

Official Journal

of the European Union

L 92



English edition

Legislation

Volume 55

30 March 2012

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I

(Legislative acts)

DECISIONS

DECISION No 281/2012/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**of 29 March 2012****amending Decision No 573/2007/EC establishing the European Refugee Fund for the period 2008 to 2013 as part of the General programme ‘Solidarity and Management of Migration Flows’**

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 78(2)(g) thereof,

Having regard to the proposal from the European Commission,

Acting in accordance with the ordinary legislative procedure ⁽¹⁾,

Whereas:

- (1) In light of the establishment of a Joint EU resettlement programme aimed at increasing the impact of the Union's resettlement efforts in providing protection to refugees, and at maximising the strategic impact of resettlement through a better targeting of those persons who are in greatest need of resettlement, common priorities with respect to resettlement should be formulated at the level of the Union.
- (2) Article 80 of the Treaty on the Functioning of the European Union provides that the policies of the Union set out in the Chapter on border checks, asylum and immigration and their implementation are to be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States, and that, whenever necessary, Union acts under the said Chapter are to contain appropriate measures to give effect to that principle.
- (3) For this purpose, specific common Union resettlement priorities for 2013, as listed in the Annex added to Decision No 573/2007/EC of the European Parliament

and of the Council ⁽²⁾ by this Decision, are to be established on the basis of two categories, the first of which should include persons belonging to a specific category falling within the United Nations High Commissioner for Refugees (UNHCR) resettlement criteria, and the second one should include persons from a country or region which has been identified in the UNHCR annual resettlement forecast and where common action by the Union would have a significant impact in addressing protection needs.

- (4) Taking into account the resettlement needs set out in the Annex added to Decision No 573/2007/EC by this Decision listing the specific common Union resettlement priorities, it is also necessary to provide additional financial support for the resettlement of persons with respect to specific geographic regions and nationalities, as well as to the specific categories of refugees to be resettled, where resettlement is determined to be the most appropriate response to their special needs.
- (5) Given the importance of the strategic use of resettlement from countries or regions designated for the implementation of regional protection programmes, it is necessary to provide additional financial support for the resettlement of persons from Tanzania, eastern Europe (Belarus, Republic of Moldova and Ukraine), the Horn of Africa (Djibouti, Kenya and Yemen) and North Africa (Egypt, Libya and Tunisia), and from any other countries or regions that are so designated in the future.
- (6) In order to encourage more Member States to engage in resettlement actions, it is equally necessary to provide additional financial support to those Member States that decide to resettle persons for the first time.
- (7) It is also necessary to lay down rules concerning the eligibility of expenditure for the additional financial support for resettlement.

⁽¹⁾ Position of the European Parliament of 18 May 2010 (OJ C 161 E, 31.5.2011, p. 161) and position of the Council at first reading of 8 March 2012 (not yet published in the Official Journal). Position of the European Parliament of 29 March 2012 (not yet published in the Official Journal).

⁽²⁾ OJ L 144, 6.6.2007, p. 1.

- (8) In accordance with Article 3 and Article 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, the United Kingdom has notified its wish to take part in the adoption and application of this Decision.
- (9) In accordance with Articles 1 and 2 and Article 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (10) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application,

HAVE ADOPTED THIS DECISION:

Article 1

Decision No 573/2007/EC is hereby amended as follows:

- (1) Article 13 is amended as follows:

- (a) paragraph 3 is replaced by the following:

‘3. Member States shall receive a fixed amount in accordance with paragraph 3a for each person resettled on the basis of one or more of the following priorities:

- (a) persons from a country or region designated for the implementation of a regional protection programme;
- (b) persons from one or more of the following vulnerable groups:
 - children and women at risk,
 - unaccompanied minors,
 - survivors of violence and/or torture,
 - persons having serious medical needs that can be addressed only if they are resettled,
 - persons in need of emergency resettlement or urgent resettlement for legal and/or physical protection needs;

- (c) the specific common Union resettlement priorities for 2013 listed in the Annex to this Decision.’;

- (b) the following paragraph is inserted:

‘3a. Member States shall receive a fixed amount of EUR 4 000 for each person resettled on the basis of the priorities listed in paragraph 3.

In the cases indicated below, the fixed amount shall be increased as follows:

- EUR 6 000 per resettled person for those Member States which receive the fixed amount for resettlement from the Fund for the first time,
- EUR 5 000 per resettled person for those Member States which have already received the fixed amount for resettlement from the Fund once in the course of the previous years of the Fund’s operation.’;

- (c) paragraph 4 is replaced by the following:

‘4. Where a Member State resettles a person on the basis of more than one of the Union resettlement priorities listed in paragraph 3, it shall receive the fixed amount for this person only once.’;

- (d) paragraph 6 is replaced by the following:

‘6. By 1 May 2012, Member States shall provide the Commission with an estimate of the number of persons they will resettle, on the basis of the priorities listed in paragraph 3, in the course of the following calendar year, including a breakdown by the different categories referred to in that paragraph. The Commission shall communicate this information to the Committee referred to in Article 52.’;

- (e) the following paragraph is added:

‘7. The results and impact of the financial incentive for resettlement actions on the basis of the priorities listed in paragraph 3 shall be reported by the Member States in the report referred to in Article 50(2) and by the Commission in the report referred to in Article 50(3).’;

- (2) in Article 35, the following paragraph is added:

‘5. The fixed amount for each resettled person allocated to the Member States shall be granted as a lump sum for each person effectively resettled.’;

- (3) the text set out in the Annex to this Decision is added as an Annex to Decision No 573/2007/EC.

Article 2

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

Article 3

This Decision is addressed to the Member States in accordance with the Treaties.

Done at Brussels, 29 March 2012.

For the European Parliament
The President
M. SCHULZ

For the Council
The President
N. WAMMEN

ANNEX

'ANNEX

List of the specific common Union resettlement priorities for 2013

- (1) Congolese refugees in the Great Lakes Region (Burundi, Malawi, Rwanda, Zambia);
 - (2) Refugees from Iraq in Turkey, Syria, Lebanon and Jordan;
 - (3) Afghan refugees in Turkey, Pakistan and Iran;
 - (4) Somali refugees in Ethiopia;
 - (5) Burmese refugees in Bangladesh, Malaysia and Thailand;
 - (6) Eritrean refugees in eastern Sudan.'
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II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) No 282/2012

of 28 March 2012

laying down common detailed rules for the application of the system of securities for agricultural products

(codification)

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Article 43(a), (d), (f) and (j), Article 47(2), Article 134, Article 143(b), Article 148, Article 161(3), Article 171 and Article 172(2),

Having regard to Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products ⁽²⁾, and in particular Articles 37 and 38 thereof,

Having regard to Council Regulation (EC) No 1216/2009 of 30 November 2009 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products ⁽³⁾, and in particular Article 4(4), Article 6(4), Article 7(3), and Article 11(4) thereof,

Having regard to Council Regulation (EC) No 247/2006 of 30 January 2006 laying down specific measures for agriculture in the outermost regions of the Union ⁽⁴⁾, and in particular Article 25 thereof,

Having regard to Council Regulation (EC) No 73/2009 of 19 January 2009 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers, amending

Regulations (EC) No 1290/2005, (EC) No 247/2006, (EC) No 378/2007 and repealing Regulation (EC) No 1782/2003 ⁽⁵⁾, and in particular Article 142(c) thereof,

Having regard to Council Regulation (EC) No 2799/98 of 15 December 1998 establishing agrimonetary arrangements for the euro ⁽⁶⁾, and in particular Article 9 thereof,

Whereas:

- (1) Commission Regulation (EEC) No 2220/85 of 22 July 1985 laying down common detailed rules for the application of the system of securities for agricultural products ⁽⁷⁾ has been substantially amended several times ⁽⁸⁾. In the interests of clarity and rationality the said Regulation should be codified.
- (2) Numerous provisions in agricultural regulations of the Union require that a security be given to ensure payment of a sum due if an obligation is not met. However, experience has shown that this requirement is in practice interpreted in widely differing fashions. Therefore, in order to avoid unequal competitive conditions, the requirement should be defined.
- (3) In particular, the form of the security should be defined.
- (4) Many provisions in agricultural regulations of the Union provide that the security given is forfeited if any obligation secured is breached, without making any distinction between breaches of fundamental and of secondary or subordinate obligations. In the interests of equity a distinction should be drawn between the consequences of breaching a fundamental obligation and the consequences of breaching a secondary or

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 17, 21.1.2000, p. 22.

