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⁽¹⁾ Text with EEA relevance

I

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is obligatory)

REGULATIONS

COMMISSION REGULATION (EC) No 690/2008

of 4 July 2008

recognising protected zones exposed to particular plant health risks in the Community

(Recast)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community ⁽¹⁾, and in particular the first subparagraph of Article 2(1)(h) thereof,

Having regard to the requests made by Ireland, Spain, Italy, Cyprus, Lithuania, Malta, Austria, Portugal, Slovenia and Slovakia,

Whereas:

- (1) Commission Directive 2001/32/EC of 8 May 2001 recognising protected zones exposed to particular plant health risks in the Community and repealing Directive 92/76/EEC ⁽²⁾ has been substantially amended several times. Since further amendments are to be made, it should be recast in the interests of clarity.
- (2) Under Directive 2000/29/EC, 'protected zones' exposed to particular plant health risks may be defined and therefore may be accorded special protection under conditions compatible with the internal market. Such zones were defined in Commission Directive 2001/32/EC.
- (3) Certain Member States or certain areas in Member States are recognised as protected zones in respect of certain harmful organisms. In some cases recognition was granted provisionally, because the full information necessary to show that the harmful organism in question was not present in the Member State or area concerned had not been provided or efforts to eradicate such an organism had not been concluded. Where the

Member States concerned have provided the necessary information, the zones in question should be recognised as permanent protected zones. The provisional recognition should exceptionally be extended for a further limited period to give the Member States concerned the necessary additional time to submit information showing that that organism is not present or, where necessary, to complete their efforts to eradicate it. In other cases protected zones should no longer be recognised as such since harmful organisms are now present.

- (4) Cyprus was provisionally recognised as a protected zone with respect to *Daktulosphaira vitifoliae* (Fitch), *Ips sexdentatus* Börner and *Leptinotarsa decemlineata* Say until 31 March 2008. From information supplied by Cyprus since the provisional recognition was granted, it appears that those organisms are not present in Cyprus. Therefore Cyprus should be recognised as a permanent protected zone with respect to those organisms.
- (5) Certain regions of Spain were recognised as protected zones with respect to *Thaumetopoea pityocampa* (Den. and Schiff.). From information supplied by Spain, it appears that that organism is now established in these regions. They should therefore no longer be recognised as a protected zone in respect of that organism.
- (6) Certain regions in Italy, Austria, Slovenia and Slovakia, and the whole territory of Ireland and Lithuania were provisionally recognised as protected zones with respect to *Erwinia amylovora* (Burr.) Winsl. *et al.* until 31 March 2008.

⁽¹⁾ OJ L 169, 10.7.2000, p. 1. Directive as last amended by Commission Directive 2008/64/EC (OJ L 168, 28.6.2008, p. 31).

⁽²⁾ OJ L 127, 9.5.2001, p. 38. Directive as last amended by Directive 2007/40/EC (OJ L 169, 29.6.2007, p. 49).

