerated unit crews, persons accompanying freight shipments and staff at border (interchange) stations engaged in international rail transport in accordance with national best practice for all visa applicants.
2. The border crossing procedure for the persons listed in paragraph 1, including official documents confirming their status, shall be determined on the basis of bilateral agreements.
3. When a joint control is carried out, the officials of the border, customs and other agencies that conduct controls at border (interchange) stations shall, in the performance of their official duties, cross the State frontier using documents stipulated by the Contracting Parties for their nationals.

Article 4

Requirements for border (interchange) stations

To rationalise and expedite the required formalities at border (interchange) stations, the Contracting Parties shall observe the following minimum requirements for border (interchange) stations open to international rail freight traffic:

- (1) Border (interchange) stations shall have buildings (premises), plant, facilities and technical equipment enabling them to carry out daily and round-the-clock controls, if this is justified and is appropriate to the volume of freight traffic;
- (2) Border (interchange) stations where phytosanitary, veterinary and other controls are carried out shall be provided with technical equipment;
- (3) The carrying and traffic capacity of border (interchange) stations and adjacent tracks must be adequate for the volume of traffic;
- (4) Inspection areas must be available, as well as warehousing for the temporary storage of goods subject to customs or other forms of control;
- (5) Equipment, facilities, information technology and communications systems must be available to enable the exchange in advance of information, including on goods approaching border (interchange) stations, as contained in the railway consignment note and customs declaration;

⁽¹⁾ OJ L 126, 12.5.1984, p. 1.

- (6) Sufficient qualified staff of the railway, customs, border and other agencies must be on hand at border (interchange) stations to cope with the freight volumes involved;
- (7) Border (interchange) stations shall have the technical equipment, facilities, information technology and communications systems to be able, prior to the arrival of rolling stock at the border, to receive and use data concerning the technical approval and the technical inspections of the rolling stock made by authorities and railways within the framework of their competence, unless Contracting Parties put in place alternative arrangements to fulfil these functions.

Article 5

Cooperation between adjacent countries at border (interchange) stations

In accordance with the provisions of Article 7 of the Convention, Contracting Parties shall coordinate actions with respect to the controls of rolling stock, containers, piggyback semi-trailers and goods as well as the processing of shipping and accompanying documentation and shall endeavour to arrange all forms of joint controls on the basis of bilateral agreements.

Article 6

Controls

The Contracting Parties:

- (1) Shall establish a mechanism for reciprocal recognition of all forms of control of rolling stock, containers, piggyback semi-trailers and goods, provided the objectives thereof coincide;
- (2) Shall carry out customs controls relying on the principle of selection on the basis of risk evaluation and management. As a general rule, if required information on the goods has been provided and if the goods are contained in a properly closed and sealed rolling stock unit, container, piggyback semi-trailer or wagon, physical examination shall not be carried out;
- (3) Shall carry out simplified controls at border (interchange) stations and shall, as far as possible, move certain forms of controls to the stations of departure and destination;
- (4) Without prejudice to Article 10 of the Convention, Article 4 of Annex 2, Article 5 of Annex 3 and Article 5 of Annex 4, shall carry out inspections of transit goods only in cases where these are warranted by the actual circumstances or risks.

Article 7

Time limits

1. The Contracting Parties shall ensure compliance with the time limits specified in bilateral agreements for technical operations involving the reception and transfer of trains at border (interchange) stations, including all types of controls, and shall endeavour to reduce these time limits by improving the technology and equipment used. The Contracting Parties shall undertake to reach a maximum reduction in the time limit in the coming years.
2. The Contracting Parties shall record delays of the trains or wagons at border (interchange) stations and transmit the information to the parties involved which conduct subsequent analysis and propose measures to reduce the delays.

Article 8

Documentation

1. The Contracting Parties shall ensure that shipping and accompanying documents are properly formulated in accordance with the legislation of the importing and transit countries.
2. In their mutual relations, the Contracting Parties shall endeavour to reduce paper documents and to simplify documentation procedures by using electronic systems for the exchange of information corresponding to the information contained in railway consignment notes and customs declarations accompanying the goods, drawn up in accordance with the legislation of the Contracting Parties.

3. The Contracting Parties shall endeavour to provide the customs authorities in advance with information on goods arriving at border (interchange) stations as contained in the railway consignment note and customs declaration. The format, and the procedure and deadlines for providing the information, shall be determined by the Contracting Parties.

Article 9

Use of the CIM/SMGS railway consignment note

The Contracting Parties may use, instead of the other shipping documents currently stipulated by international treaties, the CIM/SMGS railway consignment note, which at the same time could be a customs document.'

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) No 1234/2011

of 23 November 2011

amending Regulation (EU) No 1245/2010 opening Union tariff quotas for 2011 for sheep, goats, sheepmeat and goatmeat

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products ⁽¹⁾, and in particular Articles 144(1) and 148 in conjunction with Article 4 thereof,

Whereas:

- (1) Commission Regulation (EU) No 1245/2010 ⁽²⁾ provides for the opening of Union import tariff quotas for sheep, goats, sheepmeat and goatmeat for the period from 1 January to 31 December 2011.
- (2) The Agreement in the form of an Exchange of Letters between the European Union and Australia pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union ⁽³⁾ (hereinafter referred to as the 'Agreement'), approved by Council Decision 2011/768/EU ⁽⁴⁾, provides for the granting of an additional annual tariff quota quantity of 400 tonnes (carcase

weight) for Australia, which should be added to the quantity available for 2011 under Regulation (EU) No 1245/2010.

- (3) Regulation (EU) No 1245/2010 should therefore be amended accordingly.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

In the Annex to Regulation (EU) No 1245/2010, the row concerning Australia is replaced by the following:

				—	09.2105	09.2106	09.2012	Australia	19 186'
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Article 2

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

It shall apply from 1 December 2011.

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

Done at Brussels, 23 November 2011.

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

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 338, 22.12.2010, p. 37.

⁽³⁾ See page 7 of this Official Journal.

⁽⁴⁾ See page 6 of this Official Journal.

COMMISSION REGULATION (EU) No 1235/2011**of 29 November 2011****amending Regulation (EC) No 1222/2009 of the European Parliament and of the Council with regard to the wet grip grading of tyres, the measurement of rolling resistance and the verification procedure****(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 1222/2009 of the European Parliament and of the Council of 25 November 2009 on the labelling of tyres with respect to fuel efficiency and other essential parameters ⁽¹⁾, and in particular Article 11(a) and (c) thereof,

Whereas:

- (1) Regulation (EC) No 1222/2009 of the European Parliament and of the Council aims at establishing a framework for the provision of harmonised information on tyre parameters through labelling, allowing end-users to make an informed choice when purchasing tyres.
- (2) The rolling resistance of tyres determines their fuel efficiency grading. Measurement of rolling resistance must be reproducible; tests on the same tyres in different laboratories must produce the same results in order to ensure a fair comparison between tyres from different suppliers. In addition, a good reproducibility of testing results prevents market surveillance authorities from obtaining different results from those of the suppliers when testing the same tyres.
- (3) A procedure for the alignment of test laboratories with regard to the measurement of rolling resistance would improve the reproducibility of the testing results.
- (4) Since a suitable harmonised testing method of grip on wet roads has been developed at ISO level, a wet grip grading of C2 and C3 tyres should now be introduced, in accordance with Article 11 (a) of Regulation (EC) No 1222/2009.
- (5) The clarity of the conformity verification procedure set out in Annex IV of Regulation (EC) No 1222/2009 should be improved by introducing thresholds according to which the declared values used for the labelling requirements are considered to be in compliance with that Regulation.