⁽³⁾ OJ L 328, 15.12.2009, p. 10.

⁽⁴⁾ OJ L 42, 14.2.2006, p. 1.

⁽⁵⁾ OJ L 30, 31.1.2009, p. 16.

⁽⁶⁾ OJ L 349, 24.12.1998, p. 1.

⁽⁷⁾ OJ L 205, 3.8.1985, p. 5.

⁽⁸⁾ See Annex I.

subordinate one. In particular, provision should be made, where permissible, for forfeiture of only a part of the security where the fundamental obligation is in fact met but the deadline set for meeting it has been slightly exceeded, or when a secondary or subordinate obligation is not met.

- (5) No distinction between the consequences of failure to meet an obligation should be made based on whether or not an advance payment has been received. Accordingly, securities given against advances should be covered by separate rules.
- (6) The costs of lodging a security, incurred by both the party giving the security and the competent authority, may be out of proportion to the sum whose payment the security guarantees if that sum is below a certain limit. Competent authorities should therefore have the right to waive the requirement of a security for payment of a sum below that limit. Further, a competent authority should be empowered to waive the requirement of a security where the nature of the person required to meet the obligations makes that requirement unnecessary.
- (7) A competent authority should have the right to refuse a security offered where it considers it to be unsatisfactory.
- (8) A time limit for furnishing the evidence needed for the release of a sum secured should be laid down where no such time limit is laid down elsewhere.
- (9) In connection with the exchange rate to be used for converting a sum secured expressed in euro into national currency, the operative event referred to in Article 3 of Regulation (EC) No 2799/98, should be defined in accordance with Commission Regulation (EC) No 1913/2006 ⁽¹⁾.
- (10) The procedure to be followed once a security is forfeited should be laid down.
- (11) The Commission should be enabled to monitor the implementation of the provisions on securities.
- (12) This Regulation lays down the rules to apply generally, unless specific Union legislation lays down different rules.
- (13) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets and were submitted for information to the other competent committees,

HAS ADOPTED THIS REGULATION:

CHAPTER I

SCOPE AND DEFINITIONS

Article 1

This Regulation lays down the rules governing securities to be provided, either under the following regulations or under any regulations adopted pursuant to those regulations, unless other rules are laid down by those regulations:

- (a) regulations laying down the common organisation of markets in certain agricultural products:
 - Regulation (EC) No 104/2000 (fishery and aquaculture products),
 - Regulation (EC) No 1234/2007 (Single CMO Regulation);
- (b) Regulation (EC) No 73/2009 (direct support schemes);
- (c) Regulation (EC) No 1216/2009 (trade arrangements applicable to certain goods resulting from the processing of agricultural products).

Article 2

This Regulation shall apply in all cases where the regulations referred to in Article 1 provide for a security as defined in Article 3, whether or not the particular term 'security' is used.

This Regulation shall not apply to securities given to ensure payment of import and export duties referred to in Council Regulation (EEC) No 2913/92 ⁽²⁾.

Article 3

For the purposes of this Regulation, the following definitions shall apply:

- (a) 'security' means the assurance that a sum of money will be paid or forfeited to a competent authority if a particular obligation is not met;
- (b) 'block security' means a security made available to the competent authority with the purpose of ensuring that more than one obligation is met;
- (c) 'obligation' means a requirement or set of requirements, imposed by a regulation, to perform or to refrain from performing an act;
- (d) 'competent authority' means either a party authorised to accept a security or a party authorised to decide in accordance with the relevant regulation if a security is to be released or forfeited.

⁽¹⁾ OJ L 365, 21.12.2006, p. 52.

⁽²⁾ OJ L 302, 19.10.1992, p. 1.

CHAPTER II

REQUIREMENT OF A SECURITY*Article 4*

A security shall be given by or on behalf of the party responsible for paying the sum of money due if an obligation is not met.

Article 5

1. The competent authority may waive the requirement of a security where the value of the sum secured is less than EUR 500.

2. Where use is made of the facility in paragraph 1, the party concerned shall undertake in writing to pay a sum equal to that which he would have been required to pay had he given a security and that security has subsequently been forfeited in part or entirely.

Article 6

The competent authority may waive the requirement of a security where the party responsible for meeting the obligation is either:

- (a) a public body responsible for executing the duties of a public authority; or
- (b) a private body executing duties referred to in point (a) under State supervision.

CHAPTER III

FORM OF SECURITIES*Article 7*

1. A security may be given by:

- (a) making a cash deposit as referred to in Articles 12 and 13; and/or
- (b) providing a guarantor as defined in Article 15(1).

2. At the discretion of the competent authority, a security may be given by:

- (a) providing a mortgage; and/or
- (b) pledging cash deposits in a bank; and/or
- (c) pledging recognised claims against a public body or public funds, which are due and payable and against which no other claim has precedence; and/or
- (d) pledging securities negotiable in the Member State concerned provided they are issued or guaranteed by that Member State; and/or

(e) pledging bonds, issued by mortgage credit associations, listed on a public stock exchange and for sale on the open market, provided that their credit rating ranks equal with that of government bonds.

3. The competent authority may impose additional terms for accepting securities of the type listed in paragraph 2.

Article 8

The competent authority shall refuse to accept or shall require the replacement of any security which it considers inadequate or unsatisfactory or which does not provide cover for a sufficient period.

Article 9

1. Assets mortgaged in accordance with Article 7(2)(a) or securities or bonds pledged in accordance with Article 7(2)(d) and (e) shall, at the time the security is given, have a disposable value of at least 115 % of the value of the security required.

A competent authority may accept a security of the type listed in Article 7(2)(a), (d) or (e) only if the party offering it undertakes, in writing, either to give an additional security or to replace the original security should the disposable value of the assets, securities or bonds in question have been for a period of three months below 105 % of the value of the security required. This written undertaking shall not be necessary where national law already so provides. The competent authority shall regularly review the value of such assets, securities or bonds.

2. The disposable value of a security as referred to in Article 7(2)(a), (d) and (e) shall be assessed by the competent authority, taking into account any costs of disposal.

The disposable value of securities or bonds shall be assessed using the last available quotation.

The party giving the security shall, at the request of the competent authority, provide proof of its disposable value.

Article 10

1. Any security may be replaced by another.

However, the agreement of the competent authority shall be required in the following cases:

- (a) where the original security has been forfeited but not yet realised; or
- (b) where the replacement security is of a type listed in Article 7(2).

2. A block security may be replaced by another block security on condition that the new block security covers at least that part of the original block security assigned at the time of replacement to ensure fulfilment of one or more obligations still outstanding.

