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Price: EUR 3

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(¹) Text with EEA relevance

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

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I

(Legislative acts)

DIRECTIVES

DIRECTIVE 2011/91/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**of 13 December 2011****on indications or marks identifying the lot to which a foodstuff belongs****(codification)****(Text with EEA relevance)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

Acting in accordance with the ordinary legislative procedure ⁽²⁾,

Whereas:

(1) Council Directive 89/396/EEC of 14 June 1989 on indications or marks identifying the lot to which a foodstuff belongs ⁽³⁾ has been substantially amended several times ⁽⁴⁾. In the interests of clarity and rationality that Directive should be codified.

(2) The internal market comprises an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured.

(3) Trade in foodstuffs occupies a very important place in the internal market.

(4) Indication of the lot to which a foodstuff belongs meets the need for better information on the identity of products. It is therefore a useful source of information when foodstuffs are the subject of dispute or constitute a health hazard for consumers.

(5) Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs ⁽⁵⁾ contains no provisions on indication of lot identification.

(6) At international level there is a general obligation to provide a reference to the manufacturing or packaging lot of prepackaged foodstuffs. It is the duty of the Union to contribute to the development of international trade.

(7) It is therefore advisable to provide for rules of a general and horizontal nature in order to manage a common lot identification system.

(8) The efficiency of that system depends on its application at the various marketing stages. It is nevertheless desirable to exclude certain products and operations, in particular those taking place at the start of the distribution network for agricultural products.

(9) It is necessary to take account of the fact that the immediate consumption upon purchase of certain foodstuffs such as ice cream in individual portions means that indicating the lot directly on the individual packaging would serve no useful purpose. However, it should be compulsory in the case of those products to indicate the lot on the combined package.

⁽¹⁾ OJ C 54, 19.2.2011, p. 34.

⁽²⁾ Position of the European Parliament of 11 May 2011 (not yet published in the Official Journal) and decision of the Council of 8 November 2011.

⁽³⁾ OJ L 186, 30.6.1989, p. 21.

⁽⁴⁾ See Annex I, Part A.

⁽⁵⁾ OJ L 109, 6.5.2000, p. 29.

- (10) The concept of a lot implies that several sales units of a foodstuff have almost identical production, manufacture or packaging characteristics. That concept should, therefore, not apply to bulk products or products which, owing to their individual specificity or heterogeneous nature, cannot be considered as forming a homogeneous batch.
- (11) In view of the variety of identification methods used, it should be up to the trader to determine the lot and to affix the corresponding indication or mark.
- (12) In order to satisfy the information requirements for which it is intended, that indication should be clearly distinguishable and recognisable as such.
- (13) The date of minimum durability or 'use by' date, may, in conformity with Directive 2000/13/EC, serve as the lot identification, provided it is indicated precisely.
- (14) This Directive should be without prejudice to the obligations of the Member States relating to the time limits for transposition into national law of the Directives set out in Annex I, Part B,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

1. This Directive concerns the indication which allows identification of the lot to which a foodstuff belongs.
2. For the purposes of this Directive, 'lot' means a batch of sales units of a foodstuff produced, manufactured or packaged under practically the same conditions.

Article 2

1. A foodstuff may not be marketed unless it is accompanied by an indication as referred to in Article 1(1).
2. Paragraph 1 shall not apply:
 - (a) to agricultural products which, on leaving the holding, are:
 - (i) sold or delivered to temporary storage, preparation or packaging stations;
 - (ii) transported to producers' organisations; or
 - (iii) collected for immediate integration into an operational preparation or processing system;
 - (b) when, at the point of sale to the ultimate consumer, the foodstuffs are not prepackaged, are packaged at the request of the purchaser or are prepackaged for immediate sale;

- (c) to packagings or containers the largest side of which has an area of less than 10 cm²;
- (d) to individual portions of ice cream. The indication enabling the lot to be identified shall appear on the combined package.

Article 3

The lot shall be determined in each case by the producer, manufacturer or packager of the foodstuff in question, or the first seller established within the Union.

The indication referred to in Article 1(1) shall be determined and affixed under the responsibility of one or other of those operators. It shall be preceded by the letter 'L' except in cases where it is clearly distinguishable from the other indications on the label.

Article 4

When the foodstuffs are prepackaged, the indication referred to in Article 1(1) and, where appropriate, the letter 'L' shall appear on the prepackaging or on a label attached thereto.

When the foodstuffs are not prepackaged, the indication referred to in Article 1(1) and, where appropriate, the letter 'L' shall appear on the packaging or on the container or, failing that, on the relevant commercial documents.

It shall in all cases appear in such a way as to be easily visible, clearly legible and indelible.

Article 5

When the date of minimum durability or 'use by' date appears on the label, the indication referred to in Article 1(1) need not appear on the foodstuff, provided that the date consists at least of the uncoded indication of the day and the month in that order.

Article 6

This Directive shall apply without prejudice to the indications laid down by specific provisions of the Union.

The Commission shall publish and keep up to date a list of the provisions in question.

Article 7

Directive 89/396/EEC, as amended by the Directives listed in Annex I, Part A, is repealed, without prejudice to the obligations of the Member States relating to the time limits for transposition into national law of the Directives set out in Annex I, Part B.

References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex II.

Article 8

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

Article 9

This Directive is addressed to the Member States.

Done at Strasbourg, 13 December 2011.

For the European Parliament
The President
J. BUZEK

For the Council
The President
M. SZPUNAR

ANNEX I

PART A

Repealed Directive with list of its successive amendments

(referred to in Article 7)

Council Directive 89/396/EEC	(OJ L 186, 30.6.1989, p. 21)
Council Directive 91/238/EEC	(OJ L 107, 27.4.1991, p. 50)
Council Directive 92/11/EEC	(OJ L 65, 11.3.1992, p. 32)

PART B

List of time limits for transposition into national law

(referred to in Article 7)

Directive	Time limit for transposition
89/396/EEC	20 June 1990 (*)
91/238/EEC	—
92/11/EEC	—

(*) In accordance with the first paragraph of Article 7 of Directive 89/396/EEC, as amended by Directive 92/11/EEC:

‘Member States shall, where necessary, amend their laws, regulations or administrative provisions so as to:

- authorise trade in products complying with this Directive by not later than 20 June 1990,
- prohibit trade in products not complying with this Directive with effect from 1 July 1992. However, trade in products placed on the market or labelled before that date and not conforming with this Directive may continue until stocks run out.’