(6) Regulation (EC) No 1222/2009 should therefore be amended accordingly.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 13 of Regulation (EC) No 1222/2009,

HAS ADOPTED THIS REGULATION:

*Article 1***Amendment to Regulation (EC) No 1222/2009**

Regulation (EC) No 1222/2009 is amended as follows:

- (1) Annex I, part A: Fuel efficiency classes, the first sentence is replaced by the following:

‘The fuel efficiency class must be determined on the basis of the rolling resistance coefficient (RRC) according to the “A” to “G” scale specified below and measured in accordance with Annex 6 of UNECE Regulation No 117 and its subsequent amendments and aligned according to the procedure laid down in Annex IVa.’;

- (2) in Annex I, part B: Wet grip classes, the text and table are replaced by the following:

‘1. The wet grip class of C1 tyres must be determined on the basis of the wet grip index (G) according to the “A” to “G” scale specified in the table below, calculated in accordance with point 3 and measured in accordance with Annex V.

2. The wet grip class of C2 and C3 tyres must be determined on the basis of the wet grip index (G) according to the “A” to “G” scale specified in the table below, calculated in accordance with point (3) and measured in accordance with ISO 15222:2011 whereby the following Standard Reference Test Tyres (SRTT) must be used:

(i) for C2 tyres, the SRTT 225/75 R 16 C, ASTM F 2872-11;

(ii) for C3 tyres having Nominal Section Width lower than 285 mm, the SRTT 245/70R19.5, ASTM F 2871-11;

⁽¹⁾ OJ L 342, 22.12.2009, p. 46.

- (iii) for C3 tyres having Nominal Section Width greater than or equal to 285 mm, the SRTT 315/70R22.5, ASTM F 2870-11.

3. Calculation of wet grip index (G)

$$G = G(T) - 0,03$$

where: $G(T)$ = wet grip index of the candidate tyre as measured in one test cycle

C1 tyres		C2 tyres		C3 tyres	
G	Wet grip class	G	Wet grip class	G	Wet grip class
$1,55 \leq G$	A	$1,40 \leq G$	A	$1,25 \leq G$	A
$1,40 \leq G \leq 1,54$	B	$1,25 \leq G \leq 1,39$	B	$1,10 \leq G \leq 1,24$	B
$1,25 \leq G \leq 1,39$	C	$1,10 \leq G \leq 1,24$	C	$0,95 \leq G \leq 1,09$	C
Empty	D	Empty	D	$0,80 \leq G \leq 0,94$	D
$1,10 \leq G \leq 1,24$	E	$0,95 \leq G \leq 1,09$	E	$0,65 \leq G \leq 0,79$	E
$G \leq 1,09$	F	$G \leq 0,94$	F	$G \leq 0,64$	F
Empty	G	Empty	G	Empty	G'

- (3) Annex IV: Verification procedure, is replaced by the following:

‘ANNEX IV

Verification procedure

The conformity of the declared fuel efficiency and wet grip classes, as well as the declared external rolling noise class and declared value, must be assessed for each tyre type or each grouping of tyres as determined by the supplier, according to one of the following procedures:

- (a) (i) a single tyre or tyre set is tested first. If the measured values meet the declared classes or external rolling noise declared value to within the tolerance defined in Table 1, the test is successfully passed; and
- (ii) if the measured values do not meet the declared classes or external rolling noise declared value within the range defined in Table 1, three more tyres or tyre sets are tested. The average measurement value stemming from the three tyres or tyre sets tested is used to assess conformity with the declared information within the range defined in Table 1; or
- (b) where the labelled classes or values are derived from type approval test results obtained in accordance with Directive 2001/43/EC, Regulation (EC) No 661/2009, or UNECE Regulation No 117 and its subsequent amendments, Member States may make use of measurement data obtained from conformity of production tests on tyres.

Assessment of the measurement data obtained from the conformity of production tests must take into account the allowances defined in Table 1.

Table 1

Measured parameter	Verification tolerances
Rolling resistance coefficient (fuel efficiency)	The aligned measured value shall not be greater than the upper limit (the highest RRC) of the declared class by more than 0,3 kg/1 000kg.
External rolling noise	The measured value shall not be greater than the declared value of N by more than 1 dB(A).
Wet grip	The measured value shall not be lower than the lower limit (the lowest value of G) of the declared class.’

(4) the text set out in the Annex to this Regulation is added as Annex IVa.

Article 2

Entry into force

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

This Regulation shall apply from 30 May 2012.

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

Done at Brussels, 29 November 2011.

For the Commission

The President

José Manuel BARROSO

ANNEX

ANNEX IVa

Laboratory alignment procedure for the measurement of rolling resistance**1. DEFINITIONS**

For the purpose of the laboratory alignment procedure, the following definitions apply:

- (1) "Reference laboratory" means a laboratory that is part of the network of laboratories the references of which have been published for the purpose of the alignment procedure in the *Official Journal of the European Union*, and is able to achieve the accuracy of test results determined in section 3;
- (2) "Candidate laboratory" means a laboratory participating in the alignment procedure that is not a reference laboratory;
- (3) "Alignment tyre" means a tyre that is tested for the purpose of performing the alignment procedure;
- (4) "Alignment tyres set" means a set of five or more alignment tyres;
- (5) "Assigned value" means a theoretical value of one alignment tyre as measured by a theoretical laboratory which is representative of the network of reference laboratories that is used for the alignment procedure.

2. GENERAL PROVISIONS**2.1. Principle**

The measured Rolling Resistance Coefficient (RRC_m) in a reference laboratory (l) shall be aligned to the assigned values of the network of reference laboratories.

The RRC_m in a candidate laboratory (c) shall be aligned through one reference laboratory of the network of its choice.

2.2. Tyre selection requirements

A set of five or more alignment tyres shall be selected for the alignment procedure in compliance with the criteria below. One set shall be selected for C1 and C2 tyres together, and one set for C3 tyres.

- (a) The set of alignment tyres shall be selected so as to cover the range of different RRC s of C1 and C2 tyres together, or of C3 tyres. In any event, the difference between the highest RRC_m of the tyre set, and the lowest RRC_m of the tyre set shall be at least equal to:
 - (i) 3 kg/t for C1 and C2 tyres; and
 - (ii) 2 kg/t for C3 tyres.
- (b) The RRC_m in the candidate or reference laboratories (c or l) based on declared RRC values of each alignment tyre of the set shall be spaced out as follows and distributed uniformly:
 - (i) 1,0 +/- 0,5 kg/t for C1 and C2 tyres; and
 - (ii) 1,0 +/- 0,5 kg/t for C3 tyres.
- (c) The selected tyre section width of each alignment tyre shall be:
 - (i) ≤ 245 mm for machines measuring C1 and C2 tyres; and
 - (ii) ≤ 385 mm for machines measuring C3 tyres.
- (d) The selected tyre outer diameter of each alignment tyre shall be:
 - (i) between 510 to 800 mm for machines measuring C1 and C2 tyres; and
 - (ii) between 771 to 1 143 mm for machines measuring C3 tyres.

