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DECISIONS

2012/650/EU:

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<sup>(1)</sup> Text with EEA relevance

## II

(Non-legislative acts)

## INTERNATIONAL AGREEMENTS

## COUNCIL DECISION

of 15 October 2012

**concerning the signing, on behalf of the Union, of the Agreement between the European Union and the Republic of Cape Verde on facilitating the issue of short-stay visas to citizens of the Republic of Cape Verde and of the European Union**

(2012/649/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular point (a) of Article 77(2), in conjunction with Article 218(5), thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 4 June 2009, the Council authorised the Commission to open negotiations with the Republic of Cape Verde on facilitating the issue of short-stay visas. The negotiations were successfully concluded and the Agreement between the European Union and the Republic of Cape Verde on facilitating the issue of short-stay visas to citizens of the Republic of Cape Verde and of the European Union ('the Agreement') was initialled on 24 April 2012.
- (2) The Agreement should be signed, on behalf of the Union, subject to its conclusion.
- (3) This Decision constitutes a development of the provisions of the Schengen *acquis*, in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis*<sup>(1)</sup>; the United Kingdom is therefore not taking part in its adoption and is not bound by it or subject to its application.
- (4) This Decision constitutes a development of the provisions of the Schengen *acquis*, in which Ireland does not take part, in accordance with Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of

the Schengen *acquis*<sup>(2)</sup>; Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application.

- (5) In accordance with Articles 1 and 2 of the 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,

HAS ADOPTED THIS DECISION:

*Article 1*

The signing, on behalf of the Union, of the Agreement between the European Union and the Republic of Cape Verde on facilitating the issue of short-stay visas to citizens of the Republic of Cape Verde and of the European Union is hereby authorised, subject to the conclusion of the said Agreement<sup>(3)</sup>.

*Article 2*

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement on behalf of the Union.

*Article 3*

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

Done at Luxembourg, 15 October 2012.

For the Council  
The President  
C. ASHTON

<sup>(1)</sup> OJ L 131, 1.6.2000, p. 43.

<sup>(2)</sup> OJ L 64, 7.3.2002, p. 20.

<sup>(3)</sup> The text of the Agreement will be published together with the decision on its conclusion.

# REGULATIONS

## COMMISSION IMPLEMENTING REGULATION (EU) No 960/2012

of 18 October 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) <sup>(1)</sup>,

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 <sup>(2)</sup>, 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, 18 October 2012.

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

<sup>(1)</sup> OJ L 299, 16.11.2007, p. 1.

<sup>(2)</sup> 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 <sup>(1)</sup> | Standard import value |
| 0702 00 00   | MA                                | 67,8                  |
|              | MK                                | 35,9                  |
|              | ZZ                                | 51,9                  |
| 0707 00 05   | MK                                | 38,5                  |
|              | TR                                | 116,3                 |
|              | ZZ                                | 77,4                  |
| 0709 93 10   | TR                                | 116,7                 |
|              | ZZ                                | 116,7                 |
| 0805 50 10   | AR                                | 81,6                  |
|              | CL                                | 108,8                 |
|              | TR                                | 85,5                  |
|              | ZA                                | 84,5                  |
|              | ZZ                                | 90,1                  |
| 0806 10 10   | BR                                | 269,0                 |
|              | MK                                | 59,9                  |
|              | TR                                | 147,1                 |
|              | ZZ                                | 158,7                 |
| 0808 10 80   | AR                                | 216,2                 |
|              | MK                                | 29,8                  |
|              | NZ                                | 127,3                 |
|              | US                                | 143,5                 |
|              | ZA                                | 93,4                  |
|              | ZZ                                | 122,0                 |
| 0808 30 90   | CN                                | 92,8                  |
|              | TR                                | 115,3                 |
|              | ZZ                                | 104,1                 |

<sup>(1)</sup> 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 961/2012**  
**of 18 October 2012**

**on the issue of import licences and the allocation of import rights for applications lodged during the first seven days of October 2012 under the tariff quotas opened by Regulation (EC) No 616/2007 for poultrymeat**