ANNEX II

Correlation table

Directive 89/396/EEC	This Directive
Article 1	Article 1
Article 2(1) and (2)	Article 2(1) and (2)
Article 2(3)	—
Articles 3 to 6	Articles 3 to 6
Article 7	—
—	Article 7
—	Article 8
Article 8	Article 9
—	Annex I
—	Annex II

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION

of 5 December 2011

on the conclusion of the Agreement between the European Union and the Republic of Croatia on the participation of the Republic of Croatia in the work of the European Monitoring Centre for Drugs and Drug Addiction

(2011/841/EU)

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 168(5) 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) Regulation (EC) No 1920/2006 of the European Parliament and the Council of 12 December 2006 on the European Monitoring Centre for Drugs and Drug Addiction ⁽¹⁾ provides, in Article 21 thereof, that the European Monitoring Centre for Drugs and Drug Addiction shall be open to the participation of any third country that shares the interests of the Union and its Member States in its objectives and work.

(2) The Agreement between the European Union and the Republic of Croatia on the participation of the Republic of Croatia in the work of the European Monitoring Centre for Drugs and Drug Addiction (hereinafter 'the Agreement') was signed on behalf of the Union on 6 December 2010, subject to its conclusion.

(3) The Agreement should be approved,

Article 1

The Agreement between the European Union and the Republic of Croatia on the participation of the Republic of Croatia in the European Monitoring Centre for Drugs and Drug Addiction (hereinafter '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 shall designate the person(s) empowered to transmit, on behalf of the Union, the diplomatic note provided for in Article 10 of the Agreement ⁽²⁾.

Article 3

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

Done at Brussels, 5 December 2011.

*For the Council**The President*

M. DOWGIELEWICZ

⁽¹⁾ OJ L 376, 27.12.2006, 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**between the European Union and the Republic of Croatia on the participation of the Republic of Croatia in the work of the European Monitoring Centre for Drugs and Drug Addiction**

THE EUROPEAN UNION (hereinafter 'the Union'),

of the one part, and

THE REPUBLIC OF CROATIA,

of the other part,

RECALLING that the Thessaloniki European Council in 2003 aimed to further strengthen the privileged relations between the European Union and the Western Balkans drawing on the enlargement experience;

HAVING REGARD TO Regulation (EC) No 1920/2006 of the European Parliament and of the Council of 12 December 2006 on the European Monitoring Centre for Drugs and Drug Addiction (recast) ⁽¹⁾, (hereinafter 'the Regulation' and 'the Centre' respectively);

WHEREAS the Regulation provides in its Article 21 that the Centre shall be open to the participation of third countries which share the Union's interests and those of its Member States in the Centre's objectives and work;

WHEREAS the Republic of Croatia shares the objectives laid down for the Centre in the Regulation, and since the Republic of Croatia's ultimate objective is to become a member of the European Union;

WHEREAS the Republic of Croatia subscribes to the description of the tasks of the Centre and to its work method and priority areas as described in the Regulation;

WHEREAS there exists in the Republic of Croatia an institution suitable to be linked to the European Information Network on Drugs and Drug Addiction (Reitox);

HAVE AGREED AS FOLLOWS:

*Article 1***Participation**

The Republic of Croatia shall participate fully in the work of the Centre on the terms set out in this Agreement.

*Article 2***European Information Network on Drugs and Drug Addiction (Reitox)**

1. The Republic of Croatia shall be linked to Reitox.
2. The Republic of Croatia shall notify the Centre of the main elements of its national information network, including its national monitoring centre, within 28 days of the entry into force of this Agreement, and name any other specialised centres which could make a useful contribution to the Centre's work.

*Article 3***Management Board**

The Management Board of the Centre shall invite a representative of the Republic of Croatia to participate in its meetings. The representative shall participate fully without the right to vote. The Management Board may exceptionally convoke a meeting restricted to representatives of the Member States and of the European Commission on issues of interest particular to the Union and its Member States.

The Management Board, in session with representatives of the Republic of Croatia, shall lay down the detailed arrangements concerning the participation of the Republic of Croatia in the work of the Centre.

*Article 4***Budget**

The Republic of Croatia shall contribute financially to the activities of the Centre, in accordance with the provisions laid down in the Annex to this Agreement, which shall form an integral part thereof.

⁽¹⁾ OJ L 376, 27.12.2006, p. 1.

*Article 5***Protection and Confidentiality of Data**

1. Where on the basis of this Agreement information is forwarded by the Centre to the Croatian authorities in accordance with Union and Croatian law, such information may be used only for the stated purpose and under the conditions prescribed by the forwarding authority. Such information may not contain personal data.

2. Data on drugs and drug addiction provided to the Croatian authorities by the Centre may be published subject to compliance with Union and Croatian rules on the dissemination and confidentiality of information. Personal data may not be published or made accessible to the public.

3. Designated specialised centres in the Republic of Croatia shall be under no obligation to provide information classified as confidential under Croatian legislation.

4. In relation to data supplied by the Croatian authorities to the Centre, the latter will be bound by the rules laid down in Article 6 of the Regulation.

*Article 6***Legal Status**

The Centre shall enjoy in the Republic of Croatia the same capacity as accorded to legal entities under Croatia's law.

*Article 7***Liability**

The liability of the Centre shall be governed by the rules laid down in Article 19 of the Regulation.