- (7) From information supplied by Ireland, Lithuania and Slovakia, it appears that the provisional recognition of the protected zones for those countries in respect of *Erwinia amylovora* (Burr.) Winsl. *et al.* should exceptionally be extended for two years to give those Member States the necessary time to submit information showing that that organism is not present or, where necessary, to complete their efforts to eradicate it.
- (8) From information supplied by Italy and Slovenia, it appears that *Erwinia amylovora* (Burr.) Winsl. *et al.* is now established in some regions, which have previously been provisionally recognised as protected zones for that organism until 31 March 2008. Those regions should therefore no longer be recognised as a protected zone for that organism.
- (9) From information supplied by Austria, it appears that due to unfavourable conditions in 2007 there were several outbreaks of *Erwinia amylovora* (Burr.) Winsl. *et al.* in some parts of its territory, which have been provisionally recognised as protected zones for this harmful organism. For this reason, the provisional recognition of the protected zones for certain regions in respect of *Erwinia amylovora* (Burr.) Winsl. *et al.* should be extended for one year to give Austria the necessary time to verify that the eradication efforts made by Austria in 2007 are efficient and submit information showing that *Erwinia amylovora* (Burr.) Winsl. *et al.* is not present or, where necessary, to complete its efforts to eradicate that organism in 2008.
- (10) Malta was provisionally recognised as a protected zone with respect to *Citrus tristeza virus* (European strains) until 31 March 2008. From information supplied by Malta, it appears that the efforts to eradicate that organism have been successful. Therefore Malta should be recognised as a permanent protected zone with respect to that organism.
- (11) The territory of Portugal was recognised as a protected zone with respect to *Citrus tristeza virus* (European strains). From information supplied by Portugal, it appears that that organism is now established in a part of its territory. That part of the Portuguese territory should therefore no longer be recognised as a protected zone in respect of that organism.
- (12) It is therefore necessary to modify the existing designation of protected zones.
- (13) In the past protected zones were recognised and amended by Directive. To achieve a timely and simultaneous application by Member States, protected zones should be recognised by Regulation.
- (14) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plant Health.
- (15) This Regulation should be without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law and application of the Directives set out in Annex II, Part B,
- HAS ADOPTED THIS REGULATION:
- Article 1*
- The zones in the Community listed in Annex I are recognised as protected zones within the meaning of the first subparagraph of Article 2(1)(h) of Directive 2000/29/EC, in respect of the harmful organism(s) listed against their names in Annex I to this Regulation.
- Article 2*
- Directive 2001/32/EC, as amended by the acts listed in Annex II, Part A, is repealed, without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law and application of the Directives set out in Annex II, Part B.
- References to the repealed Directive shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex III.
- Article 3*
- This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 4 July 2008.

For the Commission
Androulla VASSILOU
Member of the Commission

ANNEX I

Zones in the community recognised as 'protected zones', in respect of harmful organism(s) listed against their names

Harmful organisms	Protected zones: territory of
(a) Insects, mites and nematodes, at all stages of their development	
1. <i>Anthonomus grandis</i> (Boh.)	Greece, Spain (Andalusia, Catalonia, Extremadura, Murcia, Valencia)
2. <i>Bemisia tabaci</i> Genn. (European populations)	Ireland, Portugal (Azores, Beira Interior, Beira Litoral, Entre Douro e Minho, Madeira, Ribatejo e Oeste (communes of Alcobaça, Alenquer, Bombarral, Cadaval, Caldas da Rainha, Lourinhã, Nazaré, Obidos, Peniche and Torres Vedras) and Trás-os-Montes), Finland, Sweden, United Kingdom
3. <i>Cephalcia lariciphila</i> (Klug.)	Ireland, United Kingdom (Northern Ireland, Isle of Man and Jersey)
3.1. <i>Daktulosphaira vitifoliae</i> (Fitch)	Cyprus
4. <i>Dendroctonus micans</i> Kugelan	Ireland, Greece, United Kingdom (Northern Ireland, Isle of Man and Jersey)
5. <i>Gilpinia hercyniae</i> (Hartig)	Ireland, Greece, United Kingdom (Northern Ireland, Isle of Man and Jersey)
6. <i>Globodera pallida</i> (Stone) Behrens	Latvia, Slovenia, Slovakia, Finland
7. <i>Gonipterus scutellatus</i> Gyll	Greece, Portugal (Azores)
8. <i>Ips amitinus</i> Eichhof	Ireland, Greece, France (Corsica), United Kingdom
9. <i>Ips cembrae</i> Heer	Ireland, Greece, United Kingdom (Northern Ireland and Isle of Man)
10. <i>Ips duplicatus</i> Sahlberg	Ireland, Greece, United Kingdom
11. <i>Ips sexdentatus</i> Börner	Ireland, Cyprus, United Kingdom (Northern Ireland and Isle of Man)
12. <i>Ips typographus</i> Heer	Ireland, United Kingdom
13. <i>Leptinotarsa decemlineata</i> Say	Ireland, Spain (Ibiza and Menorca), Cyprus, Malta, Portugal (Azores and Madeira), Finland (districts of Åland, Håme, Kymi, Pirkanmaa, Satakunta, Turku, Uusimaa), Sweden (counties of Blekinge, Gotland, Halland, Kalmar and Skåne), United Kingdom
14. <i>Liriomyza bryoniae</i> (Kaltenbach)	Ireland, United Kingdom (Northern Ireland)
15. <i>Sternochetus mangiferae</i> Fabricius	Spain (Granada and Malaga), Portugal (Alentejo, Algarve and Madeira)
(b) Bacteria	
1. <i>Curtobacterium flaccumfaciens</i> pv. <i>flaccumfaciens</i> (Hedges) Col.	Greece, Spain, Portugal
2. <i>Erwinia amylovora</i> (Burr.) Winsl. et al.	— Estonia, Spain, France (Corsica), Italy (Abruzzo, Basilicata, Calabria, Campania, Friuli-Venezia Giulia, Lazio, Liguria, Marche, Molise, Piedmont, Sardinia, Sicily, Tuscany, Umbria, Valle d'Aosta), Latvia, Portugal, Finland, United Kingdom (Northern Ireland, Isle of Man and Channel Islands),