- (e) Load index values shall adequately cover the range of the tyres to be tested, ensuring that the rolling resistance force (RRF) values also cover the range of the tyres to be tested.

Each alignment tyre shall be checked prior to use and replaced when:

- (a) it shows a condition which makes it unusable for further tests; and/or
- (b) there are deviations of RRC_m greater than 1,5 per cent relative to earlier measurements after correction for any machine drift.

2.3. Measurement method

The reference laboratory shall measure each alignment tyre four times and retain the three last results for further analysis, in accordance with paragraph 4 of Annex 6 of UNECE Regulation No 117 and its subsequent amendments and applying the conditions set out in paragraph 3 of Annex 6 of UNECE Regulation No 117 and its subsequent amendments.

The candidate laboratory shall measure each alignment tyre ($n + 1$) times with n being specified in section 5 and retain the n last results for further analysis, in accordance with paragraph 4 of Annex 6 of UNECE Regulation No 117 and its subsequent amendments and applying the conditions set out in paragraph 3 of Annex 6 of UNECE Regulation No 117 and its subsequent amendments.

Each time an alignment tyre is measured, the tyre/wheel assembly shall be removed from the machine and the entire test procedure specified in paragraph 4 of Annex 6 of UNECE Regulation No 117 and its subsequent amendments shall be followed again from the start.

The candidate or reference laboratory shall calculate:

- (a) the measured value of each alignment tyre for each measurement as specified in Annex 6, paragraphs 6.2 and 6.3, of UNECE Regulation No 117 and its subsequent amendments (i.e. corrected for a temperature of 25 °C and a drum diameter of 2 m);
- (b) the mean value of the three (in the case of reference laboratories) or n (in the case of candidate laboratories) last measured values of each alignment tyre; and
- (c) the standard deviation (σ_m) as follows:

$$\sigma_m = \sqrt{\frac{1}{p} \cdot \sum_{i=1}^p \sigma_{m,i}^2}$$

$$\sigma_{m,i} = \sqrt{\frac{1}{n-2} \cdot \sum_{j=2}^n \left(Cr_{i,j} - \frac{1}{n-1} \cdot \sum_{j=2}^n Cr_{i,j} \right)^2}$$

where:

- i is the counter from 1 to p for the number of alignment tyres
- j is the counter from 2 to n for the number of repetitions of each measurement for a given alignment tyre
- n is the number of repetitions of tyre measurements ($n \geq 4$)
- p is the number of alignment tyres ($p \geq 5$)

2.4. Data formats to be used for the computations and results

- The measured RRC values corrected from drum diameter and temperature shall be rounded to 2 decimal places.
- Then the computations shall be made with all digits: there shall be no further rounding except on the final alignment equations.
- All standard deviation values shall be displayed to 3 decimal places.
- All RRC values will be displayed to 2 decimal places.
- All alignment coefficients ($A1$, $B1$, $A2$ and $B2$) shall be rounded and displayed to 4 decimal places.

3. REQUIREMENTS APPLICABLE TO THE REFERENCE LABORATORIES AND DETERMINATION OF THE ASSIGNED VALUES

The assigned values of each alignment tyre shall be determined by a network of reference laboratories. After two years the network shall assess the stability and validity of the assigned values.

Each reference laboratory participating in the network shall comply with the specifications of Annex 6 of UNECE Regulation No 117 and its subsequent amendments and have a standard deviation (σ_m) as follows:

(i) not greater than 0,05 kg/t for class C1 and C2 tyres; and

(ii) not greater than 0,05 kg/t for class C3 tyres.

The sets of alignment tyres, conforming to the specification of section 2.2 shall be measured in accordance with section 2.3 by each reference laboratory of the network.

The assigned value of each alignment tyre is the average of the measured values given by the reference laboratories of the network for this alignment tyre.

4. PROCEDURE FOR THE ALIGNMENT OF A REFERENCE LABORATORY TO THE ASSIGNED VALUES

Each reference laboratory (l) shall align itself to the assigned values of the alignment tyre set using a linear regression technique, $A1_l$ and $B1_l$, calculated as follows:

$$RRC = A1_l * RRC_{m,l} + B1_l$$

where:

RRC is the assigned value of the rolling resistance coefficient;

RRC_m is the measured value of the rolling resistance coefficient by the reference laboratory 'l' (including temperature and drum diameter corrections)

5. REQUIREMENTS APPLICABLE TO CANDIDATE LABORATORIES

Candidate laboratories shall repeat the alignment procedure at least once every two years and always after any significant machine change or any drift in machine control tyre monitoring data.

A common set of five different tyres, conforming to the specification of section 2.2 shall be measured in accordance with section 2.3 by the candidate laboratory and by one reference laboratory. More than five alignment tyres may be tested at the request of the candidate laboratory.

The alignment tyre set shall be provided by the candidate laboratory to the selected reference laboratory.

The candidate laboratory (c) shall comply with the specifications of Annex 6 of UNECE Regulation No 117 and its subsequent amendments and preferably have standard deviations (σ_m) as follows:

(i) not greater than 0,075 kg/t for C1 and C2 tyres; and

(ii) not greater than 0,06 kg/t for C3 tyres.

If the standard deviations (σ_m) of the candidate laboratory are higher than the above values with three measurements, then the number of measurement repetitions shall be increased as follows:

$$n = (\sigma_m/\gamma)^2, \text{ rounded up to the nearest higher integer value}$$

where:

$\gamma = 0,043$ kg/t for Class C1 and C2 tyres

$\gamma = 0,035$ kg/t for Class C3 tyres

6. PROCEDURE FOR THE ALIGNMENT OF A CANDIDATE LABORATORY

One reference laboratory (l) of the network shall calculate the linear regression function of the candidate laboratory (c), $A2_c$ and $B2_c$, as follows:

$$RRC_{m,l} = A2_c \times RRC_{m,c} + B2_c$$

where:

$RRC_{m,l}$ is the measured value of the rolling resistance coefficient by the reference laboratory (l) (including temperature and drum diameter corrections)

$RRC_{m,c}$ is the measured value of the rolling resistance coefficient by the candidate laboratory (c) (including temperature and drum diameter corrections)

The aligned RRC of tyres tested by the candidate laboratory is calculated as follows:

$$RRC = (A1_l \times A2_c) \times RRC_{m,c} + (A1_l \times B2_c + B1_l)$$

COMMISSION IMPLEMENTING REGULATION (EU) No 1236/2011**of 29 November 2011****amending Regulation (EC) No 1828/2006 as regards investments through financial engineering instruments**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No 1260/1999 ⁽¹⁾, and in particular the third paragraph of Article 44 thereof,

Whereas:

- (1) The economic crisis continues to affect the Union as never before and requires new efforts to achieve sustainable growth and jobs.
- (2) Investments in enterprises contribute to boost growth, to strengthen competitiveness and to create jobs.
- (3) It is necessary to reinforce the measures to support enterprises. Such measures should allow for a wider access of enterprises to investments through financial engineering instruments covered by Article 43(1)(a) of Commission Regulation (EC) No 1828/2006 of 8 December 2006 setting out rules for the implementation of Council Regulation (EC) No 1083/2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and of Regulation (EC) No 1080/2006 of the European Parliament and of the Council on the European Regional Development Fund ⁽²⁾, and not only in enterprises which are at the stages of establishment, in the early stages, or on expansion.
- (4) Such investments should be made only in activities which the managers of the financial engineering instruments judge potentially economically viable, hence, should be limited to situations where the lack of liquidity provided by the financial sector threatens the continuation of business activities of economically viable enterprises.