*Article 8***Privileges**

To enable the Centre and its staff to perform their tasks, the Republic of Croatia shall grant the privileges and immunities identical to those contained in Articles 1 to 4, Articles 5 and 6, Articles 10 to 13, Articles 15, 17 and 18 of the Protocol No 7 on Privileges and Immunities of the European Union annexed to the Treaty of European Union, to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community.

*Article 9***Staff Regulations**

Under the conditions laid down in Article 12(2)(a) of the Conditions of Employment of other servants of the European Communities laid down in Regulation (EEC, Euratom, ECSC) No 259/68 ⁽¹⁾, Croatian nationals enjoying their full rights as citizens may be engaged under contract by the Director of the Centre.

*Article 10***Entry into force**

This Agreement shall enter into force on the first day of the second month following the date of receipt of the latter diplomatic note confirming that legal requirements of the respective Contracting Party concerning the entry into force of the Agreement have been fulfilled.

*Article 11***Validity and Termination**

1. This Agreement is concluded for an unlimited period of time. It shall terminate in the date of the Republic of Croatia's accession to the Union.

2. Either Contracting Party may denounce this Agreement by a written notification to the other Contracting Party. This Agreement shall cease to be in force six months after the date of the receipt of such notification.

Done at Brussels on 6 December 2010 in duplicate in the English language.

For the European Union



For the Republic of Croatia



⁽¹⁾ OJ L 56, 4.3.1968, p. 1.

ANNEX

FINANCIAL CONTRIBUTION OF THE REPUBLIC OF CROATIA TO THE EUROPEAN MONITORING CENTRE FOR DRUGS AND DRUG ADDICTION

1. The financial contribution to be paid by the Republic of Croatia to the general budget of the European Union to participate in the Centre will progressively increase in a four-year period during which the activities will be phased in by the Republic of Croatia. The financial contributions required are:

- during the first year of participation EUR 100 000,
- during the second year of participation EUR 150 000,
- during the third year of participation EUR 210 000,
- during the fourth year of participation EUR 271 000.

From the fifth year of participation, the annual financial contribution to be paid by the Republic of Croatia to the Centre shall be the contribution of the fourth year of participation indexed by the rate of increase of the Union subvention to the Centre.

The Republic of Croatia may partially use Union assistance to pay the contribution to the Centre with a maximum Union contribution of 75 % in the first year of participation, 60 % in the second year of participation and 50 % thereafter. Subject to a separate programming procedure, the requested Union funds will be transferred to the Republic of Croatia by means of a separate financing memorandum.

The remaining part of the contribution will be covered by the Republic of Croatia.

2. The contribution of the Republic of Croatia will be managed in accordance with Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽¹⁾ and Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽²⁾. Travel costs and subsistence costs incurred by representatives and experts of the Republic of Croatia for the purposes of taking part in the Centre's activities or meetings related to the implementation of the Centre's work programme shall be reimbursed by the Centre on the same basis as, and in accordance with, the procedures currently in force for the Member States of the Union.
3. For the first calendar year of its participation the Republic of Croatia will pay a contribution calculated from the date of participation to the end of the year on a pro rata basis. For the following years the contribution will be in accordance with this Agreement.
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⁽¹⁾ OJ L 248, 16.9.2002, p. 1.

⁽²⁾ OJ L 357, 31.12.2002, p. 1.

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) No 1313/2011

of 13 December 2011

amending Regulations (EC) No 2535/2001 and (EC) No 1187/2009 as regards the CN codes for dairy products

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Commission Implementing Regulation (EU) No 1006/2011 of 27 September 2011 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff ⁽²⁾ provides for amendments in CN codes for dairy products of Chapter 4.
- (2) It is necessary to update Part I.F of Annex I to Commission Regulation (EC) No 2535/2001 of 14 December 2001 laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the import arrangements for milk and milk products and opening tariff quotas ⁽³⁾, as well as Article 27 and Annex II to Commission Regulation (EC) No 1187/2009 of 27 November 2009 laying down special detailed rules for the application of

Council Regulation (EC) No 1234/2007 as regards export licences and export refunds for milk and milk products ⁽⁴⁾.

- (3) 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

Part I.F of Annex I to Regulation (EC) No 2535/2001 is replaced by the text in the Annex to this Regulation.

Article 2

Regulation (EC) No 1187/2009 is amended as follows:

- (1) In Article 27(2), the code 0402 21 19 9900 is replaced by 0402 21 18 9900;
- (2) In Group No 1 of Annex II, the code 0401 30 is replaced by the codes 0401 40 and 0401 50.

Article 3

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

It shall apply from 1 January 2012.

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

Done at Brussels, 13 December 2011.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 282, 28.10.2011, p. 1.

⁽³⁾ OJ L 341, 22.12.2001, p. 29.

⁽⁴⁾ OJ L 318, 4.12.2009, p. 1.

ANNEX

"I. F

TARIFF QUOTA UNDER ANNEX II TO THE AGREEMENT BETWEEN THE COMMUNITY AND SWITZERLAND ON
TRADE IN AGRICULTURAL PRODUCTS

Quota No	CN code	Description	Customs duty	Quota from 1 July to 30 June in tonnes
09.4155	ex 0401 40	— of a fat content, by weight, exceeding 6 % but not exceeding 10 %	exemption	2 000"
	ex 0401 50	— of a fat content, by weight, exceeding 10 %		
	0403 10	Yoghurt		

COMMISSION REGULATION (EU) No 1314/2011**of 13 December 2011****establishing a prohibition of fishing for cod in Greenland waters of NAFO 0 and 1; Greenland waters of V and XIV by vessels flying the flag of Germany**

THE EUROPEAN COMMISSION,

HAS ADOPTED THIS REGULATION:

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

*Article 1***Quota exhaustion**

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy ⁽¹⁾, and in particular Article 36(2) thereof,

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2011 shall be deemed to be exhausted from the date set out in that Annex.

Whereas:

*Article 2***Prohibitions**

(1) Council Regulation (EU) No 57/2011 of 18 January 2011 fixing for 2011 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in EU waters and, for EU vessels, in certain non-EU waters ⁽²⁾, lays down quotas for 2011.