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) <sup>(1)</sup>,

Having regard to Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences <sup>(2)</sup>, and in particular Article 7(2) thereof,

Whereas:

- (1) Commission Regulation (EC) No 616/2007 <sup>(3)</sup> opened tariff quotas for imports of poultrymeat products originating in Brazil, Thailand and other third countries.
- (2) The applications for import licences lodged in respect of Groups Nos 1, 2, 4, 6, 7 and 8 during the first seven days of October 2012 for the subperiod from 1 January to 31 March 2013 relate, for some quotas, to quantities exceeding those available. The extent to which import licences may be issued should therefore be determined by establishing the allocation coefficient to be applied to the quantities requested.

- (3) The applications for import rights lodged during the first seven days of October 2012 for the subperiod from 1 January to 31 March 2013 in respect of Group No 5 relate to quantities exceeding those available. The extent to which import rights may be allocated should therefore be determined by establishing the allocation coefficient to be applied to the quantities requested,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The quantities for which import licence applications have been lodged pursuant to Regulation (EC) No 616/2007 for the subperiod from 1 January to 31 March 2013 in respect of Groups Nos 1, 2, 4, 6, 7 and 8 shall be multiplied by the allocation coefficients set out in the Annex hereto.

2. The quantities for which import rights applications have been lodged pursuant to Regulation (EC) No 616/2007 for the subperiod from 1 January to 31 March 2013 in respect of Group No 5 shall be multiplied by the allocation coefficient set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 19 October 2012.

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

Done at Brussels, 18 October 2012.

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

<sup>(1)</sup> OJ L 299, 16.11.2007, p. 1.

<sup>(2)</sup> OJ L 238, 1.9.2006, p. 13.

<sup>(3)</sup> OJ L 142, 5.6.2007, p. 3.

## ANNEX

| Group No | Order No | Allocation coefficient for import licence applications lodged for the subperiod from 1.1.2013 to 31.3.2013 (%) |
|----------|----------|----------------------------------------------------------------------------------------------------------------|
| 1        | 09.4211  | 0,480769                                                                                                       |
| 6        | 09.4216  | 0,870177                                                                                                       |

| Group No | Order No | Allocation coefficient for import rights applications lodged for the subperiod from 1.1.2013 to 31.3.2013 (%) |
|----------|----------|---------------------------------------------------------------------------------------------------------------|
| 5        | 09.4215  | 0,895256                                                                                                      |

**COMMISSION IMPLEMENTING REGULATION (EU) No 962/2012**  
**of 18 October 2012**  
**fixing the export refunds on poultrymeat**

THE EUROPEAN COMMISSION,

European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs <sup>(3)</sup>.

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

(5) The currently applicable refunds have been fixed by Commission Implementing Regulation (EU) No 663/2012 <sup>(4)</sup>. Since new refunds should be fixed, that Regulation should therefore be repealed.

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) <sup>(1)</sup>, and in particular Article 164(2) and Article 170, in conjunction with Article 4, thereof,

(6) In order to prevent divergence with the current market situation, to prevent market speculation and to ensure efficient management this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*.

Whereas:

(7) The Management Committee for the Common Organisation of Agricultural Markets has not delivered an opinion within the time limit set by its Chair,

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

HAS ADOPTED THIS REGULATION:

*Article 1*

(2) In view of the current situation on the market in poultrymeat, export refunds should be fixed in accordance with the rules and criteria provided for in Articles 162, 163, 164, 167 and 169 of Regulation (EC) No 1234/2007.

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.

(3) Article 164(1) of Regulation (EC) No 1234/2007 provides that refunds 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.

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 identification marking conditions laid down in Section I of Annex II to Regulation (EC) No 853/2004.

*Article 2*

(4) Refunds should be granted only on products which are authorised to move freely in the Union and bear the identification mark provided for in Article 5(1)(b) 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 <sup>(2)</sup>. Those products should also comply with the requirements of Regulation (EC) No 852/2004 of the

Implementing Regulation (EU) No 663/2012 is hereby repealed.