Article 11

1. Securities as referred to in Article 1 shall be constituted in euro.
2. Notwithstanding paragraph 1, where the security is accepted in a Member State outside the euro area, in national currency, the amount of the security in euro shall be converted into that currency in accordance with Article 10 of Regulation (EC) No 1913/2006. The undertaking corresponding to the security and any amount withheld in the event of irregularities or breaches shall remain fixed in euro.

Article 12

Where cash is deposited by transfer it shall not be regarded as establishing a security until the competent authority is satisfied that it has the amount at its disposal.

Article 13

1. A cheque for a sum whose payment is guaranteed by a financial institution recognised for the purpose by the Member State of the competent authority concerned shall be treated as a cash deposit. The competent authority need not present such a cheque for payment until the period for which it is guaranteed is about to expire.
2. A cheque, other than as referred to in paragraph 1, shall constitute a security only when the competent authority is satisfied that it has the amount at its disposal.
3. Any charges by a financial institution shall be borne by the party giving the security.

Article 14

No interest shall be paid to the party giving a security in the form of a cash deposit.

Article 15

1. The guarantor shall have his normal residence or an establishment in the Union and, subject to the provisions of the Treaty concerning freedom to supply services, be approved by the competent authority of the Member State in which the security is given. The guarantor shall be bound by a written guarantee.
2. The written guarantee shall state at least:
 - (a) the obligation or, in the case of a block security, the type(s) of obligation against whose fulfilment it guarantees the payment of a sum of money;
 - (b) the maximum liability to pay that the guarantor accepts;
 - (c) that the guarantor undertakes jointly and severally with the party responsible for meeting the obligation to pay, within 30 days of demand by the competent authority, any sum, within the limit of the guarantee, due once a security is declared forfeit.

3. The competent authority may accept a written telecommunication sent by the guarantor as constituting a written guarantee. If the competent authority does so accept, it shall take whatever steps are required to satisfy itself that the telecommunication is genuine.

4. Where a written block guarantee has already been given, the competent authority shall determine the procedure to be followed by which all or part of the block guarantee shall be allocated to a particular obligation.

Article 16

As soon as part of a block security is assigned to a particular obligation, the balance of the block security remaining shall be noted.

CHAPTER IV

ADVANCE PAYMENTS

Article 17

The provisions of this Chapter shall apply in all cases where specific Union rules provide that a sum may be advanced before the obligation has been met.

Article 18

1. The security shall be released when:
 - (a) final entitlement to the sum granted as advance has been established; or
 - (b) the sum granted, plus any addition provided for in the specific Union rules, has been repaid.

2. Once the deadline for showing final entitlement to the sum granted has passed without production of evidence of entitlement, the competent authority shall immediately follow the procedure in Article 28.

The deadline may be postponed in a case of *force majeure*.

However, where Union legislation so provides, evidence may still be produced after that date against partial repayment of the security.

3. If the *force majeure* provisions in Union legislation permit repayment of the advance alone, the following further conditions shall apply:

- (a) the circumstances claimed as *force majeure* shall be notified to the competent authority not later than 30 days after the day on which information was received by the party concerned that circumstances indicating a possible case of *force majeure* had arisen; and

- (b) the party concerned shall repay the sum advanced or the relevant part of it within 30 days from the date on which the competent authority issues a request for repayment.

If the conditions laid down in points (a) and (b) are not respected, the terms of repayment shall be the same as if circumstances of *force majeure* had not occurred.

CHAPTER V

RELEASE AND FORFEITURE OF SECURITIES OTHER THAN THOSE REFERRED TO IN CHAPTER IV

Article 19

1. An obligation may include primary, secondary or subordinate requirements.
2. A primary requirement is a requirement, basic to the purposes of the regulation imposing it, to perform, or to refrain from performing, an act.
3. A secondary requirement is a requirement to respect the time limit for fulfilling a primary requirement.
4. A subordinate requirement is any other requirement imposed by a regulation.
5. This Chapter shall not apply where the specific Union rules have not defined the primary requirements.
6. For the purposes of this Chapter 'the relevant part of the sum secured' means the part of the sum secured corresponding to the quantity for which a requirement has been breached.

Article 20

Once the evidence laid down by the specific Union rules has been furnished that all primary, secondary and subordinate requirements have been fulfilled, the security shall be released.

Article 21

1. A security shall be forfeit in full for the quantity for which a primary requirement is not fulfilled, unless *force majeure* prevented fulfilment.
2. A primary requirement shall be considered to have been breached if the relevant evidence is not produced within the time limit set for the production of that evidence unless *force majeure* prevented production of such evidence within that time limit. The procedure in Article 28 for recovering the sum forfeited shall immediately be followed.

3. Where evidence that all primary requirements have been met is produced within 18 months of the deadline in paragraph 2, 85 % of the sum forfeited shall be repaid.

Where evidence that all primary requirements have been met is produced within 18 months of that deadline in circumstances where the relevant secondary requirement has not been met, the sum to be repaid shall be the sum that would have been repayable under Article 22(2), less 15 % of the relevant part of the sum secured.

4. No repayment shall be made where evidence that all primary requirements have been respected is produced after the 18 months period referred to in paragraph 3 has expired unless *force majeure* prevented production of this evidence within that period.

Article 22

1. If the evidence laid down by the specific Union rules is produced within the specified period that all primary requirements have been met, in circumstances where a secondary requirement has been breached, a partial release of the security shall be made and the rest of the sum secured forfeited. The procedure in Article 28 for recovering the sum forfeited shall be followed.
2. The proportion of the security released shall be: the security covering the relevant part of the sum secured less 15 %, and
 - (a) 10 % of the sum remaining after deduction of the 15 % for each day by which:
 - (i) a maximum period of 40 days or less has been exceeded;
 - (ii) a minimum period of 40 days or less has not been respected;
 - (b) 5 % of the sum remaining after deduction of the 15 % for each day by which:
 - (i) a maximum period of between 41 and 80 days has been exceeded;
 - (ii) a minimum period of between 41 and 80 days has not been respected;
 - (c) 2 % of the sum remaining after deduction of the 15 % for each day by which:
 - (i) a maximum period of 81 days or more has been exceeded;
 - (ii) a minimum period of 81 days or more has not been respected.

3. This Article shall not apply to periods for either applying for, or using, import and export licences and advance fixing certificates, or to periods relating to the fixing of import and export levies and export refunds by tender.

Article 23

1. Failure to fulfil one or more subordinate requirements shall lead to forfeiture of 15 % of the relevant part of the sum secured unless *force majeure* prevented fulfilment.

2. The procedure laid down in Article 28 for recovery of the sum forfeited shall immediately be put into effect.

3. This Article shall not apply in circumstances where Article 21(3) applies.

Article 24

If evidence is produced that all primary requirements have been observed but both a secondary and a subordinate requirement have been breached, Articles 22 and 23 shall apply and the total sum to be forfeit shall be the sum forfeit in accordance with Article 22 plus 15 % of the relevant part of the sum secured.

Article 25

The total sum forfeited shall not exceed 100 % of the relevant part of the sum secured.

CHAPTER VI

GENERAL PROVISIONS

Article 26

1. A security shall on request be released in part where the relevant evidence has been furnished in relation to part of a quantity of product, provided that that part is not less than any minimum quantity specified in the regulation requiring the security.

Where the specific Union rules do not specify a minimum quantity, the competent authority may itself restrict the number of partial releases of any one security, and may specify a minimum sum for any such release.

2. Before releasing all or part of a security the competent authority may require that a written request for release be furnished.