Harmful organisms	Protected zones: territory of
	— and, until 31 March 2010, Ireland, Italy (Apúlia, Emilia-Romagna (the provinces of Parma and Piacenza), Lombardy (except the province of Mantua), Veneto (except the province of Rovigo, the communes Castelbaldo, Barbona, Piacenza d'Adige, Vescovana, S. Urbano, Boara Pisani, Masi in the province of Padova and the area situated to the South of highway A4 in the province of Verona)), Lithuania, Slovenia (except the regions Gorenjska, Koroška, Maribor and Notranjska), Slovakia (except the communes of Blahová, Horné Mýto and Okoč (Dunajská Streda County), Hronovce and Hronské Kľačany (Levice County), Málinec (Poltár County), Hrhov (Rožňava County), Veľké Ríphany (Topoľčany County), Kazimír, Luhyňa, Malý Horeš, Svätušie and Zátin (Trebišov County)) — and, until 31 March 2009, Austria (Burgenland, Carinthia, Lower Austria, Tirol (administrative district Lienz), Styria, Vienna)
(c) Fungi	
01. <i>Cyphonectria parasitica</i> (Murrill) Barr	Czech Republic, Ireland, Greece (Crete and Lesvos), Sweden and the United Kingdom (except Isle of Man)
1. <i>Glomerella gossypii</i> Edgerton	Greece
2. <i>Gremmeniella abietina</i> Morelet	Ireland, United Kingdom (Northern Ireland)
3. <i>Hypoxyton mammatum</i> (Wahl.) J Miller	Ireland, United Kingdom (Northern Ireland)
(d) Viruses and virus-like organisms	
1. Beet necrotic yellow vein virus	Ireland, France (Brittany), Portugal (Azores), Finland, United Kingdom (Northern Ireland)
2. Tomato spotted wilt virus	Finland, Sweden
3. <i>Citrus tristeza virus</i> (European strains)	Greece, France (Corsica), Malta, Portugal (except Madeira)
4. Grapevine flavescence dorée MLO	Czech Republic (until 31 March 2009), France (Alsace, Champagne-Ardenne and Lorraine) (until 31 March 2009), Italy (Basilicata) (until 31 March 2009)

ANNEX II

PART A

Repealed Directive with list of its successive amendments

(referred to in Article 2)

Commission Directive 2001/32/EC
(OJ L 127, 9.5.2001, p. 38)

Directive 2002/29/EC
(OJ L 77, 20.3.2002, p. 26)