Fishing activities for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. In particular it shall be prohibited to retain on board, relocate, tranship or land fish from that stock caught by those vessels after that date.

(2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2011.

*Article 3***Entry into force**

(3) It is therefore necessary to prohibit fishing activities for that stock,

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

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

Done at Brussels, 13 December 2011.

*For the Commission,
On behalf of the President,*

Lowri EVANS
Director-General for Maritime Affairs and Fisheries

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ OJ L 24, 27.01.2011, p. 1.

ANNEX

No	84/T&Q
Member State	Germany
Stock	COD/N01514
Species	Cod (<i>Gadus morhua</i>)
Zone	Greenland waters of NAFO 0 and 1; Greenland waters of V and XIV
Date	26.11.2011

COMMISSION IMPLEMENTING REGULATION (EU) No 1315/2011**of 15 December 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 16 December 2011.

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

Done at Brussels, 15 December 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	64,0
	MA	67,8
	TN	85,7
	TR	96,0
	ZZ	78,4
0707 00 05	TR	111,3
	ZZ	111,3
0709 90 70	MA	39,9
	TR	132,6
	ZZ	86,3
0805 10 20	AR	27,1
	BR	41,5
	CL	30,5
	MA	56,3
	TR	53,2
	ZA	59,4
	ZZ	44,7
0805 20 10	MA	69,8
	TR	79,7
	ZZ	74,8
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	IL	76,7
	TR	85,2
	ZZ	81,0
0805 50 10	AR	52,9
	TR	49,5
	ZZ	51,2
0808 10 80	CA	109,9
	CL	90,0
	US	121,4
	ZA	80,2
	ZZ	100,4
0808 20 50	CN	57,1
	ZZ	57,1

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). Code 'ZZ' stands for 'of other origin'.

COMMISSION IMPLEMENTING REGULATION (EU) No 1316/2011**of 15 December 2011****on the minimum customs duty to be fixed in response to the second partial invitation to tender within the tendering procedure opened by Implementing Regulation (EU) No 1239/2011**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Commission Implementing Regulation (EU) No 1239/2011 ⁽²⁾ opened a standing invitation to tender for the 2011/12 marketing year for imports of sugar of CN code 1701 at a reduced customs duty.
- (2) In accordance with Article 6 of Implementing Regulation (EU) No 1239/2011, the Commission is to decide, in the light of the tenders received in response to a partial invitation to tender, either to fix a minimum customs duty or not to fix a minimum customs duty per eight digit CN code.
- (3) On the basis of the tenders received for the second partial invitation to tender, a minimum customs duty should be fixed for certain eight digit codes for sugar

falling within CN code 1701 and no minimum customs duty should be fixed for the other eight digit codes for sugar falling within that CN code.

- (4) In order to give a rapid signal to the market and to ensure efficient management of the measure, this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*.
- (5) The Management Committee for the Common Organisation of Agricultural Markets has not delivered an opinion within the time limit set by its Chair,

HAS ADOPTED THIS REGULATION:

Article 1

For the second partial invitation to tender within the tendering procedure opened by Implementing Regulation (EU) No 1239/2011, in respect of which the time limit for the submission of tenders expired on 14 December 2011, a minimum customs duty has been fixed, or has not been fixed, as set out in the Annex to this Regulation for the eight digit codes for sugar falling within CN code 1701.

Article 2

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

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

Done at Brussels, 15 December 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 318, 1.12.2011, p. 4.

ANNEX

Minimum customs duties

(EUR/tonne)

Eight digit CN code	Minimum customs duty
1	2
1701 11 10	263,50
1701 11 90	—
1701 12 10	X
1701 12 90	X
1701 91 00	X
1701 99 10	—
1701 99 90	X

(—) no minimum customs duty fixed (all offers rejected)

(X) no offers

COMMISSION IMPLEMENTING REGULATION (EU) No 1317/2011**of 15 December 2011****fixing the import duties in the cereals sector applicable from 16 December 2011**

THE EUROPEAN COMMISSION,

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

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

Having regard to Commission Regulation (EU) No 642/2010 of 20 July 2010 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of import duties in the cereals sector ⁽²⁾, and in particular Article 2(1) thereof,

Whereas:

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 16 December 2011.

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

Done at Brussels, 15 December 2011.

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

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 187, 21.7.2010, p. 5.

ANNEX I

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

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

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

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

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

ANNEX II

Factors for calculating the duties laid down in Annex I

1.12.2011-14.12.2011

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

(EUR/t)

	Common wheat ⁽¹⁾	Maize	Durum wheat, high quality	Durum wheat, medium quality ⁽²⁾	Durum wheat, low quality ⁽³⁾
Exchange	Minneapolis	Chicago	—	—	—
Quotation	242,03	175,28	—	—	—
Fob price USA	—	—	318,86	308,86	288,86
Gulf of Mexico premium	—	15,77	—	—	—
Great Lakes premium	39,73	—	—	—	—

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

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

Freight costs: Gulf of Mexico–Rotterdam: 19,41 EUR/t

Freight costs: Great Lakes–Rotterdam: 50,59 EUR/t

COMMISSION IMPLEMENTING REGULATION (EU) No 1318/2011
of 15 December 2011
fixing the export refunds on beef and veal

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 Article 164(2), and Article 170, in conjunction with Article 4 thereof,

Whereas:

(1) Article 162(1) of Regulation (EC) No 1234/2007 provides that the difference between prices on the world market for the products listed in Part XV of Annex I to that Regulation and prices for those products on the Union market may be covered by an export refund.

(2) Given the present situation on the market in beef and veal, export refunds should therefore be set in accordance with the rules and criteria provided for in Articles 162, 163, 164, 167, 168 and 169 of Regulation (EC) No 1234/2007.

(3) Article 164(1) of Regulation (EC) No 1234/2007 provides that the refund may vary according to destination, especially where the world market situation, the specific requirements of certain markets, or obligations resulting from agreements concluded in accordance with Article 300 of the Treaty make this necessary.