*Article 3*

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

<sup>(1)</sup> OJ L 299, 16.11.2007, p. 1.

<sup>(2)</sup> OJ L 139, 30.4.2004, p. 55.

<sup>(3)</sup> OJ L 139, 30.4.2004, p. 1.

<sup>(4)</sup> OJ L 192, 20.7.2012, p. 6.

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

Done at Brussels, 18 October 2012.

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

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## ANNEX

**Export refunds on poultrymeat applicable from 19 October 2012**

| Product code    | Destination | Unit of measurement | Amount of refund |
|-----------------|-------------|---------------------|------------------|
| 0105 11 11 9000 | A02         | EUR/100 pcs         | 0,00             |
| 0105 11 19 9000 | A02         | EUR/100 pcs         | 0,00             |
| 0105 11 91 9000 | A02         | EUR/100 pcs         | 0,00             |
| 0105 11 99 9000 | A02         | EUR/100 pcs         | 0,00             |
| 0105 12 00 9000 | A02         | EUR/100 pcs         | 0,00             |
| 0105 14 00 9000 | A02         | EUR/100 pcs         | 0,00             |
| 0207 12 10 9900 | V03         | EUR/100 kg          | 21,70            |
| 0207 12 90 9190 | V03         | EUR/100 kg          | 21,70            |
| 0207 12 90 9990 | V03         | EUR/100 kg          | 21,70            |

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

The other destinations are defined as follows:

V03: A24, Angola, Saudi Arabia, Kuwait, Bahrain, Qatar, Oman, United Arab Emirates, Jordan, Yemen, Lebanon, Iraq and Iran.

**COMMISSION IMPLEMENTING REGULATION (EU) No 963/2012****of 18 October 2012****amending the representative prices and additional import duties for certain products in the sugar sector fixed by Implementing Regulation (EU) No 892/2012 for the 2012/13 marketing year**

THE EUROPEAN COMMISSION,

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

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

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

Whereas:

- (1) The representative prices and additional duties applicable to imports of white sugar, raw sugar and certain syrups for the 2012/13 marketing year are fixed by Commission Implementing Regulation (EU) No 892/2012 <sup>(3)</sup>. Those prices and duties were last amended by Commission Implementing Regulation (EU) No 940/2012 <sup>(4)</sup>.

- (2) The data currently available to the Commission indicate that those amounts should be amended in accordance with Article 36 of Regulation (EC) No 951/2006.

- (3) Given the need to ensure that this measure applies as soon as possible after the updated data have been made available, this Regulation should enter into force on the day of its publication,

HAS ADOPTED THIS REGULATION:

*Article 1*

The representative prices and additional duties applicable to imports of the products referred to in Article 36 of Regulation (EC) No 951/2006, as fixed by Implementing Regulation (EU) No 892/2012 for the 2012/13 marketing year, are hereby amended as set out in the Annex hereto.

*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, 18 October 2012.

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

<sup>(1)</sup> OJ L 299, 16.11.2007, p. 1.

<sup>(2)</sup> OJ L 178, 1.7.2006, p. 24.

<sup>(3)</sup> OJ L 263, 28.9.2012, p. 37.

<sup>(4)</sup> OJ L 280, 13.10.2012, p. 7.

## ANNEX

**Amended representative prices and additional import duties applicable to white sugar, raw sugar and products covered by CN code 1702 90 95 from 19 October 2012**

(EUR)

| CN code                   | Representative price per 100 kg net of the product concerned | Additional duty per 100 kg net of the product concerned |
|---------------------------|--------------------------------------------------------------|---------------------------------------------------------|
| 1701 12 10 <sup>(1)</sup> | 36,84                                                        | 0,10                                                    |
| 1701 12 90 <sup>(1)</sup> | 36,84                                                        | 3,56                                                    |
| 1701 13 10 <sup>(1)</sup> | 36,84                                                        | 0,23                                                    |
| 1701 13 90 <sup>(1)</sup> | 36,84                                                        | 3,85                                                    |
| 1701 14 10 <sup>(1)</sup> | 36,84                                                        | 0,23                                                    |
| 1701 14 90 <sup>(1)</sup> | 36,84                                                        | 3,85                                                    |
| 1701 91 00 <sup>(2)</sup> | 42,42                                                        | 4,74                                                    |
| 1701 99 10 <sup>(2)</sup> | 42,42                                                        | 1,61                                                    |
| 1701 99 90 <sup>(2)</sup> | 42,42                                                        | 1,61                                                    |
| 1702 90 95 <sup>(3)</sup> | 0,42                                                         | 0,27                                                    |