3. In the case of securities covering, in accordance with Article 9(1), more than 100 % of the sum required to be secured, that part of the security exceeding 100 % shall be released when the remainder of the sum secured is finally released or forfeited.

Article 27

1. Where no period is laid down for producing the evidence needed to release a sum secured, such period shall be:

(a) 12 months from the time limit specified for respecting all primary requirements; or

(b) where no such time limit as referred to in point (a) is specified, 12 months from the date by which all primary requirements have been met.

2. The period laid down in paragraph 1 shall not exceed three years from the time the security was assigned to a particular obligation, except in cases of *force majeure*.

Article 28

1. Once the competent authority is aware of circumstances giving rise to forfeiture of the security, in whole or in part, it shall without delay demand the party required to meet the obligation to pay the sum forfeited, allowing up to 30 days from the day of receipt of demand for payment.

Where payment has not been made at the end of this period, the competent authority shall:

(a) without delay clear any security of the type described in Article 7(1)(a) to the appropriate account;

(b) without delay require the guarantor described in Article 7(1)(b) to pay, allowing up to 30 days from the day of receipt of demand for payment;

(c) without delay take steps to:

(i) convert the securities described in Article 7(2)(a), (c), (d) and (e) into money sufficient to recover the sum due;

(ii) clear pledged cash deposits referred to in Article 7(2)(b) to its own account.

The competent authority may without delay clear any security of the type described in Article 7(1)(a) to the appropriate account without first requiring the person concerned to effect payment.

2. The competent authority may waive the forfeiture of an amount less than EUR 60, provided that similar national provisions for comparable cases are laid down by law, regulation or administrative action.

3. Without prejudice to paragraph 1, where the decision to forfeit a security is taken but on appeal is subsequently postponed in accordance with national law, the party concerned shall pay interest on the sum actually forfeited over the period starting 30 days from the day of receipt of

the demand for payment as referred to in the first subparagraph of paragraph 1 and ending on the day prior to the payment of the sum actually forfeited.

Where following the outcome of the appeal procedure the party concerned is asked to pay within 30 days the sum forfeited, for the purposes of calculating interest the Member State may consider payment to be made on the 20th day following the date of such request.

The rate of interest applicable is calculated according to the provisions of national law, but shall in no case be lower than the interest rate applicable in case of recovery of national amounts.

The paying agencies shall deduct the interest paid from the expenditure of the European Agricultural Guarantee Fund (EAGF) or the European Agricultural Fund for Rural Development (EAFRD) in accordance with the provisions of Council Regulation (EEC) No 352/78 ⁽¹⁾.

Member States may claim periodically a supplementation of the security in respect of the interest involved.

Where a security has been forfeited and the amount already credited to the EAGF or to the EAFRD and, following the outcome of an appeal procedure, the sum forfeited in whole or in part, including interest at a rate in accordance with national law, is to be repaid, the sum to be repaid shall be borne by the EAGF or by the EAFRD unless the repayment of the security is attributable to the negligence or serious mistake of administrative authorities or other bodies of the Member State.

Article 29

The Commission may, in accordance with the procedure referred to in Article 195(2) of Regulation (EC) No 1234/2007 and in the corresponding Articles of the other relevant regulations, provide for a derogation from the foregoing provisions.

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

Done at Brussels, 28 March 2012.

For the Commission
The President
José Manuel BARROSO

CHAPTER VII

INFORMATION

Article 30

1. Member States shall keep available for the Commission, for each year, the total number and sum of securities forfeited, whatever stage of the procedure in Article 28 has been reached, distinguishing in either case between those credited to the national budgets and those credited to the budget of the Union.

2. The information referred to in paragraph 1 shall be kept in relation to all securities forfeited for an amount greater than EUR 1 000 and each Union provision requiring that a security be given.

3. Information shall cover both sums paid directly by the interested party and sums recovered by realising a security.

Article 31

Member States shall keep the following information available for the Commission:

- (a) the types of institutions authorised to act as guarantors and the requirements laid down;
- (b) the types of security accepted pursuant to Article 7(2) and the requirements laid down.

Article 32

Regulation (EEC) No 2220/85 is repealed.

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

Article 33

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

⁽¹⁾ OJ L 50, 22.2.1978, p. 1.

ANNEX I

Repealed Regulation with list of its successive amendments

Commission Regulation (EEC) No 2220/85
(OJ L 205, 3.8.1985, p. 5)

Commission Regulation (EEC) No 1181/87
(OJ L 113, 30.4.1987, p. 31)

Commission Regulation (EEC) No 3745/89
(OJ L 364, 14.12.1989, p. 54)

Commission Regulation (EC) No 3403/93
(OJ L 310, 14.12.1993, p. 4)

Commission Regulation (EC) No 1932/1999
(OJ L 240, 10.9.1999, p. 11)

Commission Regulation (EC) No 673/2004
(OJ L 105, 14.4.2004, p. 17)

Commission Regulation (EC) No 1713/2006
(OJ L 321, 21.11.2006, p. 11)

Article 3 only

Commission Regulation (EC) No 1913/2006
(OJ L 365, 21.12.2006, p. 52)

Article 12 only

ANNEX II

Correlation Table

Regulation (EEC) No 2220/85	This Regulation
Title I	Chapter I
Article 1, introductory part	Article 1, introductory part
Article 1(a)	Article 1(a)
Article 1(b)	Article 1(b)
Article 1(c)	—
Article 1(d)	—
Article 1(e)	—
Article 1(f)	Article 1(c)
Article 2	Article 2, second paragraph
Article 3, introductory words	Article 3, introductory words
Article 3(a), first subparagraph	Article 3(a)
Article 3(a), second subparagraph	Article 2, first paragraph
Article 3(b), (c) and (d)	Article 3(b), (c) and (d)
Title II	Chapter II
Articles 4, 5 and 6	Articles 4, 5 and 6
Title III	Chapter III
Article 8	Article 7
Article 9	Article 8
Article 10(1)(a)	Article 9(1), first subparagraph
Article 10(1)(b)	Article 9(2), second subparagraph
Article 10(1)(c)	Article 9(1), second subparagraph
Article 10(2)(a)	Article 9(2), first subparagraph
Article 10(2)(b)	Article 9(2), third subparagraph
Article 11	Article 10
Article 12	Article 11
Article 13	Article 12
Article 14	Article 13
Article 15	Article 14

Regulation (EEC) No 2220/85	This Regulation
Article 16	Article 15
Article 17	Article 16
Title IV	Chapter IV
Article 18, introductory words and indent	Article 17
Article 19	Article 18
Title V	Chapter V
Article 20	Article 19
Article 21	Article 20
Article 22	Article 21
Article 23(1)	Article 22(1)
Article 23(2), introductory words	Article 22(2), introductory words
Article 23(2)(a)	Article 22(2), introductory words
Article 23(2)(b), first indent, introductory words	Article 22(2)(a), introductory words
Article 23(2)(b), first indent, first sub-indent	Article 22(2)(a)(i)
Article 23(2)(b), first indent, second sub-indent	Article 22(2)(a)(ii)
Article 23(2)(b), second indent, introductory words	Article 22(2)(b), introductory words
Article 23(2)(b), second indent, first sub-indent	Article 22(2)(b)(i)
Article 23(2)(b), second indent, second sub-indent	Article 22(2)(b)(ii)
Article 23(2)(b), third indent, introductory words	Article 22(2)(c), introductory words
Article 23(2)(b), third indent, first sub-indent	Article 22(2)(c)(i)
Article 23(2)(b), third indent, second sub-indent	Article 22(2)(c)(ii)
Article 23(3)	Article 22(3)
Article 24	Article 23
Article 25	Article 24
Article 26	Article 25
Title VI	Chapter VI
Article 27	Article 26
Article 28	Article 27
Article 29	Article 28
Article 30	Article 29
Title VII	Chapter VII