- (5) Such measures should apply only to repayable investments made or guarantees for repayable investments provided after the entry into force of this Regulation, as part of an investment strategy foreseen by the funding agreements concerned. For funding agreements concluded before the entry into force of this regulation, transitional provisions should be foreseen requiring respective adjustments of the investment strategy.

- (6) The Coordination Committee of the Funds has not delivered an opinion, as a result of the voting, on the measures provided for in this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

Article 45 of Regulation (EC) No 1828/2006 is replaced by the following:

*‘Article 45***Additional provisions applicable to financial engineering instruments for enterprises**

Financial engineering instruments for enterprises referred to in Article 43(1)(a) shall invest only in activities which the managers of the financial engineering instruments judge potentially economically viable.

They shall not invest in firms in difficulty within the meaning of the Community Guidelines on State aid for rescuing and restructuring firms in difficulty ^(*) as of 10 October 2004.

^(*) OJ C 244, 1.10.2004, p. 2.’

Article 2

Funding agreements concluded before 1 December 2011 may be amended in order to include new repayable investments or new guarantees for repayable investments in accordance with Article 45 of Regulation (EC) No 1828/2006. Such amendments shall include the adjusted investment strategy referred to in Article 43(3)(a) of that Regulation.

Article 3

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

⁽¹⁾ OJ L 210, 31.7.2006, p. 25.

⁽²⁾ OJ L 371, 27.12.2006, p. 1.

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

Done at Brussels, 29 November 2011.

For the Commission
The President
José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 1237/2011**of 29 November 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 30 November 2011.

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

Done at Brussels, 29 November 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
0702 00 00	AL	59,8
	IL	98,1
	MA	41,4
	TN	143,0
	TR	89,3
0707 00 05	ZZ	86,3
	EG	193,3
	TR	110,9
	ZZ	152,1
0709 90 70	MA	34,4
	TR	146,7
	ZZ	90,6
0805 20 10	MA	80,7
	ZZ	80,7
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	HR	50,4
	IL	80,7
	TR	77,0
	UY	71,0
	ZZ	69,8
0805 50 10	TR	57,1
	ZA	49,5
	ZZ	53,3
0808 10 80	CA	105,1
	CL	90,0
	CN	74,9
	MK	36,4
	NZ	41,5
	US	130,8
	ZA	116,2
0808 20 50	ZZ	85,0
	CN	64,1
	TR	137,2
	ZZ	100,7

⁽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

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 16 November 2011

on the mobilisation of the European Globalisation Adjustment Fund in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management (application EGF/2011/001 AT/Niederösterreich-Oberösterreich from Austria)

(2011/770/EU)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽¹⁾, and in particular point 28 thereof,

Having regard to Regulation (EC) No 1927/2006 of the European Parliament and of the Council of 20 December 2006 establishing the European Globalisation Adjustment Fund ⁽²⁾, and in particular Article 12(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The European Globalisation Adjustment Fund (EGF) was established to provide additional support for workers made redundant as a result of major structural changes in world trade patterns due to globalisation and to assist them with their reintegration into the labour market.
- (2) The scope of the EGF was broadened for applications submitted from 1 May 2009 to include support for workers made redundant as a direct result of the global financial and economic crisis.
- (3) The Interinstitutional Agreement of 17 May 2006 allows the mobilisation of the EGF within the annual ceiling of EUR 500 million.
- (4) Austria submitted an application on 3 January 2011 to mobilise the EGF in respect of redundancies in 706 enterprises operating in the NACE Revision 2 Division

49 ('Land transport and transport via pipelines') in the NUTS II regions of Niederösterreich (AT12) and Oberösterreich (AT31) and supplemented it by additional information up to 9 June 2011. This application complies with the requirements for determining the financial contributions laid down in Article 10 of Regulation (EC) No 1927/2006. The Commission, therefore, proposes to mobilise an amount of EUR 3 643 770.

- (5) The EGF should, therefore, be mobilised in order to provide a financial contribution for the application submitted by Austria,

HAVE ADOPTED THIS DECISION:

Article 1

For the general budget of the European Union for the financial year 2011, the European Globalisation Adjustment Fund shall be mobilised to provide the sum of EUR 3 643 770 in commitment and payment appropriations.

Article 2

This Decision shall be published in the *Official Journal of the European Union*.

Done at Strasbourg, 16 November 2011.

For the European Parliament

The President

J. BUZEK

For the Council

The President

W. SZCZUKA

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ L 406, 30.12.2006, p. 1.

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 16 November 2011

on the mobilisation of the European Globalisation Adjustment Fund in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management (application EGF/2011/004 EL/ALDI Hellas from Greece)

(2011/771/EU)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽¹⁾, and in particular point 28 thereof,

Having regard to Regulation (EC) No 1927/2006 of the European Parliament and of the Council of 20 December 2006 establishing the European Globalisation Adjustment Fund ⁽²⁾, and in particular Article 12(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The European Globalisation Adjustment Fund (EGF) was established to provide additional support for workers made redundant as a result of major structural changes in world trade patterns due to globalisation and to assist them with their reintegration into the labour market.
- (2) The scope of the EGF was broadened for applications submitted from 1 May 2009 to include support for workers made redundant as a direct result of the global financial and economic crisis.
- (3) The Interinstitutional Agreement of 17 May 2006 allows the mobilisation of the EGF within the annual ceiling of EUR 500 million.

- (4) Greece submitted an application on 10 May 2011 to mobilise the EGF in respect of redundancies in the enterprise ALDI Hellas Supermarket Holding EPE & Assoc. EE and one supplier — Thessaloniki Logistics SA — and supplemented it by additional information up to 22 June 2011. This application complies with the requirements for determining the financial contributions laid down in Article 10 of Regulation (EC) No 1927/2006. The Commission, therefore, proposes to mobilise an amount of EUR 2 918 500.

- (5) The EGF should, therefore, be mobilised in order to provide a financial contribution for the application submitted by Greece,

HAVE ADOPTED THIS DECISION:

Article 1

For the general budget of the European Union for the financial year 2011, the European Globalisation Adjustment Fund shall be mobilised to provide the sum of EUR 2 918 500 in commitment and payment appropriations.

Article 2

This Decision shall be published in the *Official Journal of the European Union*.

Done at Strasbourg, 16 November 2011.

For the European Parliament
The President
J. BUZEK

For the Council
The President
W. SZCZUKA

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ L 406, 30.12.2006, p. 1.