(4) Refunds should be granted only on products that are allowed to move freely in the Union and that bear the health mark as provided for in Article 5(1)(a) of Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin⁽²⁾. Those products must also satisfy the requirements laid down in Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs⁽³⁾ and Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption⁽⁴⁾.

(5) The third subparagraph of Article 7(2) of Commission Regulation (EC) No 1359/2007 of 21 November 2007 laying down the conditions for granting special export refunds on certain cuts of boned meat of bovine animals⁽⁵⁾ provides for a reduction of the special refund if the quantity of cuts of boned meat to be exported amounts to less than 95 %, but not less than 85 %, of the total weight of cuts produced by boning.

(6) The currently applicable refunds have been fixed by Commission Implementing Regulation (EU) No 945/2011⁽⁶⁾. Since new refunds should be fixed, that Regulation should therefore be repealed.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

1. Export refunds as provided for in Article 164 of Regulation (EC) No 1234/2007 shall be granted on the products and for the amounts set out in the Annex to this Regulation subject to the conditions provided for in paragraph 2 of this Article.

2. The products eligible for a refund under paragraph 1 shall meet the relevant requirements of Regulations (EC) No 852/2004 and (EC) No 853/2004, and, in particular, shall be prepared in an approved establishment and comply with the health marking requirements laid down in Annex I, Section I, Chapter III to Regulation (EC) No 854/2004.

Article 2

In the case referred to in the third subparagraph of Article 7(2) of Regulation (EC) No 1359/2007, the rate of the refund on products falling within product code 0201 30 00 9100 shall be reduced by EUR 3,5/100 kg.

Article 3

Implementing Regulation (EU) No 945/2011 is hereby repealed.

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 139, 30.4.2004, p. 55

⁽³⁾ OJ L 139, 30.4.2004, p. 1.

⁽⁴⁾ OJ L 139, 30.4.2004, p. 206.

⁽⁵⁾ OJ L 304, 22.11.2007, p. 21.

⁽⁶⁾ OJ L 246, 23.9.2011, p. 20.

Article 4

This Regulation shall enter into force on 16 December 2011.

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

Done at Brussels, 15 December 2011.

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

ANNEX

Export refunds on beef and veal applicable from 16 December 2011

Product code	Destination	Unit of measurement	Refunds
0102 10 10 9140	B00	EUR/100 kg live weight	12,9
0102 10 30 9140	B00	EUR/100 kg live weight	12,9
0201 10 00 9110 ⁽¹⁾	B02	EUR/100 kg net weight	18,3
	B03	EUR/100 kg net weight	10,8
0201 10 00 9130 ⁽¹⁾	B02	EUR/100 kg net weight	24,4
	B03	EUR/100 kg net weight	14,4
0201 20 20 9110 ⁽¹⁾	B02	EUR/100 kg net weight	24,4
	B03	EUR/100 kg net weight	14,4
0201 20 30 9110 ⁽¹⁾	B02	EUR/100 kg net weight	18,3
	B03	EUR/100 kg net weight	10,8
0201 20 50 9110 ⁽¹⁾	B02	EUR/100 kg net weight	30,5
	B03	EUR/100 kg net weight	17,9
0201 20 50 9130 ⁽¹⁾	B02	EUR/100 kg net weight	18,3
	B03	EUR/100 kg net weight	10,8
0201 30 00 9050	US ⁽³⁾	EUR/100 kg net weight	3,3
	CA ⁽⁴⁾	EUR/100 kg net weight	3,3
0201 30 00 9060 ⁽⁶⁾	B02	EUR/100 kg net weight	11,3
	B03	EUR/100 kg net weight	3,8
0201 30 00 9100 ⁽²⁾ ⁽⁶⁾	B04	EUR/100 kg net weight	42,4
	B03	EUR/100 kg net weight	24,9
	EG	EUR/100 kg net weight	51,7
0201 30 00 9120 ⁽²⁾ ⁽⁶⁾	B04	EUR/100 kg net weight	25,4
	B03	EUR/100 kg net weight	15,0
	EG	EUR/100 kg net weight	31,0
0202 10 00 9100	B02	EUR/100 kg net weight	8,1
	B03	EUR/100 kg net weight	2,7
0202 20 30 9000	B02	EUR/100 kg net weight	8,1
	B03	EUR/100 kg net weight	2,7
0202 20 50 9900	B02	EUR/100 kg net weight	8,1
	B03	EUR/100 kg net weight	2,7
0202 20 90 9100	B02	EUR/100 kg net weight	8,1
	B03	EUR/100 kg net weight	2,7
0202 30 90 9100	US ⁽³⁾	EUR/100 kg net weight	3,3
	CA ⁽⁴⁾	EUR/100 kg net weight	3,3

Product code	Destination	Unit of measurement	Refunds
0202 30 90 9200 ⁽⁶⁾	B02	EUR/100 kg net weight	11,3
	B03	EUR/100 kg net weight	3,8
1602 50 31 9125 ⁽⁵⁾	B00	EUR/100 kg net weight	11,6
1602 50 31 9325 ⁽⁵⁾	B00	EUR/100 kg net weight	10,3
1602 50 95 9125 ⁽⁵⁾	B00	EUR/100 kg net weight	11,6
1602 50 95 9325 ⁽⁵⁾	B00	EUR/100 kg net weight	10,3

N.B.: The product codes and the 'A' series destination codes are set out in the Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1).

The destination codes are set out in Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19).

The other destinations are defined as follows:

B00: all destinations (third countries, other territories, victualling and destinations treated as exports from the Union).

B02: B04 and destination EG.

B03: Albania, Croatia, Bosnia-Herzegovina, Serbia, Kosovo (*), Montenegro, former Yugoslav Republic of Macedonia, stores and provisions (destinations referred to in Articles 33 and 42, and if appropriate in Article 41, of Commission Regulation (EC) No 612/2009 (OJ L 186, 17.7.2009, p. 1).