Regulation (EEC) No 2220/85	This Regulation
Article 31	Article 30
Article 32	Article 31
—	Article 32
Article 33	Article 33
—	Annex I
—	Annex II

COMMISSION IMPLEMENTING REGULATION (EU) No 283/2012**of 29 March 2012****fixing the standard fee per farm return from the 2012 accounting year of the farm accountancy data network**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1217/2009 of 30 November 2009 setting up a network for the collection of accountancy data on the incomes and business operation of agricultural holdings in the European Community ⁽¹⁾,

Having regard to Commission Regulation (EEC) No 1915/83 of 13 July 1983 on certain detailed implementing rules concerning the keeping of accounts for the purpose of determining the incomes of agricultural holdings ⁽²⁾, and in particular Article 5(3) thereof,

Whereas:

- (1) Article 5(1) of Regulation (EEC) No 1915/83 provides that a standard fee is to be paid by the Commission to the Member States for each duly completed farm return and forwarded to it within the period prescribed in Article 3 of that Regulation.
- (2) Commission Regulation (EU) No 224/2011 of 7 March 2011 fixing the standard fee per farm return from the

2011 accounting year of the farm accountancy data network ⁽³⁾ fixed the amount of the standard fee for the 2011 accounting year at EUR 157 per farm return. The trend in costs and its effects on the cost of completing the farm return justify a revision of the fee.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Community Committee for the Farm Accountancy Data Network,

HAS ADOPTED THIS REGULATION:

Article 1

The standard fee provided for in Article 5(1) of Regulation (EEC) No 1915/83 shall be fixed at EUR 160.

Article 2

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 the 2012 accounting year.

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

Done at Brussels, 29 March 2012.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 328, 15.12.2009, p. 27.

⁽²⁾ OJ L 190, 14.7.1983, p. 25.

⁽³⁾ OJ L 61, 8.3.2011, p. 1.

COMMISSION IMPLEMENTING REGULATION (EU) No 284/2012

of 29 March 2012

imposing special conditions governing the import of feed and food originating in or consigned from Japan following the accident at the Fukushima nuclear power station and repealing Implementing Regulation (EU) No 961/2011

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety⁽¹⁾, and in particular Article 53(1)(b)(ii) thereof,

Whereas:

- (1) Article 53 of Regulation (EC) No 178/2002 provides for the possibility to adopt appropriate Union emergency measures for food and feed imported from a third country in order to protect public health, animal health or the environment, where the risk cannot be contained satisfactorily by means of measures taken by the Member States individually.
- (2) Following the accident at the Fukushima nuclear power station on 11 March 2011, the Commission was informed that radionuclide levels in certain food products originating in Japan exceeded the action levels in food applicable in Japan. Such contamination may constitute a threat to public and animal health in the Union and therefore Commission Implementing Regulation (EU) No 297/2011 of 25 March 2011 imposing special conditions governing the import of feed and food originating in or consigned from Japan following the accident at the Fukushima nuclear power station⁽²⁾ was adopted. That Regulation was later replaced by Commission Implementing Regulation (EU) No 961/2011⁽³⁾.
- (3) The Japanese authorities have provided information to the Commission that in the many samples taken of sake and other spirit drinks (whiskey and shochu) no radioactivity was detected in all samples. The process of polishing, fermentation and distillation removes the radioactivity nearly completely from the spirit drink itself. The issue will be followed-up based on the continued monitoring of sake, whiskey and shochu by the Japanese authorities. It is therefore appropriate to exclude sake, whiskey and shochu from the scope of

this Regulation in order to reduce the administrative burden for the Japanese authorities and the competent authorities of the importing Member States.

- (4) The Japanese authorities have adopted on 24 February 2012 new maximum levels for the sum of caesium-134 and caesium-137, to be applied as from 1 April 2012, with transitional measures foreseen for rice, beef and soybean and processed products thereof, which are lower than the maximum levels established by Council Regulation (Euratom) No 3954/87 of 22 December 1987 laying down maximum permitted levels of radioactive contamination of foodstuffs and of feedingstuffs following a nuclear accident or any other case of radiological emergency⁽⁴⁾. The transitional measures for beef have no relevance for the import into the Union as the import of beef from Japan into the Union is not allowed for animal and public health reasons other than radioactivity. The Japanese authorities also informed the Commission that products that are not allowed to be placed on the Japanese market are also not allowed to be exported. It is therefore appropriate, although there is no need for safety reasons, in order to provide consistency between the pre-export controls performed by the Japanese authorities and the controls on the level of radionuclides performed on feed and food originating in or consigned from Japan at the entry into the Union, to apply the same maximum levels in the Union for radionuclides in feed and food from Japan as the maximum levels applicable in Japan as long as these are lower than the values established in Regulation (Euratom) No 3954/87.
- (5) Shortly after the nuclear accident, controls were required for the presence of iodine-131 and the sum of caesium-134 and caesium-137 in feed and food originating from Japan, as there was evidence that the release of radioactivity into the environment was related to a very large part to iodine-131, caesium-134 and caesium-137, and there was only very limited or no emission of the radionuclides strontium (Sr-90), plutonium (Pu-239) and americium (Am-241). Iodine-131 has a short half-life of 8 days and because there were no releases of radioactivity from the affected nuclear power plant into the environment in recent months and the affected nuclear reactor is now in a stable situation and no further releases to the environment are expected, iodine-131 is no longer present in the environment and consequently also not in feed and food from Japan. Therefore the control for the presence of iodine-131 was no longer required by Commission Implementing Regulation (EU) No 1371/2011 of 21 December 2011 amending Implementing Regulation (EU) No 961/2011 imposing special

⁽¹⁾ OJ L 31, 1.2.2002, p. 1.

⁽²⁾ OJ L 80, 26.3.2011, p. 5.

⁽³⁾ OJ L 252, 28.9.2011, p. 10.

⁽⁴⁾ OJ L 371, 30.12.1987, p. 11.

conditions governing the import of feed and food originating in or consigned from Japan following the accident at the Fukushima nuclear power station⁽¹⁾. Therefore there is no need to maintain maximum levels for iodine-131 in this Regulation.

- (6) Implementing Regulation (EU) No 961/2011 provided also maximum levels for strontium, plutonium and americium in case there would have been new releases to the environment of radioactivity including these radionuclides. Given that the affected nuclear reactor is now in a stable situation, the possibility of new releases of radioactivity to the environment is excluded or very minimal and there have been no significant releases to the environment of strontium, plutonium and americium following the nuclear power plant accident, it is evident that the control for the presence of these radionuclides in food or feed from Japan is not necessary. As a consequence there is no need to maintain maximum levels for these radionuclides in this Regulation.
- (7) Implementing Regulation (EU) No 961/2011 has been amended at two occasions to take into account the development of the situation. Given that this Regulation provides for further amendments requiring changes to several provisions of that Regulation, it is appropriate to replace Implementing Regulation (EU) No 961/2011 by a new Regulation.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

Scope

This Regulation shall apply to feed and food within the meaning of Article 1(2) of Regulation (Euratom) No 3954/87 originating in or consigned from Japan, with the exclusion of:

- (a) products which left Japan before 28 March 2011;
- (b) products which have been harvested and/or processed before 11 March 2011;
- (c) sake falling within CN codes ex 2206 00 39 (sparkling), ex 2206 00 59 (still, in containers holding 2 litres or less) or ex 2206 00 89 (still, in containers holding more than 2 litres);
- (d) whiskey falling within CN code 2208 30;
- (e) shochu falling within CN code ex 2208 90 56, ex 2208 90 69, ex 2208 90 77 or ex 2208 90 78.