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 16 November 2011

on the mobilisation of the European Globalisation Adjustment Fund in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management (application EGF/2010/019 IE/Construction 41 from Ireland)

(2011/772/EU)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽¹⁾, and in particular point 28 thereof,

Having regard to Regulation (EC) No 1927/2006 of the European Parliament and of the Council of 20 December 2006 establishing the European Globalisation Adjustment Fund ⁽²⁾, and in particular Article 12(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The European Globalisation Adjustment Fund (EGF) was established to provide additional support for workers made redundant as a result of major structural changes in world trade patterns due to globalisation and to assist them with their reintegration into the labour market.
- (2) The scope of the EGF was broadened for applications submitted from 1 May 2009 to include support for workers made redundant as a direct result of the global financial and economic crisis.
- (3) The Interinstitutional Agreement of 17 May 2006 allows the mobilisation of the EGF within the annual ceiling of EUR 500 million.

(4) Ireland submitted an application on 9 June 2010 to mobilise the EGF in respect of redundancies in 1 482 enterprises operating in NACE Revision 2 Division 41 ('Construction of buildings') in the NUTS II regions of Border, Midlands and Western (IE01) and Southern and Eastern (IE02) in Ireland, and supplemented it by additional information up to 17 June 2011. This application complies with the requirements for determining the financial contributions as laid down in Article 10 of Regulation (EC) No 1927/2006. The Commission, therefore, proposes to mobilise an amount of EUR 12 689 838.

(5) The EGF should, therefore, be mobilised in order to provide a financial contribution for the application submitted by Ireland,

HAVE ADOPTED THIS DECISION:

Article 1

For the general budget of the European Union for the financial year 2011, the European Globalisation Adjustment Fund shall be mobilised to provide the sum of EUR 12 689 838 in commitment and payment appropriations.

Article 2

This Decision shall be published in the *Official Journal of the European Union*.

Done at Strasbourg, 16 November 2011.

For the European Parliament
The President
J. BUZEK

For the Council
The President
W. SZCZUKA

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ L 406, 30.12.2006, p. 1.

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 16 November 2011

on the mobilisation of the European Globalisation Adjustment Fund in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management (application EGF/2010/020 IE/Construction 43 from Ireland)

(2011/773/EU)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽¹⁾, and in particular point 28 thereof,

Having regard to Regulation (EC) No 1927/2006 of the European Parliament and of the Council of 20 December 2006 establishing the European Globalisation Adjustment Fund ⁽²⁾, and in particular Article 12(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The European Globalisation Adjustment Fund (EGF) was established to provide additional support for workers made redundant as a result of major structural changes in world trade patterns due to globalisation and to assist them with their reintegration into the labour market.
- (2) The scope of the EGF was broadened for applications submitted from 1 May 2009 to include support for workers made redundant as a direct result of the global financial and economic crisis.
- (3) The Interinstitutional Agreement of 17 May 2006 allows the mobilisation of the EGF within the annual ceiling of EUR 500 million.
- (4) Ireland submitted an application on 9 June 2010 to mobilise the EGF in respect of redundancies in 1 560 enterprises operating in the NACE Revision 2 Division

43 ('Specialised construction activities') in the NUTS II regions of Border, Midlands and Western (IE01) and Southern and Eastern (IE02) in Ireland, and supplemented it by additional information up to 17 June 2011. This application complies with the requirements for determining the financial contributions as laid down in Article 10 of Regulation (EC) No 1927/2006. The Commission, therefore, proposes to mobilise an amount of EUR 21 664 148.

- (5) The EGF should, therefore, be mobilised in order to provide a financial contribution for the application submitted by Ireland,

HAVE ADOPTED THIS DECISION:

Article 1

For the general budget of the European Union for the financial year 2011, the European Globalisation Adjustment Fund shall be mobilised to provide the sum of EUR 21 664 148 in commitment and payment appropriations.

Article 2

This Decision shall be published in the *Official Journal of the European Union*.

Done at Strasbourg, 16 November 2011.

For the European Parliament
The President
J. BUZEK

For the Council
The President
W. SZCZUKA

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ L 406, 30.12.2006, p. 1.

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 16 November 2011

on the mobilisation of the European Globalisation Adjustment Fund in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management (application EGF/2010/021 IE/Construction 71 from Ireland)

(2011/774/EU)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽¹⁾, and in particular point 28 thereof,

Having regard to Regulation (EC) No 1927/2006 of the European Parliament and of the Council of 20 December 2006 establishing the European Globalisation Adjustment Fund ⁽²⁾, and in particular Article 12(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The European Globalisation Adjustment Fund (EGF) was established to provide additional support for workers made redundant as a result of major structural changes in world trade patterns due to globalisation and to assist them with their reintegration into the labour market.
- (2) The scope of the EGF was broadened for applications submitted from 1 May 2009 to include support for workers made redundant as a direct result of the global financial and economic crisis.
- (3) The Interinstitutional Agreement of 17 May 2006 allows the mobilisation of the EGF within the annual ceiling of EUR 500 million.
- (4) Ireland submitted an application on 9 June 2010 to mobilise the EGF in respect of redundancies in 230

enterprises operating in the NACE Revision 2 Division 71 ('Architectural and engineering activities; technical testing and analysis') in the NUTS II regions of Border, Midlands and Western (IE01) and Southern and Eastern (IE02) in Ireland, and supplemented it by additional information up to 17 June 2011. This application complies with the requirements for determining the financial contributions as laid down in Article 10 of Regulation (EC) No 1927/2006. The Commission, therefore, proposes to mobilise an amount of EUR 1 387 819.

- (5) The EGF should, therefore, be mobilised in order to provide a financial contribution for the application submitted by Ireland,

HAVE ADOPTED THIS DECISION:

Article 1

For the general budget of the European Union for the financial year 2011, the European Globalisation Adjustment Fund shall be mobilised to provide the sum of EUR 1 387 819 in commitment and payment appropriations.

Article 2

This Decision shall be published in the *Official Journal of the European Union*.

Done at Strasbourg, 16 November 2011.

For the European Parliament

The President

J. BUZEK

For the Council

The President

W. SZCZUKA

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ L 406, 30.12.2006, p. 1.

EUROPEAN COUNCIL DECISION**of 23 October 2011****appointing a member of the Executive Board of the European Central Bank**

(2011/775/EU)

THE EUROPEAN COUNCIL,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 283(2) thereof,

Having regard to the Protocol on the Statute of the European System of Central Banks and of the European Central Bank, and in particular Article 11.2 thereof,

Having regard to the recommendation of the Council of the European Union ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Governing Council of the European Central Bank ⁽³⁾,

Whereas:

- (1) By letter dated 27 September 2011 the President of the European Central Bank, Mr Jean-Claude TRICHET, announced the decision of Mr Jürgen STARK to resign from his position on the Executive Board prior to the end of his term of office on 31 May 2014, and his willingness to remain in function until the date on which his successor takes up his responsibilities. It is therefore necessary to appoint a new member of the Executive Board of the European Central Bank.

- (2) The European Council wishes to appoint Mr Jörg ASMUSSEN who, in its view, fulfils all the requirements set out in Article 283(2) of the Treaty,

HAS ADOPTED THIS DECISION:

Article 1

Mr Jörg ASMUSSEN is hereby appointed a member of the Executive Board of the European Central Bank for a term of office of 8 years as from 1 January 2012.