Directive 2003/21/EC
(OJ L 78, 25.3.2003, p. 8)

Directive 2003/46/EC
(OJ L 138, 5.6.2003, p. 45)

2003 Act of Accession
(OJ L 236, 23.9.2003)

Article 20 and Annex II, p. 443

Directive 2004/32/EC
(OJ L 85, 23.3.2004, p. 24)

Decision 2004/522/EC
(OJ L 228, 29.6.2004, p. 18)

Directive 2005/18/EC
(OJ L 57, 3.3.2005, p. 25)

Directive 2006/36/EC
(OJ L 88, 25.3.2006, p. 13)

Directive 2007/40/EC
(OJ L 169, 29.6.2007, p. 49)

PART B

List of time-limits for transposition into national law and application

(referred to in Article 2)

Directive	Time-limit for transposition	Date of application
2001/32/EC	21 May 2001	22 May 2001
2002/29/EC	31 March 2002	1 April 2002
2003/21/EC	31 March 2003	1 April 2003
2003/46/EC	15 June 2003	16 June 2003
2004/32/EC	20 April 2004	21 April 2004
2005/18/EC	14 May 2005	15 May 2005
2006/36/EC	30 April 2006	1 May 2006
2007/40/EC	31 October 2007	1 November 2007

ANNEX III

Correlation table

Directive 2001/32/EC	This Regulation
Article 1	Article 1
Article 3	—
—	Article 2
Article 4	—
Article 5 first paragraph	Article 3 first paragraph
Article 5 second paragraph	—
—	Article 3 second paragraph
Article 6	—
Annex, point (a), 1, 2 and 3	Annex I, point (a), 1, 2 and 3
Annex, point (a), 3.1	Annex I, point (a), 3.1
Annex, point (a), 4 to 15	Annex I, point (a), 4 to 15
Annex, point (a), 16	—
Annex, point (b), 1	Annex I, point (b), 1
Annex, point (b), 2, first indent	Annex I, point (b), 2, first indent
—	Annex I, point (b), 2, second indent
Annex, point (b), 2, second indent	—
—	Annex I, point (b), 2, third indent
Annex, point (c), 01	Annex I, point (c), 01
Annex, point (c), 1 to 3	Annex I, point (c), 1 to 3
Annex, point (d), 1 to 4	Annex I, point (d), 1 to 4
—	Annex II
—	Annex III

II

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is not obligatory)

DECISIONS

COMMISSION

COMMISSION DECISION

of 3 June 2008

adopting implementing rules concerning the Data Protection Officer pursuant to Article 24(8) of Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data

(2008/597/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS DECIDED AS FOLLOWS:

Having regard to Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ⁽¹⁾, and in particular Article 24(8) and the Annex thereof,

Whereas:

- (1) Regulation (EC) No 45/2001, hereinafter referred to as the 'Regulation', sets out the principles and rules applicable to all Community institutions and bodies and provides for the appointment by each Community institution and Community body of a Data Protection Officer.
- (2) Article 24(8) of the Regulation requires that further implementing rules concerning the Data Protection Officer shall be adopted by each Community institution or body in accordance with the provisions in the Annex. The implementing rules shall in particular concern the tasks, duties and powers of the Data Protection Officer.
- (3) Commission Decision C(2002) 510 ⁽²⁾ of 18 February 2002 creates the post of Data Protection Officer (DPO) for the Commission and charges the DPO with proposing further implementing rules following consultation with the Directorates-General according to their needs and experiences,

SECTION 1

GENERAL PROVISIONS

Article 1

Definitions

For the purpose of this Decision and without prejudice to the definitions provided for by the Regulation:

- 'Data Protection Coordinator' (hereinafter referred to as the 'DPC') shall mean the staff member within a Directorate-General or Service who has been appointed by the Director-General to coordinate all aspects of the protection of personal data in the Directorate-General,
- 'Controller', as defined in Article 2(d) and referred to in Article 25(2)(a), shall mean the official responsible for the organisational unit that has determined the purposes and the means of the processing of personal data.