B04: Turkey, Ukraine, Belarus, Moldova, Russia, Georgia, Armenia, Azerbaijan, Kazakhstan, Turkmenistan, Uzbekistan, Tajikistan, Kyrgyzstan, Morocco, Algeria, Tunisia, Libya, Lebanon, Syria, Iraq, Iran, Israel, West Bank/Gaza Strip, Jordan, Saudi Arabia, Kuwait, Bahrain, Qatar, United Arab Emirates, Oman, Yemen, Pakistan, Sri Lanka, Myanmar (Burma), Thailand, Vietnam, Indonesia, Philippines, China, North Korea, Hong Kong, Sudan, Mauritania, Mali, Burkina Faso, Niger, Chad, Cape Verde, Senegal, Gambia, Guinea-Bissau, Guinea, Sierra Leone, Liberia, Côte-d'Ivoire, Ghana, Togo, Benin, Nigeria, Cameroun, Central African Republic, Equatorial Guinea, Sao Tome Principe, Gabon, Congo, Congo (Democratic Republic), Rwanda, Burundi, Saint Helena and dependencies, Angola, Ethiopia, Eritrea, Djibouti, Somalia, Uganda, Tanzania, Seychelles and dependencies, British Indian Ocean Territory, Mozambique, Mauritius, Comoros, Mayotte, Zambia, Malawi, South Africa, Lesotho.

(*) As defined by United Nations Security Council Resolution 1244 of 10 June 1999.

(1) Entry under this subheading is subject to the submission of the certificate appearing in the Annex to Commission Regulation (EC) No 433/2007 (OJ L 104, 21.4.2007, p. 3).

(2) The refund is granted subject to compliance with the conditions laid down in amended Commission Regulation (EC) No 1359/2007 (OJ L 304, 22.11.2007, p. 21), and, if applicable, in Commission Regulation (EC) No 1741/2006 (OJ L 329, 25.11.2006, p. 7).

(3) Carried out in accordance with Commission Regulation (EC) No 1643/2006 (OJ L 308, 8.11.2006, p. 7).

(4) Carried out in accordance with Commission Regulation (EC) No 1041/2008 (OJ L 281, 24.10.2008, p. 3).

(5) The refund is granted subject to compliance with the conditions laid down in Commission Regulation (EC) No 1731/2006 (OJ L 325, 24.11.2006, p. 12).

(6) The lean bovine meat content excluding fat is determined in accordance with the procedure described in the Annex to Commission Regulation (EEC) No 2429/86 (OJ L 210, 1.8.1986, p. 39).

The term 'average content' refers to the sample quantity as defined in Article 2(1) of Commission Regulation (EC) No 765/2002 (OJ L 117, 4.5.2002, p. 6). The sample is to be taken from that part of the consignment presenting the highest risk.

COMMISSION IMPLEMENTING REGULATION (EU) No 1319/2011**of 15 December 2011****fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and amending Regulation (EC) No 1484/95**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Article 143 thereof,

Having regard to Council Regulation (EC) No 614/2009 of 7 July 2009 on the common system of trade for ovalbumin and lactalbumin ⁽²⁾, and in particular Article 3(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1484/95 ⁽³⁾ lays down detailed rules for implementing the system of additional import duties and fixes representative prices for poultrymeat and egg products and for egg albumin.
- (2) Regular monitoring of the data used to determine representative prices for poultrymeat and egg products and for

egg albumin shows that the representative import prices for certain products should be amended to take account of variations in price according to origin. The representative prices should therefore be published.

(3) In view of the situation on the market, this amendment should be applied as soon as possible.

(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

Annex I to Regulation (EC) No 1484/95 is replaced by the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 15 December 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 181, 14.7.2009, p. 8.

⁽³⁾ OJ L 145, 29.6.1995, p. 47.

ANNEX

to the Commission Regulation of 15 December 2011 fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and amending Regulation (EC) No 1484/95

‘ANNEX I

CN code	Description of goods	Representative price (EUR/100 kg)	Security under Article 3(3) (EUR/100 kg)	Origin ⁽¹⁾
0207 12 10	Fowls of the species <i>Gallus domesticus</i> , not cut in pieces, presented as “70 % chickens”, frozen	109,5	0	AR
		128,7	0	BR
0207 12 90	Fowls of the species <i>Gallus domesticus</i> , not cut in pieces, presented as “65 % chickens”, frozen	125,3	0	AR
		143,2	0	BR
0207 14 10	Fowls of the species <i>Gallus domesticus</i> , boneless cuts, frozen	272,5	8	AR
		227,0	22	BR
		321,6	0	CL
0207 14 50	Fowls of the species <i>Gallus domesticus</i> , breasts, frozen	222,0	0	BR
0207 14 60	Fowl of the species <i>Gallus domesticus</i> , legs, frozen	249,8	0	BR
0207 25 10	Turkeys, not cut in pieces, presented as “80 % turkeys”, frozen	223,5	0	BR
0207 27 10	Turkeys, boneless cuts, frozen	355,4	0	BR
		407,5	0	CL
0408 11 80	Egg yolks	303,9	2	AR
0408 91 80	Eggs, not in shell, dried	313,9	0	AR
1602 32 11	Preparations of fowls of the species <i>Gallus domesticus</i> , uncooked	296,2	0	BR
		373,4	0	CL
3502 11 90	Egg albumin, dried	498,7	0	AR

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). The code “ZZ” represents “other origins”.