Article 2

Definitions

For the purposes of this Regulation, 'transitional measures provided in the Japanese legislation' means the transitional

measures adopted by the Japanese authorities on 24 February 2012 as regards the maximum levels for the sum of caesium-134 and caesium-137 as set out in Annex III.

Article 3

Import into the Union

Feed and food (hereinafter: 'the products') referred to in Article 1 may only be imported into the European Union if they comply with this Regulation.

Article 4

Maximum levels of caesium-134 and caesium-137

- 1. The products referred to in Article 1, except rice, soybean and processed products thereof, shall comply with the maximum level for the sum of caesium-134 and caesium-137 as set out in Annex II.
- 2. Rice and soybean and processed products thereof shall comply with the maximum level for the sum of caesium-134 and caesium-137 as set out in Annex III.

Article 5

Declaration

- 1. Each consignment of products referred to in Article 1 shall be accompanied by a valid declaration drawn up and signed in accordance with Article 6.
- 2. The declaration referred to in paragraph 1 shall:
 - (a) attest that the products comply with the legislation in force in Japan; and
 - (b) specify whether the products are falling or not under the transitional measures provided for in the Japanese legislation.
- 3. The declaration referred to in paragraph 1 shall furthermore certify that:
 - (a) the products have been harvested and/or processed before 11 March 2011; or
 - (b) the products originate in and are consigned from a prefecture other than Fukushima, Gunma, Ibaraki, Tochigi, Miyagi, Yamanashi, Saitama, Tokyo, Chiba, Kanagawa and Shizuoka; or
 - (c) the products are consigned from Fukushima, Gunma, Ibaraki, Tochigi, Miyagi, Yamanashi, Saitama, Tokyo, Chiba, Kanagawa and Shizuoka prefectures, but do not originate in one of those prefectures and have not been exposed to radioactivity during transiting; or
 - (d) where the products originate in Fukushima, Gunma, Ibaraki, Tochigi, Miyagi, Yamanashi, Saitama, Tokyo, Chiba, Kanagawa and Shizuoka prefectures, the products are accompanied by an analytical report containing the results of sampling and analysis.

⁽¹⁾ OJ L 341, 22.12.2011, p. 41.

4. Point (d) of paragraph 3 shall apply also to products caught or harvested in the coastal waters of the prefectures referred to therein, irrespective of where such products are landed.

Article 6

Drawing up and signing of the declaration

1. The declaration referred to in Article 5 shall be drawn up in accordance with the model set out in Annex I.

2. For the products referred to in the points (a), (b) or (c) of Article 5(3), the declaration shall be signed by an authorised representative of the competent Japanese authority or by an authorised representative of an instance authorised by the competent Japanese authority under the authority and supervision of the competent Japanese authority.

3. For the products referred to in the point (d) of Article 5(3), the declaration shall be signed by an authorised representative of the competent Japanese authority and shall be accompanied by an analytical report containing the results of sampling and analysis.

Article 7

Identification

Each consignment of products referred to in Article 1 shall be identified by means of a code which shall be indicated on the declaration referred to in Article 5(1), on the analytical report referred to in Article 6(3), on the sanitary certificate and on any commercial documents accompanying the consignment.

Article 8

Border inspection posts and designated point of entry

Consignments of products referred to in Article 1, except those falling within the scope of Council Directive 97/78/EC ⁽¹⁾, shall be introduced into the Union through a designated point of entry within the meaning of Article 3(b) of Commission Regulation (EC) No 669/2009 ⁽²⁾ (hereinafter 'designated point of entry').

Article 9

Prior notification

Feed and food business operators or their representatives shall give prior notification of the arrival of each consignment of the products referred to in Article 1, at least two working days prior to the physical arrival of the consignment, to the competent authorities at the border inspection post or at the designated point of entry.

Article 10

Official controls

1. The competent authorities of the border inspection post or designated point of entry shall carry out:

(a) documentary checks on all consignments of products referred to in Article 1;

(b) physical checks and identity checks, including laboratory analysis on the presence of caesium-134 and caesium-137, on at least:

(i) 5 % of the consignments of products referred to in Article 5(3)(d); and

(ii) 10 % of the consignments of products referred to in Article 5(3)(b) and (c).

2. Consignments shall be kept under official control, for a maximum of five working days, pending the availability of the results of the laboratory analysis.

3. In case the result of the laboratory analysis provides evidence that the guarantees provided in the declaration are false, the declaration is considered not to be valid and the consignment of feed and food does not comply with the provisions of this Regulation.

Article 11

Costs

All costs resulting from the official controls referred to in Article 10 and any measures taken following non-compliance, shall be borne by the feed and food business operators.

Article 12

Release for free circulation

The consignments may only be released for free circulation if the feed and food business operators or their representative submit to the customs authorities a declaration, as referred to in Article 5(1), which:

(a) has been duly endorsed by the competent authority at the border inspection post or designated point of entry; and

(b) gives evidence that the official controls referred to in Article 10 have been carried out and that the results of those controls have been favourable.

Article 13

Non-compliant products

Products which do not comply with the provisions of this Regulation shall not be placed on the market. Such products shall be safely disposed of or returned to the country of origin.

Article 14

Reports

Member States shall inform the Commission monthly through the Rapid Alert System for Food and Feed (RASFF) of all analytical results obtained.

⁽¹⁾ OJ L 24, 30.1.1998, p. 9.

⁽²⁾ OJ L 194, 25.7.2009, p. 11.

*Article 15***Repeal**

Implementing Regulation (EU) No 961/2011 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation.

*Article 16***Transitional measure**

By way of derogation from Article 3, products referred to in Article 1 may be imported into the Union if they comply with Implementing Regulation (EU) No 961/2011 where:

- (a) the products left Japan before the entry into force of this Regulation; or

- (b) the products are accompanied by a declaration in accordance with that Regulation which was issued before 1 April 2012 and the products have left Japan before 15 April 2012.

*Article 17***Entry into force and period of application**

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 the date of entry into force until 31 October 2012. The Regulation will be reviewed regularly taking into account the development of the contamination situation.

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

Done at Brussels, 29 March 2012.

For the Commission

The President

José Manuel BARROSO

ANNEX I

Declaration for the import into the Union of

..... (Product and country of origin)

Batch identification Code **Declaration Number**

According to the provisions of the Commission Implementing Regulation (EU) No 284/2012 imposing special conditions governing the import of feed and food originating in or consigned from Japan following the accident at the Fukushima nuclear power station the

..... authorised representative referred to in Article 3(5))

DECLARES that the

..... (products referred to in Article 1)

of this consignment composed of:

.....

..... (description of consignment, product, number and type of packages, gross or net weight)

embarked at (embarkation place)

on (date of embarkation)

by (identification of transporter)

going to (place and country of destination)

which comes from the establishment

..... (name and address of establishment)

is compliant with the legislation in force in Japan as regards the maximum levels for the sum of caesium-134 and caesium-137.

DECLARES that the consignment concerns feed or food

☐ **not falling under the transitional measures** provided in the Japanese legislation (see Annex III to Implementing Regulation (EU) No 284/2012) as regards the maximum level for the sum of caesium-134 and caesium-137

☐ **falling under the transitional measures** provided in the Japanese legislation (see Annex III to Implementing Regulation (EU) No 284/2012) as regards the maximum level for the sum of caesium-134 and caesium-137

DECLARES that the consignment concerns feed or food that

☐ has been harvested and/or processed before 11 March 2011.