Article 2

Scope

This Decision defines the rules and procedures for implementation of the function of Data Protection Officer (hereinafter referred to as the 'DPO') within the Commission pursuant to Article 24(8) of the Regulation. It shall not apply to the activities of the Commission when defining policies relating to the protection of individuals with regard to the processing of personal data.

⁽¹⁾ OJ L 8, 12.1.2001, p. 1.

⁽²⁾ Not yet published in the Official Journal.

SECTION 2

THE DATA PROTECTION OFFICER

Article 3

Appointment and status

1. The Commission shall appoint the DPO ⁽¹⁾ and register him with the European Data Protection Supervisor (hereinafter referred to as the 'EDPS').

2. The term of office of the DPO shall be five years, renewable once.

3. The DPO shall act in an independent manner with regard to the internal application of the provisions of the Regulation and may not receive any instructions with respect to the performance of his duties.

4. The DPO shall be selected from the staff of the Commission following the relevant procedures. In addition to the requirements of Article 24(2) of the Regulation, the DPO should have a sound knowledge of the Commission services and their structure and administrative rules and procedures. He should have a good knowledge of data protection and information systems, principles and methodologies. He must have the capacity to demonstrate sound judgement and the ability to maintain an impartial and objective stance in accordance with the Staff Regulations.

5. In accordance with the Regulation, the DPO may be dismissed from his post by the Commission, but only with the consent of the EDPS, if he no longer fulfils the conditions required for the performance of his duties. The Commission, upon a proposal from the Secretary-General in agreement with the Director-General for Personnel and Administration, shall establish that the DPO no longer fulfils the conditions required for the performance of his tasks.

6. Without prejudice to the relevant provisions of the Regulation, the DPO and his/her staff shall be subject to the rules and regulations applicable to officials of the European Communities.

Article 4

Tasks

1. Without prejudice to the tasks as described in Article 24 of the Regulation and in its Annex, the DPO shall contribute to creating a culture of protection of personal data within the Commission by raising general awareness of data protection issues while maintaining a just balance between the principles of protection of personal data and transparency.

2. The DPO shall maintain an inventory of all processing operations on personal data of the Commission into which the DPCs introduce, for their respective DG, all processing

operations to be notified. The DPCs shall also identify the Controller responsible of such processing operations. The DPO shall help the Controller to assess the risk of the processing operations under his responsibility and monitor implementation of the Regulation in the Commission, in particular through a yearly Data Protection Status Report.

3. The DPO shall organise and chair the regular meetings of the network of DPCs.

4. The DPO shall make the register of processing operations, provided for in Article 26 of the Regulation, available on the internal and external websites of the Commission.

5. The DPO may make recommendations and give advice to the Commission and the Controllers on matters concerning the application of data protection provisions and may perform investigations on request, or upon his own initiative, into matters and occurrences directly relating to his tasks, and report back to the person who commissioned the investigation, in accordance with the procedure described in Article 13 hereof. If the requester is an individual, or if the requester acts on behalf of an individual, the DPO must, to the extent possible, ensure confidentiality governing the request, unless the data subject concerned gives his/her unambiguous consent for the request to be handled otherwise.

6. Processing of personal data by Staff Committees shall fall within the remit of the DPO of the Commission. For the purposes of Article 6 below, the DPO shall provide any information to the President of the Staff Committee concerned instead of the Secretary-General, where any question relating to processing operations by the Staff Committee concerned arises.

7. Without prejudice to the independence of the DPO, the Secretary-General, on behalf of the Commission, can ask him to represent the institution in all data protection issues; this may include the DPO's participation in relevant committees and bodies at international level.