DECISIONS

COUNCIL DECISION

of 13 December 2011

on the full application of the provisions of the Schengen *acquis* in the Principality of Liechtenstein

(2011/842/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* ⁽¹⁾ and in particular Article 10(1) thereof,

Whereas:

- (1) Article 10(1) of the said Protocol provides for the provisions of the Schengen *acquis* to be put into effect for the Principality of Liechtenstein pursuant to a decision of the Council to that effect after the Council has satisfied itself that the necessary conditions for the implementation of that *acquis* have been fulfilled by Liechtenstein.
- (2) The Council, having verified that the preconditions for the application of the data protection part of the Schengen *acquis* concerned had been fulfilled by the Principality of Liechtenstein, rendered, by Decision 2011/352/EU ⁽²⁾, provisions of the Schengen *acquis* relating to the Schengen Information System applicable to the Principality of Liechtenstein from 9 June 2011.
- (3) The Council has verified, in accordance with the applicable Schengen evaluation procedures as set out in the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen (SCH/Com-ex (98) 26 def.) ⁽³⁾, whether the necessary conditions for the application of the Schengen *acquis* have been met in all other areas of the Schengen *acquis* in the Principality of Liechtenstein.

- (4) On 13 December 2011, the Council concluded that the conditions in each of the areas mentioned had been fulfilled by the Principality of Liechtenstein.

- (5) It is possible to set the date for the application of the Schengen *acquis* in full by the Principality of Liechtenstein, that is to say the date from which checks on persons at the internal borders with the Principality of Liechtenstein should be lifted.

- (6) From that date, the restrictions on the use of the Schengen Information System, provided for in Decision 2011/352/EU, should be lifted.

- (7) In accordance with Article 15 of the Agreement between the European Community and the Swiss Confederation concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland ⁽⁴⁾ and with Article 8 of the Protocol between the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Community and the Swiss Confederation concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland ⁽⁵⁾, the latter Agreement has been implemented from 7 March 2011.

- (8) The Agreement between the Principality of Liechtenstein and the Kingdom of Denmark concerning the implementation, application and development of the Schengen *acquis* that are based on provisions under Title V of the Treaty on the Functioning of the European Union, signed at Brussels on 18 March 2011, stipulates that it shall be put into effect on the same date as the provisions referred to in Article 2 of the Protocol are put into effect for the Principality of Liechtenstein.

⁽¹⁾ OJ L 160, 18.6.2011, p. 21.⁽²⁾ OJ L 160, 18.6.2011, p. 84.⁽³⁾ OJ L 239, 22.9.2000, p. 138.⁽⁴⁾ OJ L 53, 27.2.2008, p. 5.⁽⁵⁾ OJ L 160, 18.6.2011, p. 39.

- (9) In accordance with the second subparagraph of Article 15(1) of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* ⁽¹⁾ and as a result of the partial application of the Schengen *acquis* by the United Kingdom of Great Britain and Northern Ireland provided for in Council Decision 2004/926/EC of 22 December 2004 on the putting into effect of parts of the Schengen *acquis* by the United Kingdom of Great Britain and Northern Ireland ⁽²⁾, and in particular the first subparagraph of Article 1 thereof, only part of the provisions of the Schengen *acquis* applicable to the Principality of Liechtenstein in its relations with Member States applying the Schengen *acquis* in full is to apply in the relations of the Principality of Liechtenstein with the United Kingdom of Great Britain and Northern Ireland.
- (10) In accordance with the third subparagraph of Article 15(1) of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* and as a result of the partial application of the Schengen *acquis* by the Republic of Cyprus, on the basis of Article 3(2) of the 2003 Act of Accession, and the Republic of Bulgaria and Romania, on the basis of Article 4(2) of the 2005 Act of Accession, only the part of the Schengen *acquis* applicable in these Member States should also be applicable to the Principality of Liechtenstein in its relations with these Member States,

HAS ADOPTED THIS DECISION:

Article 1

1. All the provisions referred to in Annexes A and B to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* and all the provisions listed in the Annex to the Protocol to that Agreement and any act constituting a further development of one or more of these provisions, shall apply to the Principality of Liechtenstein, in

its relations with the Kingdom of Belgium, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, Hungary, Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, and the Kingdom of Sweden as from 19 December 2011.

All restrictions on the use of the Schengen Information System by the Member States referred to in the first subparagraph shall be lifted as from the same date.

2. The provisions of the Schengen *acquis* put into effect by the United Kingdom of Great Britain and Northern Ireland on the basis of Article 1 of Decision 2004/926/EC and any act constituting a further development of one or more of those provisions, shall apply to the Principality of Liechtenstein, in its relations with the United Kingdom of Great Britain and Northern Ireland as from 19 December 2011.

3. The provisions of the Schengen *acquis* applicable to the Republic of Cyprus on the basis of Article 3(1) of the 2003 Act of Accession, and to the Republic of Bulgaria and Romania, on the basis of Article 4(1) of the 2005 Act of Accession, and any act constituting a further development of any of those provisions, shall apply to the Principality of Liechtenstein in its relations with the Republic of Cyprus, the Republic of Bulgaria and Romania as from 19 December 2011.

Article 2

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

Done at Brussels, 13 December 2011.

For the Council
The President
M. CICHOCKI

⁽¹⁾ OJ L 53, 27.2.2008, p. 52.

⁽²⁾ OJ L 395, 31.12.2004, p. 70.

COMMISSION IMPLEMENTING DECISION**of 13 December 2011****on the Union financial contribution to national programme of the Kingdom of Spain in 2011 for the collection, management and use of data in the fisheries sector***(notified under document C(2011) 9318)***(Only the Spanish text is authentic)**

(2011/843/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 861/2006 of 22 May 2006 establishing Community financial measures for the implementation of the common fisheries policy and in the area of the Law of the Sea ⁽¹⁾, and in particular Article 24(1) thereof,

Whereas:

- (1) Regulation (EC) No 861/2006 lays down the conditions whereby Member States may receive a contribution from the European Union for expenditure incurred in their national programmes of collection and management of data.
- (2) Those programmes are to be drawn up in accordance with Council Regulation (EC) No 199/2008 of 25 February 2008 concerning the establishment of a Community framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the Common Fisheries Policy ⁽²⁾ and Commission Regulation (EC) No 665/2008 of 14 July 2008 laying down detailed rules for the application of Council Regulation (EC) No 199/2008 ⁽³⁾.
- (3) The Kingdom of Spain has submitted the national programme for 2011-2013 as provided for in Article 4(4) and (5) of Regulation (EC) No 199/2008. This programme was approved in 2011 in accordance with Article 6(3) of Regulation (EC) No 199/2008.
- (4) This Member State has submitted annual budget forecasts covering the period 2011-2013 according to Article 2 of Commission Regulation (EC) No 1078/2008 of 3 November 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 861/2006 as regards the expenditure incurred by Member States for the collection and management of

the basic fisheries data ⁽⁴⁾. The Commission has evaluated Member States' annual budget forecasts, as laid down in Article 4 of Regulation (EC) No 1078/2008, by taking into account the approved national programme.