☐ is originating in and consigned from a prefecture other than Fukushima, Gunma, Ibaraki, Tochigi, Miyagi, Yamanashi, Saitama, Tokyo, Chiba, Kanagawa and Shizuoka.

☐ is consigned from the prefectures Fukushima, Gunma, Ibaraki, Tochigi, Miyagi, Yamanashi, Saitama, Tokyo, Chiba, Kanagawa and Shizuoka, but not originating in one of these prefectures and has not been exposed to radioactivity during transiting.

☐ is originating in the prefectures Fukushima, Gunma, Ibaraki, Tochigi, Miyagi, Yamanashi, Saitama, Tokyo, Chiba, Kanagawa and Shizuoka and has been sampled on (date), subjected to laboratory analysis on

(date) in the

(name of laboratory), to determine the level of the radionuclides, caesium-134 and caesium-137. The analytical report is attached.

Done at on

Stamp and signature of
authorised representative referred to in Articles 6(2) and 6(3)

Part to be completed by the competent authority at the border inspection post (BIP) or designated point of entry (DPE)

- ☐ The consignment has been accepted to be presented to the custom authorities for release for free circulation in the Union
- ☐ The consignment has NOT been accepted to be presented to the custom authorities for release for free circulation in the Union

.....
(Competent authority, Member State)

.....
Date

.....
Stamp

.....
Signature

ANNEX II

Maximum levels for food ⁽¹⁾ (Bq/kg) as provided in the Japanese legislation

	Foods for infants and young children	Milk and dairy products	Other food, with the exception of — mineral water and similar drinks — tea brewed from unfermented leaves — soybean and soybean products ⁽⁴⁾	Mineral water and similar drinks and tea brewed from unfermented leaves
Sum of caesium-134 and caesium-137	50 ⁽²⁾	50 ⁽²⁾	100 ⁽²⁾ ⁽³⁾	10 ⁽²⁾

⁽¹⁾ For dried products that are intended to be consumed in a reconstituted state, the maximum level applies to the reconstituted product as ready for consumption.

For dried mushrooms a reconstitution factor of 5 is of application.

For tea, the maximum level applies to the infusion brewed from tea leaves. The processing factor for dried tea is 50, and therefore a maximum level of 500 Bq/kg on dried tea leaves ensures that the level in the brewed tea does not exceed the maximum level of 10 Bq/kg.

⁽²⁾ In order to ensure consistency with maximum levels currently applied in Japan, these values replace on a provisional basis the values laid down in Council Regulation (Euratom) No 3954/87.

⁽³⁾ For rice and rice products, the maximum level applies as from 1 October 2012. Before that date, the maximum level of 500 Bq/kg applies.

⁽⁴⁾ For soybean and soybean products, the maximum level of 500 Bq/kg applies.

Maximum levels for feed ⁽¹⁾ (Bq/kg) as provided in the Japanese legislation

	Feed intended for cows and horses	Feed intended for pigs	Feed intended for poultry	Feed for fish ⁽³⁾
Sum of caesium-134 and caesium-137	100 ⁽²⁾	80 ⁽²⁾	160 ⁽²⁾	40 ⁽²⁾

⁽¹⁾ Maximum level is relative to a feed with a moisture content of 12 %.

⁽²⁾ In order to ensure consistency with maximum levels currently applied in Japan, this value replaces on a provisional basis the value laid down in Commission Regulation (Euratom) No 770/90 (OJ L 83, 30.3.1990, p. 78).

⁽³⁾ With the exemption of feed for ornamental fish.

*ANNEX III***Transitional measures provided in Japanese legislation and of application for this Regulation**

- (a) Milk and dairy products, mineral water and similar drinks that are manufactured and/or processed before 31 March 2012 shall not contain radioactive caesium more than 200 Bq/kg. Other foods, except for rice, soybean and processed products thereof that are manufactured, and/or processed before 31 March 2012 shall not contain radioactive caesium more than 500 Bq/kg.
 - (b) Rice harvested before 30 September 2012 shall not contain radioactive caesium more than 500 Bq/kg.
 - (c) Products made from rice that are manufactured, and/or processed before 30 September 2012 shall not contain radioactive caesium more than 500 Bq/kg.
 - (d) Soybean shall not contain radioactive caesium more than 500 Bq/kg.
 - (e) Products made from soybean shall not contain radioactive caesium more than 500 Bq/kg.
-

COMMISSION IMPLEMENTING REGULATION (EU) No 285/2012**of 29 March 2012****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:

- (1) Implementing Regulation (EU) No 543/2011 lays down, pursuant to the outcome of the Uruguay Round multi-lateral 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.

- (2) The standard import value is calculated each working day, in accordance with Article 136(1) of Implementing Regulation (EU) No 543/2011, taking into account variable daily data. Therefore this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

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 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, 29 March 2012.

*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	CR	48,1
	IL	73,5
	MA	53,4
	TN	56,0
	TR	90,6
	ZZ	64,3
0707 00 05	JO	225,1
	TR	149,1
	ZZ	187,1
0709 91 00	EG	76,0
	ZZ	76,0
0709 93 10	JO	225,1
	MA	49,6
	TR	127,5
	ZZ	134,1
0805 10 20	EG	53,1
	IL	85,4
	MA	51,0
	TN	56,9
	TR	64,8
	ZA	45,1
	ZZ	59,4
0805 50 10	EG	69,3
	MX	39,8
	TR	54,9
	ZZ	54,7
0808 10 80	AR	87,2
	BR	86,6
	CA	121,1
	CL	102,1
	CN	87,8
	MK	31,8
	US	171,1
	UY	71,6
	ZA	74,7
	ZZ	92,7
0808 30 90	AR	88,7
	CL	116,8
	CN	54,7
	ZA	93,9
	ZZ	88,5

⁽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

COUNCIL IMPLEMENTING DECISION

of 26 March 2012

authorising Romania to introduce a special measure derogating from Article 287 of Directive 2006/112/EC on the common system of value added tax

(2012/181/EU)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax ⁽¹⁾, and in particular Article 395(1) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) By letter registered with the Commission on 30 August 2011, Romania requested authorisation to introduce a special measure derogating from point 18 of Article 287 of Directive 2006/112/EC in order to exempt taxable persons whose annual turnover is no higher than the equivalent in national currency of EUR 65 000 at the conversion rate on the day of Romania's accession to the European Union. The measure would release those taxable persons from certain or all of the value added tax (VAT) obligations referred to in Chapters 2 to 6 of Title XI of Directive 2006/112/EC.

(2) In accordance with the second subparagraph of Article 395(2) of Directive 2006/112/EC, the Commission informed the other Member States by letter dated 8 November 2011 of the request made by Romania. By letter dated 9 November 2011, the Commission notified Romania that it had all the information necessary to consider the request.

(3) A special scheme for small enterprises is an option which is already available to Member States under Title XII of Directive 2006/112/EC. The measure derogates from Title XII of Directive 2006/112/EC only in so far as the taxable person's annual turnover threshold for the scheme is higher than that allowed for Romania under point 18 of Article 287 of Directive 2006/112/EC, which is EUR 35 000.

(4) A higher threshold for the special scheme for small enterprises is a simplification measure as it may significantly reduce the VAT obligations of the smallest businesses, whilst that special scheme is optional for taxable persons. Overall, it is expected that the measure will improve the general level of VAT compliance.