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

**COMMISSION IMPLEMENTING REGULATION (EU) No 964/2012****of 18 October 2012****amending Regulation (EC) No 1484/95 as regards representative prices in the poultrymeat and egg sectors and for egg albumin**

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) <sup>(1)</sup>, and in particular Article 143 in conjunction with Article 4 thereof,

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

Whereas:

(1) Commission Regulation (EC) No 1484/95 <sup>(3)</sup> lays down detailed rules for implementing the system of additional import duties and fixes representative prices in the poultrymeat and egg sectors 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.

(3) Regulation (EC) No 1484/95 should be amended accordingly.

(4) Given the need to ensure that this measure applies as soon as possible after the updated data have been made available, this Regulation should enter into force on the day of its publication.

(5) 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 text set out 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, 18 October 2012.

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

<sup>(1)</sup> OJ L 299, 16.11.2007, p. 1.

<sup>(2)</sup> OJ L 181, 14.7.2009, p. 8.

<sup>(3)</sup> OJ L 145, 29.6.1995, p. 47.

## ANNEX

## ‘ANNEX I

| CN code    | Description of goods                                                                                    | Representative price<br>(EUR/100 kg) | Security pursuant to<br>Article 3(3)<br>(EUR/100 kg) | Origin <sup>(1)</sup> |
|------------|---------------------------------------------------------------------------------------------------------|--------------------------------------|------------------------------------------------------|-----------------------|
| 0207 12 10 | Fowls of the species <i>Gallus domesticus</i> , not cut in pieces, presented as “70 % chickens”, frozen | 132,6                                | 0                                                    | AR                    |
|            |                                                                                                         | 119,7                                | 0                                                    | BR                    |
| 0207 12 90 | Fowls of the species <i>Gallus domesticus</i> , not cut in pieces, presented as “65 % chickens”, frozen | 130,3                                | 0                                                    | AR                    |
|            |                                                                                                         | 126,0                                | 0                                                    | BR                    |
| 0207 14 10 | Fowls of the species <i>Gallus domesticus</i> , boneless cuts, frozen                                   | 274,0                                | 8                                                    | AR                    |
|            |                                                                                                         | 220,8                                | 24                                                   | BR                    |
|            |                                                                                                         | 328,1                                | 0                                                    | CL                    |
|            |                                                                                                         | 230,9                                | 21                                                   | TH                    |
| 0207 14 60 | Fowl of the species <i>Gallus domesticus</i> , legs, frozen                                             | 170,0                                | 0                                                    | BR                    |
| 0207 27 10 | Turkeys, boneless cuts, frozen                                                                          | 332,0                                | 0                                                    | BR                    |
|            |                                                                                                         | 278,1                                | 6                                                    | CL                    |
| 0408 11 80 | Egg yolks                                                                                               | 424,3                                | 0                                                    | AR                    |
| 0408 91 80 | Eggs, not in shell, dried                                                                               | 446,2                                | 0                                                    | AR                    |
| 1602 32 11 | Preparations of fowls of the species <i>Gallus domesticus</i> , uncooked                                | 279,1                                | 2                                                    | BR                    |
|            |                                                                                                         | 312,6                                | 0                                                    | CL                    |
| 3502 11 90 | Egg albumin, dried                                                                                      | 594,9                                | 0                                                    | AR                    |