- (5) Article 5 of Regulation (EC) No 1078/2008 establishes that the Commission is to approve the annual budget forecast and is to decide on the annual Union financial contribution to each national programme in accordance with the procedure laid down in Article 24 of Regulation (EC) No 861/2006 and on the basis of the outcome of the evaluation of the annual budget forecasts as referred to in Article 4 of Regulation (EC) No 1078/2008.
- (6) Article 24(3)(b) of Regulation (EC) No 861/2006 establishes that a Commission Decision is to fix the rate of the financial contribution. Article 16 of that Regulation provides that Union financial measures in the area of basic data collection are not to exceed 50 % of the costs incurred by Member State in carrying out the programme of collection, management and use of data in the fisheries sector.
- (7) This Decision constitutes the financing decision within the meaning of Article 75(2) of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽⁵⁾.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS DECISION:

Article 1

The maximum global amount of the Union financial contribution to be granted to the Kingdom of Spain for the collection, management and use of data in the fisheries sector for 2011 and the rate of the Union financial contribution, are established in the Annex.

⁽¹⁾ OJ L 160, 14.6.2006, p. 1.

⁽²⁾ OJ L 60, 5.3.2008, p. 1.

⁽³⁾ OJ L 186, 15.7.2008, p. 3.

⁽⁴⁾ OJ L 295, 4.11.2008, p. 24.

⁽⁵⁾ OJ L 248, 16.9.2002, p. 1.

Article 2

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 13 December 2011.

For the Commission

Maria DAMANAKI

Member of the Commission

ANNEX

NATIONAL PROGRAMME 2011-2013

ELIGIBLE EXPENDITURE AND MAXIMUM UNION CONTRIBUTION FOR 2011

(in EUR)

Member State	Eligible expenditure	Maximum Union contribution (Rate of 50 %)
KINGDOM OF SPAIN	16 043 361,16	8 021 680,58
TOTAL	16 043 361,16	8 021 680,58

COMMISSION IMPLEMENTING DECISION

of 14 December 2011

amending Decision 2006/415/EC concerning certain protection measures in relation to highly pathogenic avian influenza of the subtype H5N1 in poultry in the Community

(notified under document C(2011) 9169)

(Text with EEA relevance)

(2011/844/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽¹⁾, and in particular Article 9(4) thereof,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽²⁾, and in particular Article 10(4) thereof,

Having regard to Regulation (EC) No 998/2003 of the European Parliament and of the Council of 26 May 2003 on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC ⁽³⁾, and in particular Article 18 thereof,

Having regard to Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian influenza and repealing Directive 92/40/EEC ⁽⁴⁾, and in particular Article 63(3) thereof,

Whereas:

(1) Commission Decision 2006/415/EC of 14 June 2006 concerning certain protection measures in relation to highly pathogenic avian influenza of the subtype H5N1 in poultry in the Community and repealing Decision 2006/135/EC ⁽⁵⁾ lays down certain protection measures to be applied in the event of an outbreak of that disease, including the establishment of areas A and B following a suspected or confirmed outbreak of the disease. Those areas are listed in the Annex to Decision 2006/415/EC. That Decision is to apply until 31 December 2011.

(2) Outbreaks of highly pathogenic avian influenza of the subtype H5N1 have last occurred in poultry in the Union in Romania in March 2010 and the virus has been detected in a wild bird in Bulgaria in April 2010.

According to available information, there are currently no outbreaks of that disease in the Union. It is therefore appropriate to remove Romania from the list set out in the Annex to Decision 2006/415/EC.

(3) The measures laid down in Decision 2006/415/EC have proven to be very effective and the publication in the *Official Journal of the European Union* of the zones that the competent authority has placed under restrictions has increased transparency and trust of non-affected Member States and third countries in the measures taken.

(4) In addition, highly pathogenic avian influenza of the subtype H5N1 is still present in several third countries and continues therefore to pose a threat to animal and human health in the Union. The period of application of Decision 2006/415/EC should therefore be extended.

(5) In September 2011 an external evaluation of the Union's emergency response network has started. The evaluation aims at assessing the effectiveness of the network. That evaluation is to be completed by August 2012. The results of the evaluation will be taken into account in a possible review of the measures laid down in Decision 2006/415/EC.

(6) Decision 2006/415/EC should therefore be amended accordingly.

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

HAS ADOPTED THIS DECISION:

Article 1

Decision 2006/415/EC is amended as follows:

1. in Article 12, the date '31 December 2011' is replaced by '31 December 2013';

2. in the Annex, the entries for Romania are deleted.

⁽¹⁾ OJ L 395, 30.12.1989, p. 13.

⁽²⁾ OJ L 224, 18.8.1990, p. 29.

⁽³⁾ OJ L 146, 13.6.2003, p. 1.

⁽⁴⁾ OJ L 10, 14.1.2006, p. 16.

⁽⁵⁾ OJ L 164, 16.6.2006, p. 51.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 14 December 2011.

For the Commission

John DALLI

Member of the Commission

2011/844/EU:

- ★ **Commission Implementing Decision of 14 December 2011 amending Decision 2006/415/EC concerning certain protection measures in relation to highly pathogenic avian influenza of the subtype H5N1 in poultry in the Community** (*notified under document C(2011) 9169*) ⁽¹⁾..... 31



⁽¹⁾ Text with EEA relevance

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