Article 2

This Decision shall be published in the *Official Journal of the European Union*.

Article 3

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

Done at Brussels, 23 October 2011.

For the European Council

The President

H. VAN ROMPUY

⁽¹⁾ OJ L 265, 11.10.2011, p. 29.

⁽²⁾ Opinion delivered on 13 October 2011.

⁽³⁾ Opinion delivered on 6 October 2011 (OJ C 301, 12.10.2011, p. 2).

COUNCIL IMPLEMENTING DECISION**of 24 November 2011****authorising the United Kingdom to apply reduced levels of taxation to motor fuels supplied on the islands of the Inner and Outer Hebrides, the Northern Isles, the islands in the Clyde and the Isles of Scilly, in accordance with Article 19 of Directive 2003/96/EC**

(2011/776/EU)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity⁽¹⁾, and in particular Article 19(1) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) By letter of 23 March 2011 the United Kingdom requested authorisation to apply a reduced rate of excise duty on gas oil and unleaded petrol pursuant to Article 19 of Directive 2003/96/EC on the islands of the Inner and Outer Hebrides, the Northern Isles, the islands in the Clyde (all off the coast of Scotland) and the Isles of Scilly (off the south west coast of England).

(2) In these islands, the prices of gas oil and unleaded petrol are higher than the average prices in the rest of the territory of the United Kingdom, placing local fuel consumers at a disadvantage. The price difference is due to additional per unit costs induced by the geographic location of the islands, their low population numbers and the delivery of relatively low volumes of fuel.

(3) The tax reduction will be no larger than what is necessary to compensate for the additional per unit costs borne by the consumers in the geographical areas concerned.

(4) The reduced rates of taxation will be above the minimum rates laid down in Article 7 of Directive 2003/96/EC.

(5) In view of the insular nature of the areas to which it applies and the moderate reduction in the rate, the measure will not give rise to any movement specifically linked to the supply of fuel.

(6) Consequently, the measure is acceptable from the point of view of the proper functioning of the internal market and of the need to ensure fair competition and it is compatible with the Union's health, environment, energy and transport policies.

(7) It follows from Article 19(2) of Directive 2003/96/EC that each authorisation granted under that Article must be strictly limited in time. In order to provide the businesses and consumers concerned with a sufficient degree of certainty, the authorisation should be granted for a period of six years. However, in order not to undermine future general developments in the existing legal framework, it is appropriate to provide that, should the Council, acting on the basis of Article 113 of the Treaty, introduce a modified general system for the taxation of energy products to which the authorisation granted in this Decision would not be adapted, this Decision should expire on the day on which the rules on that modified system become applicable,

HAS ADOPTED THIS DECISION:

Article 1

1. The United Kingdom is hereby authorised to apply reduced rates of taxation to unleaded petrol and gas oil supplied as motor fuel to road vehicles in all the islands of the Inner and Outer Hebrides, the Northern Isles, the islands in the Clyde and the Isles of Scilly.

The reduction from the standard national rate of taxation for unleaded petrol or gas oil respectively shall be no greater than the additional cost of retail sales in these geographical areas, compared with the average cost incurred of retail sales in the United Kingdom and shall be no more than GBP 50 per 1 000 litres of product.

2. The reduced rates must comply with the requirements of Directive 2003/96/EC, and in particular with the minimum rates laid down in Article 7 thereof.

⁽¹⁾ OJ L 283, 31.10.2003, p. 51.

Article 2

This Decision shall take effect on the day of its notification.

It shall apply from 1 November 2011 and shall expire on 31 October 2017.

However, should the Council, acting on the basis of Article 113 of the Treaty, introduce a modified general system for the taxation of energy products to which the authorisation granted in Article 1 of this Decision would not be adapted, this Decision shall expire on the day on which the rules on that modified system become applicable.

Article 3

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

Done at Brussels, 24 November 2011.

For the Council
The President
W. PAWLAK

COMMISSION IMPLEMENTING DECISION**of 28 November 2011****authorising Romania to use certain approximate estimates for the calculation of the VAT own resources base***(notified under document C(2011) 8627)***(Only the Romanian text is authentic)***(2011/777/EU, Euratom)*

THE EUROPEAN COMMISSION,

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

Having regard to the Treaty establishing the European Atomic Energy Community,

Having regard to Council Regulation (EEC, Euratom) No 1553/89 of 29 May 1989 on the definitive uniform arrangements for the collection of own resources accruing from value added tax ⁽¹⁾, and in particular Article 13 thereof,

After consulting the Advisory Committee on Own Resources,

Whereas:

- (1) Under Article 390b of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax ⁽²⁾ as amended by Directive 2009/162/EU ⁽³⁾, Romania may continue to exempt international transport of passengers, as referred to in point (10) of Part B of Annex X to that Directive. These transactions must be taken into account for the determination of the VAT own resources base.
- (2) Romania has requested authorisation from the Commission to use certain approximate estimates for the calculation of the VAT own resources base since it is unable to make the precise calculation of the VAT own resources base for transactions referred to in point (10) of Part B of Annex X to Directive 2006/112/EC. Such calculation is likely to involve an unjustified administrative burden in relation to the effect of these transactions on Romania's total VAT own resources base. Romania is able to make a calculation using approximate estimates for this category of transactions. Romania

should therefore be authorised to calculate the VAT own resource base using approximate estimates in accordance with the second indent of Article 6(3) of Regulation (EEC, Euratom) No 1553/89.

- (3) For reasons of transparency and legal certainty it is appropriate to limit the applicability of the authorisation in time,

HAS ADOPTED THIS DECISION:

Article 1

For the purpose of calculating the VAT own resources base from 1 January 2011, Romania is authorised to use approximate estimates in respect of the following category of transactions referred to in part B of Annex X to Directive 2006/112/EC:

Transport of passengers (point (10)).

Article 2

This Decision shall apply from 1 January 2011 to 31 December 2015.

Article 3

This Decision is addressed to Romania.

Done at Brussels, 28 November 2011.

For the Commission

Janusz LEWANDOWSKI

Member of the Commission⁽¹⁾ OJ L 155, 7.6.1989, p. 9.⁽²⁾ OJ L 347, 11.12.2006, p. 1.⁽³⁾ OJ L 10, 15.1.2010, p. 14.

COMMISSION IMPLEMENTING DECISION

of 28 November 2011

authorising certain Member States to provide for temporary derogations from certain provisions of Council Directive 2000/29/EC in respect of seed potatoes originating in certain provinces of Canada

(notified under document C(2011) 8633)

(Only the Greek, Italian, Maltese, Portuguese and Spanish texts are authentic)

(2011/778/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community ⁽¹⁾, and in particular Article 15(1) thereof,

Whereas:

(1) Under Directive 2000/29/EC, seed potatoes originating on the American continent are not to be introduced into the Union. However, that Directive permits derogations from that rule, provided that there is no risk of spreading harmful organisms.

(2) Commission Decision 2003/61/EC of 27 January 2003 authorising certain Member States to provide for temporary derogations from certain provisions of Council Directive 2000/29/EC in respect of seed potatoes originating in certain provinces of Canada ⁽²⁾ has been substantially amended several times. Since Portugal has asked for a further extension of those derogations and other amendments are to be made, that Decision should be replaced.