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

## DECISIONS

## COMMISSION IMPLEMENTING DECISION

of 17 October 2012

**amending Annex II to Decision 2006/766/EC as regards the inclusion of Curaçao and Sint Maarten in the list of third countries and territories from which imports of certain fishery products for human consumption are permitted and the deletion of the Netherlands Antilles from that list**

*(notified under document C(2012) 7147)***(Text with EEA relevance)**

(2012/650/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption <sup>(1)</sup>, and in particular Article 11(1) thereof,

Whereas:

- (1) Regulation (EC) No 854/2004 lays down specific rules for the organisation of official controls on products of animal origin. In particular, it provides that products of animal origin are to be imported only from a third country or a part of a third country that appears on a list drawn up and updated in accordance with that Regulation.
- (2) Regulation (EC) No 854/2004 also provides that when drawing up and updating such lists, account is to be taken of Union controls in third countries and guarantees by the competent authorities of third countries as regards compliance or equivalence with Union feed and food law and animal health rules specified in Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules <sup>(2)</sup>.
- (3) Commission Decision 2006/766/EC of 6 November 2006 establishing the lists of third countries and territories from which imports of bivalve molluscs, echinoderms, tunicates, marine gastropods and fishery products are permitted <sup>(3)</sup> lists those third countries which satisfy the criteria referred to in Regulation (EC) No 854/2004 and are therefore able to guarantee that those products

meet the sanitary conditions laid down in Union legislation to protect the health of consumers and can accordingly be exported to the Union. In particular, Annex II to that Decision sets out a list of third countries and territories from which imports into the Union of fishery products for human consumption, other than live, chilled, frozen or processed bivalve molluscs, echinoderms, tunicates and marine gastropods, are permitted.

- (4) The autonomous country of the Netherlands Antilles is currently included in the list in Annex II to Decision 2006/766/EC as a third country from which imports of fishery products intended for human consumption are permitted.
- (5) Following an internal reform in the Kingdom of the Netherlands, effective as of 10 October 2010, the Netherlands Antilles ceased to exist as an autonomous country within that Kingdom. On that same date, Curaçao and Sint Maarten gained the status of autonomous countries within the Kingdom of the Netherlands, while Bonaire, Sint Eustatius and Saba became special municipalities of the European part of the Kingdom of the Netherlands. It is therefore appropriate to delete the entry for the Netherlands Antilles from the list set out in Annex II to Decision 2006/766/EC.
- (6) The competent authorities of Curaçao and Sint Maarten have presented the necessary information to the Commission to prove that the sanitary control system in place in those autonomous countries provides sufficient guarantees of compliance with Union requirements. The information provided by the competent authorities of Curaçao and Sint Maarten also shows that those authorities have the same legal powers to conduct controls as the competent authority of the Netherlands Antilles used to have and that food business operators are bound by the same obligations as in the period before the Netherlands Antilles ceased to exist. In addition, according to that information, the official sanitary controls in those autonomous countries continue at the same levels as in the period before the Netherlands Antilles ceased to exist.

<sup>(1)</sup> OJ L 139, 30.4.2004, p. 206.

<sup>(2)</sup> OJ L 165, 30.4.2004, p. 1.

<sup>(3)</sup> OJ L 320, 18.11.2006, p. 53.

- (7) It is therefore appropriate that Curaçao and Sint Maarten be included in the list set out in Annex II to Decision 2006/766/EC.
- (8) Decision 2006/766/EC should therefore be amended accordingly.
- (9) 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*

Annex II to Decision 2006/766/EC is amended as follows:

- (1) the entry for the Netherlands Antilles is deleted;
- (2) the following entry for Curaçao is inserted between the entries for Cape Verde and Algeria:

|     |          |  |
|-----|----------|--|
| 'CW | CURAÇAO' |  |
|-----|----------|--|

- (3) the following entry for Sint Maarten is inserted between the entries for El Salvador and Togo:

|     |               |  |
|-----|---------------|--|
| 'SX | SINT MAARTEN' |  |
|-----|---------------|--|

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 17 October 2012.

*For the Commission*  
Maroš ŠEFČOVIČ  
*Vice-President*







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