(5) In its proposal of 29 October 2004 for a Directive amending Council Directive 77/388/EEC with a view to simplifying value added tax obligations, the Commission included provisions aimed at allowing Member States to set the annual turnover ceiling for the VAT exemption scheme at up to EUR 100 000 or the equivalent in national currency, with the possibility of updating this amount each year. The request made by Romania is in line with that proposal.

(6) The measure has no impact on the Union's own resources accruing from VAT and only a negligible effect on the overall amount of the tax revenue of Romania collected at the stage of final consumption,

HAS ADOPTED THIS DECISION:

Article 1

By way of derogation from point 18 of Article 287 of Directive 2006/112/EC, Romania is authorised to exempt from VAT taxable persons whose annual turnover is no higher than the equivalent in national currency of EUR 65 000 at the conversion rate on the day of its accession to the European Union.

Article 2

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

It shall apply until the date of entry into force of a Directive amending the amounts of the annual turnover ceilings below which taxable persons may qualify for VAT exemption or until 31 December 2014, whichever date is earlier.

⁽¹⁾ OJ L 347, 11.12.2006, p. 1.

Article 3

This Decision is addressed to Romania.

Done at Brussels, 26 March 2012.

For the Council
The President
N. WAMMEN

COMMISSION IMPLEMENTING DECISION

of 28 March 2012

on a Union financial contribution to a programme for the control of organisms harmful to plants and plant products in the French overseas departments for 2012

(notified under document C(2012) 1954)

(Only the French text is authentic)

(2012/182/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 247/2006 of 30 January 2006 laying down specific measures for agriculture in the outermost regions of the Union ⁽¹⁾, and in particular the first sentence of the first subparagraph of Article 17(3),

Whereas:

- (1) On 8 November 2011, the French authorities have submitted to the Commission a programme for 2012 providing for plant health measures in the French overseas departments. That programme specifies the objectives to be achieved, the expected deliverables, the measures to be carried out, their duration and their cost with a view to a possible Union financial contribution.
- (2) The measures provided for in that programme fulfil the requirements of Commission Decision 2007/609/EC of 10 September 2007 on the definition of the measures eligible for Community financing in the programmes for the control of organisms harmful to plants and plant products in the French overseas departments, in the Azores and in Madeira ⁽²⁾.
- (3) The measures laid down in the programme have been assessed by the Commission and discussed in the Standing Committee on Plant Health of 24-25 November 2011. As a result thereof, the Commission considers that that programme and its objectives meet the requirements of Article 17(1) of Regulation (EC) No 247/2006.
- (4) In accordance with Article 17(3) of Regulation (EC) No 247/2006, an appropriate maximum to the Union financial contribution should be set, and payment should be made on the basis of documentation provided by France.
- (5) In accordance with Article 3(2)(a) of Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy ⁽³⁾, Union financial contributions to plant-health measures are to be financed from the European Agricultural Guarantee Fund. For the purposes of financial control of those measures Articles 9, 36 and 37 of that Regulation apply.

- (6) In accordance with Article 75 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 ⁽⁴⁾ and Article 90(1) of 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 ⁽⁵⁾, the commitment of expenditure from the Union budget shall be preceded by a financing decision adopted by the institution or the authorities to which powers have been delegated, setting out the essential elements of the action involving the expenditure.
- (7) The programme submitted by the French authorities on 8 November 2011 and the measures provided for concern the calendar year 2012. Article 112 of Regulation (EC, Euratom) No 1605/2002 provides that a grant may be awarded for an action which has already begun only where the applicant can demonstrate the need to start the action before the grant is awarded. France has demonstrated the necessity to start this programme as from the beginning of 2012 allowing proper financing and start of execution of these measures before the Union financial contribution laid down in the current Decision is awarded.
- (8) This Decision constitutes a financing decision within the meaning of Article 75 of the Financial Regulation for the maximum amounts authorised of expenditure provided in the co-financing request, as laid down in the programme submitted by France.
- (9) 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

A Union financial contribution is awarded to France for the implementation of the official programme for the control of organisms harmful to plants and plant products in the French overseas departments for 2012, as specified in Part A of the Annex.

⁽¹⁾ OJ L 42, 14.2.2006, p. 1.

⁽²⁾ OJ L 242, 15.9.2007, p. 20.

⁽³⁾ OJ L 209, 11.8.2005, p. 1.

⁽⁴⁾ OJ L 248, 16.9.2002, p. 1.

⁽⁵⁾ OJ L 357, 31.12.2002, p. 1.

That financial contribution shall be limited to a maximum of 60 % of the total eligible expenditure, as specified in Part B of the Annex, with a maximum of EUR 180 000 (VAT excluded).

Article 2

1. An advance of EUR 100 000 shall be paid within 60 days after receipt of a request for payment by France.
2. The balance of the Union financial contribution shall be paid provided that a final implementation report on the programme is submitted to the Commission in electronic form by 15 March 2013 at the latest, and after that report has been approved by the Commission.

That report shall contain at least:

- (a) a concise technical evaluation of the entire programme, including the degree of achievement of physical and qualitative objectives. That evaluation shall link the objectives laid down in the initial programme presented by France with the achieved results, expressed in terms of expected deliverables and steps of completion of the work. It shall explain the progress accomplished, and assess the immediate phytosanitary and economic impact of the achieved measures; and
- (b) a financial cost statement setting out the planned and actual expenditure broken down by sub-programme and by measure. This statement shall be accompanied by proof or

evidence of payment of the expenditure through appropriate documentation such as invoices or receipts.

3. With respect to the indicative budget breakdown specified in Part B of the Annex, France may adjust the financing between different measures in the same sub-programme within a limit of 15 % of the Union financial contribution to this sub-programme, provided that the total amount of eligible costs scheduled in the programme is not exceeded and that the main objectives of the programme are not thereby compromised.

It shall inform the Commission of any adjustments made.

Article 3

This Decision shall apply from 1 January 2012.

Article 4

This Decision is addressed to the French Republic.

Done at Brussels, 28 March 2012.

For the Commission

John DALLI

Member of the Commission

ANNEX

PROGRAMME AND INDICATIVE BUDGET BREAKDOWN FOR 2012

PART A

Programme

The programme shall consist of three sub-programmes:

(1) inter-departmental sub-programme:

- Measure 1.1: prioritisation tool of quarantine pests and diseases for the DOMs
- Measure 1.2: innovative methods of detection for harmful organisms

(2) sub-programme for the department of Martinique:

- Measure 2: pest and diseases surveillance networks

(3) sub-programme for the department of Guadeloupe:

- Measure 3.1: survey networks for fruit flies
- Measure 3.2: management of the risk of introduction of harmful organisms by tourist activity

PART B

Indicative budget breakdown, with indication of the various expected deliverables

(in Euro)

Sub-programmes	Deliverables (S: provision of services, R: research or study work)	Eligible expenditure	National financial contribution	Maximum Union financial contribution
Inter-DOM sub-programme				
Measure 1.1	Prioritisation tool of quarantine pests and diseases for the DOMs (R)	63 000	25 200	37 800
Measure 1.2	Innovative methods of detection for harmful organisms (R)	120 000	48 000	72 000
Sub-total		183 000	73 200	109 800
Martinique				
Measure 2	Pest and diseases surveillance networks (S)	93 500	37 400	56 100
Sub-total		93 500	37 400	56 100
Guadeloupe				
Measure 3.1	Survey networks for fruit flies (S)	13 500	5 400	8 100
Measure 3.2	Management of the risk of introduction of harmful organisms by tourist activity (S)	10 000	4 000	6 000
Sub-total		23 500	9 400	14 100
Total		300 000	120 000	180 000

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