(3) Canada is currently considered to be free from potato spindle tuber viroid but it is still not completely free from *Clavibacter michiganensis* (Smith) Davis et al. ssp. *sepedonicus* (Spieckermann et Kotthoff) Davis et al. ('*Clavibacter michiganensis*').

(4) Information supplied by Canada has shown that it has developed its programme to eradicate *Clavibacter michiganensis* in the provinces of New Brunswick and Prince Edward Island and it can reasonably be assumed that the eradication programme is effective in certain areas of those provinces. It can therefore be established that there is no risk of *Clavibacter michiganensis* spreading, provided that certain technical conditions are complied with.

(5) Recent notifications under Directive 2000/29/EC have shown the first findings of *Epitrix similaris* in the Union, namely in Portugal and in one region of Spain. A subsequent pest risk analysis for *Epitrix* spp. has demonstrated that some *Epitrix* species cause damage to potato tubers (*Epitrix cucumeris*, *Epitrix similaris*, *Epitrix subcrinita* and *Epitrix tuberis*). It also showed that some *Epitrix* species are known to occur in Canada.

(6) Given the unchanged situation with regard to potato spindle tuber viroid and *Clavibacter michiganensis* and in spite of the presence of *Epitrix* spp. in Canada, the authorisation to provide for derogations remains justified. Provisions should, however, be included concerning *Epitrix* species which damage potato tubers.

(7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

Article 1

1. Greece, Spain, Italy, Cyprus, Malta and Portugal are authorised to provide for derogations from:

(a) Article 4(1) of Directive 2000/29/EC, as regards the prohibition referred to in point 10 of Part A of Annex III to that Directive;

(b) Article 5(1) of Directive 2000/29/EC and the third indent of Article 13(1)(i) of that Directive, as regards the special requirements referred to in points 25.2 and 25.3 of Section I of Part A of Annex IV to that Directive.

2. The authorisation to provide for derogations referred to in paragraph 1 shall apply:

(a) to seed potatoes of the varieties 'Atlantic', 'Donna', 'Kennebec', 'Russet Burbank', 'Sebago' and 'Shepody', originating in the provinces of New Brunswick and Prince Edward Island in Canada ('the seed potatoes');

⁽¹⁾ OJ L 169, 10.7.2000, p. 1.

⁽²⁾ OJ L 23, 28.1.2003, p. 31.

- (b) to seed potatoes that satisfy the conditions provided for in Articles 2 to 13 in addition to the requirements laid down in Annexes I, II and IV to Directive 2000/29/EC;
- (c) for the potato-marketing seasons from 1 December to 31 March each year until 31 March 2014.

Article 2

1. In the provinces of New Brunswick or Prince Edward Island, the seed potatoes shall have been produced in fields located in an area that, irrespective of whether the fields are operated by potato producers inside or outside that area, meets the conditions set out in paragraphs 2 to 9
2. The area shall have been officially declared by the Canadian Food Inspection Agency, to be free from potato spindle tuber viroid and from *Clavibacter michiganensis* (Smith) Davis et al. ssp. *sepedonicus* (Spieckermann et Kotthoff) Davis et al. (*Clavibacter michiganensis*).

As regards *Epitrix cucumeris*, *Epitrix similis*, *Epitrix subcrinita* and *Epitrix tuberis*, seed potatoes shall have been brushed to physically remove any of those harmful organisms, if present, and render the tubers free of soil.

3. The area shall either,
- (a) consist of fields owned or rented by at least three distinct potato producers; or
- (b) cover a surface of at least four square kilometres, surrounded entirely by water or by fields where the harmful organisms referred to in paragraph 2 have not been found within the previous three years.
4. All potatoes produced in the area shall be the first direct progeny of seed potatoes of the category 'Pre-elite', 'Elite I', 'Elite II', 'Elite III' or 'Elite IV' which were produced in establishments qualified to produce seed potatoes of the 'Pre-elite' or 'Elite I' categories and which are either official establishments or establishments officially designated and controlled for that purpose.
5. The surface allocated for the production of seed potatoes that are not finally certified as seed potatoes shall not exceed one fifth of the total area allocated for certification.
6. Systematic and representative annual surveys shall have been carried out by the relevant official Canadian authorities over at least the previous five years under appropriate conditions for the detection of potato spindle tuber viroid and *Clavibacter michiganensis*, on all potato fields located in the

area and on potatoes harvested there, including appropriate laboratory testing, and have not shown any positive finding, or any other element which could militate against the declaration of the area as pest free.

7. Immediately prior to export, during appropriate official examination, seed potatoes shall have been found free from *Epitrix cucumeris*, *Epitrix similis*, *Epitrix subcrinita* and *Epitrix tuberis* and from any of their symptoms and from soil.

8. Legislative, administrative or other arrangements shall have been made to ensure that:

- (a) no potatoes from areas of Canada other than those declared free from potato spindle tuber viroid and from *Clavibacter michiganensis*, or from countries where these harmful organisms are known to occur, can be introduced into the area;
- (b) neither potatoes originating in the area nor any containers, packaging material, vehicles and handling, grading and preparation equipment used in that area can be brought into contact with potatoes originating in areas other than those declared pest free, or containers, packaging material, vehicles and handling, grading and preparation equipment used in areas other than those declared pest free.
9. Prior to the introduction of the seed potatoes into the Union, the Canadian Food Inspection Agency shall provide the Commission with a complete list of the areas declared as free from the harmful organisms referred to in paragraph 2, supported by a technical report, updated each year, on the phytosanitary status of seed potato production in the previous year.

Article 3

The seed potatoes shall be certified officially by the relevant Canadian authorities as seed potatoes meeting at least the conditions laid down for the 'Foundation' category.

Article 4

1. Samples of at least 200 seed potato tubers per lot of 25 tonnes or less shall be taken officially in respect of each lot intended for export to the Union.
2. A lot shall consist only of seed potato tubers of one single variety and class which have been produced on one single establishment and with the same reference number.
3. The samples shall be examined by official laboratories in order to detect any presence of *Clavibacter michiganensis*. The examinations shall be carried out on the entire sample, using the method for the detection and diagnosis of *Clavibacter michiganensis* in batches of seed potato tubers as laid down in Council Directive 93/85/EEC ⁽¹⁾.

⁽¹⁾ OJ L 259, 18.10.1993, p. 1.

Article 5

Seed potatoes intended to be exported to the Union shall have been subject to legislative, administrative or other arrangements to ensure:

(a) direct supervision and control by the Canadian Food Inspection Agency of:

(i) the sampling process, i.e. the collection, tagging and sealing;

(ii) the labelling system through appropriate label accountability procedures, so that for each lot of seed potatoes within each consignment shipped to the Union a numbered label is used and stitched on the bags separately from the certification labels;

(iii) the relevant colour code corresponding to a specified importer in the importing Member State;

(b) that at the time of loading the vessel, two sealed bags of seed potatoes of each lot shipped to the Union are kept aside and stored under the supervision and control of the Canadian Food Inspection Agency, at least until the results of the examinations referred to in Article 10 are completed;

(c) that the lots are kept isolated in all operations including transport, at least until delivery to the premises of the importers referred to in Article 7.

Article 6

1. The phytosanitary certificate required shall be made out separately for each consignment and only if it has been established by the scientists involved that the examinations referred to in Article 4 did not give rise to suspicions or to the detection of the presence of *Clavibacter michiganensis* in the consignment and that, in particular, the IF testing was shown to be negative.

2. The phytosanitary certificate shall contain the following information under 'Additional declaration':

(a) confirmation of compliance with the conditions laid down in Articles 2, 3 and 4 including, where the second subparagraph of Article 2(2) applies, express confirmation that the seed potatoes have been brushed in accordance with that provision;

(b) the name of the establishment or establishments that have produced the lots of seed potato;

(c) the relevant seed potato certification lot numbers;

(d) the name of the area referred to in Article 2;

(e) the name of the establishment referred to in Article 2(4); and

(f) the number of bags.

3. The phytosanitary certificate shall mention, under 'Distinguishing marks', the colour code corresponding to a specified importer in the importing Member State, as well as the details of the numbered label used for each lot of seed potatoes within each consignment.

4. Documents attached to the phytosanitary certificate, as an integral part of the certificate, shall relate precisely to that certificate in both description and quantity of the seed potatoes.

Article 7

1. Prior to introduction into the Union, the importer shall provide advance notification of each introduction of a consignment sufficiently in advance to the responsible official bodies in the Member State concerned, as referred to in Article 2(1)(g) of Directive 2000/29/EC, giving details of the following:

(a) the variety of the seed potatoes;

(b) the quantity;

(c) the declared date of import;

(d) the names and addresses of the premises of the importers of the seed potatoes, and producers, or collective warehouses, or dispatching centres listed in accordance with Article 1 of Commission Directive 93/50/EEC ⁽¹⁾.

The Member State concerned shall, without delay, convey those details and any subsequent modifications thereto to the Commission.

2. At the time of introduction, the importer shall provide confirmation of the details contained in the advance notification referred to in paragraph 1 to the responsible official bodies in the Member State concerned.

⁽¹⁾ OJ L 205, 17.8.1993, p. 22.

Article 8

The seed potatoes may only be introduced into the Union via the following ports:

- (a) Aveiro;
- (b) Lisbon;
- (c) Porto;
- (d) Genoa;
- (e) La Spezia;
- (f) Livorno;
- (g) Naples;
- (h) Ravenna;
- (i) Salerno;
- (j) Savona;
- (k) Lemesos;
- (l) Larnaca;
- (m) Marsaxlokk;
- (n) Valletta;
- (o) Sines;
- (p) Piraeus.

Article 9

The inspections required pursuant to the Article 13(1) of Directive 2000/29/EC shall be made by responsible official bodies.

The Commission shall determine to which extent the inspections referred to in the third indent of Article 21(3) of that Directive are to be integrated into the inspection programme in accordance with the fifth subparagraph of Article 21(5) of that Directive.

The responsible official bodies and, as appropriate, the experts referred to in the first subparagraph of Article 21(1) shall check the premises of the importers to confirm details of the quantities of seed potatoes imported from Canada, the

colour coding, the numbered labels and the destinations for planting at premises listed in accordance with Article 1 of Directive 93/50/EEC.

Article 10

1. The responsible official bodies of the importing Member States shall take a sample of at least 200 tubers per lot of 25 tonnes or less from each of the non-bulk lots of seed potatoes intended to be imported pursuant to this Decision for official examination in respect of *Clavibacter michiganensis* in accordance with the method for the detection and diagnosis of *Clavibacter michiganensis* as laid down in Directive 93/85/EEC.

2. The lots of seed potatoes shall remain isolated and under official control and shall not be marketed or used until it has been established that the presence of *Clavibacter michiganensis* was not suspected or detected in the examinations referred to in paragraph 1. The quantities imported shall not exceed an amount which is adequate for the examinations, taking into account the facilities available for that purpose.

3. The samples referred to in paragraph 1 shall be kept available for subsequent examination by other Member States. The responsible official bodies of a Member State making use of this derogation shall, by 15 April of each calendar year in which importation takes place, inform the Commission, with a view to organising that examination and the recording thereof.

4. For *Epitrix cucumeris*, *Epitrix similaris*, *Epitrix subcrinita* and *Epitrix tuberis*, each consignment shall be inspected to confirm that the seed potatoes are free from those harmful organisms, from any of their symptoms and from soil.

Article 11

The seed potatoes shall be planted only at premises within the Member State of import, for which it is possible to trace the names and addresses of the premises concerned. However, this restriction shall not apply in the case of final users planting the imported seed potatoes or for users who sell only onto the local market.

For those premises, the potatoes grown from such seed potatoes shall be packaged and labelled accordingly and shall bear the number of the premises listed in accordance with Directive 93/50/EEC, as well as the Canadian origin of the seed potatoes used. Such potatoes may be moved within the Member States, only after approval by the responsible official bodies taking into account the results of the inspection referred to in Article 12.

Article 12

In the growing period following introduction, a suitable proportion of the plants shall be inspected by the responsible official bodies, at appropriate times, at the premises listed in accordance with Directive 93/50/EEC or the premises referred to in Article 11.

Article 13

Potatoes grown from seed potatoes introduced pursuant to this Decision:

- (a) shall not be certified as seed potatoes; and
- (b) shall only be used as potatoes for consumption.

Article 14

The Member States of importation shall inform the other Member States and the Commission by means of the advance notification referred to in Article 7(1) of any use of the authorisation to provide derogations pursuant to this Decision.

The Member State of importation shall provide the Commission and the other Member States, before 1 June of each calendar year in which importation takes place, with information on the amounts (lots of seed potatoes/consignments) imported pursuant to this Decision and with a detailed technical report on the official examination referred to in Article 10.

In those cases where Member States have made official examinations on the samples referred to in Article 10, the detailed technical reports of such examinations shall be submitted to the other Member States and the Commission before 1 June of each calendar year.

Copies of each phytosanitary certificate shall be transmitted to the Commission.

Article 15

The authorisation to provide for derogations referred to in Article 1 shall be revoked prior to 31 March 2014 if:

- (a) the provisions laid down in Articles 2 to 13:
 - (i) are shown to be insufficient to prevent the introduction into the Union of the harmful organisms referred to in Article 2 or
 - (ii) have not been complied with;
- (b) there are elements which would militate against the proper functioning of the 'pest free area' concept in Canada.

Article 16

This Decision is addressed to the Hellenic Republic, the Kingdom of Spain, the Italian Republic, the Republic of Cyprus, the Republic of Malta and the Portuguese Republic.

Done at Brussels, 28 November 2011.

For the Commission

John DALLI

Member of the Commission

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- ★ **Decision of the European Parliament and of the Council of 16 November 2011 on the mobilisation of the European Globalisation Adjustment Fund in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management (application EGF/2011/001 AT/Niederösterreich-Oberösterreich from Austria)**

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2011/771/EU:

- ★ **Decision of the European Parliament and of the Council of 16 November 2011 on the mobilisation of the European Globalisation Adjustment Fund in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management (application EGF/2011/004 EL/ALDI Hellas from Greece)**

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