Article 5

Duties

1. In addition to the general tasks to be fulfilled, the DPO shall:

(a) submit each year a Data Protection Status Report for the Commission to the Secretary-General and the Director-General for Personnel and Administration for discussion at the appropriate level, such as at the regular meeting of Directors-General; the report shall be made available to the Commission's staff;

⁽¹⁾ Each reference to the Data Protection Officer in the following text shall mean he or she and his or her.

- (b) cooperate in the discharge of his functions with the DPOs of the other institutions and bodies, in particular by exchanging experience and best practices.

2. For processing operations on personal data under his responsibility the DPO shall act as controller.

Article 6

Powers

In performing his tasks and duties and without prejudice to the powers conferred by the Regulation, the DPO:

- (a) may request legal opinions from the Legal Service of the Commission;
- (b) may, in the event of conflict relating to interpretation or implementation of the Regulation, inform the competent management level and the Secretary-General before referring the matter to the EDPS;
- (c) may bring to the attention of the Secretary-General any failure of:

— a staff member to comply with the obligations under the Regulation,

— controllers to comply with those Commission Internal Control Standards more specifically related to the obligations under the Regulation,

and suggest that an administrative investigation be launched with a view to possible application of Article 49 of the Regulation;

- (d) may investigate matters and occurrences directly relating to his tasks, applying the appropriate principles for inquiries and audits in the Commission and the procedure described in Article 13 of this Decision;
- (e) shall have access at all times to the data forming the subject matter of processing operations on personal data and to all offices, data-processing installations and data carriers.

Article 7

Resources

The Commission shall provide the DPO with the necessary resources to carry out his duties.

SECTION 3

RULES AND PROCEDURES

Article 8

Information

1. The DPO shall be informed immediately by the lead service whenever an issue, which has data-protection impli-

cations, is under consideration in the Commission's services, and at the latest prior to taking any decision.

2. When the Commission consults and informs the EDPS under the relevant Articles of the Regulation, and in particular pursuant to Article 28(1) and 28(2), the DPO shall be informed. He shall also be informed on direct interactions between the Controllers of the Commission and the EDPS pursuant to the relevant Articles of the Regulation.

3. The DPO shall be informed by the lead service or by the Legal Service, as appropriate, about opinions and position papers of the Legal Service directly relating to internal application of the provisions of the Regulation, as well as about opinions concerning the interpretation or implementation of other legal acts related to the protection of personal data and the processing thereof more particularly related to Inter-Service Consultation, and related to access to information.

Article 9

Controllers

1. Without prejudice to the provisions of the Regulation concerning their obligations, Controllers shall:

(a) prepare without delay notifications to the DPO for all existing processing operations which have not yet been notified;

(b) where appropriate, consult the DPO on the conformity of processing operations, in particular in the event of doubt as to conformity;

(c) cooperate with the DPC to establish the inventory of existing processing operations on personal data of the Directorate-General.

2. The Controller may delegate certain parts of his tasks to other persons acting as a Delegated Controller under his authority and responsibility.

Article 10

Processors

Processors within the Commission, required to process personal data on behalf of Controllers, shall act only on the Controllers' instructions documented in a written agreement and process such personal data in strict compliance with the Regulation, and any other applicable legislation on data protection. A written agreement between organisational units of the Commission shall be considered equivalent to a legally binding act within the meaning of Article 23(2) of the Regulation.

Formal contracts shall be concluded with external processors; such contracts shall contain the specific requirements mentioned in Article 23(2) of the Regulation.

Article 11

Notifications

Controllers shall use the online notification system of the Commission, accessible through the website of the DPO on the Commission's Intranet, to submit their notifications to the DPO.

For simple processing operations on non-sensitive personal data, the system shall offer a simplified notification.

Article 12

Register

The electronic register of processing operations of the Commission mentioned in Article 4(4) hereof shall be accessible through the website of the DPO on the Intranet of the Commission for all staff of Community institutions and bodies and on the Europa website for any person having access to the Internet. Extracts of the register can be requested by any person not having access to the Internet in writing to the DPO, who shall reply within 10 working days.

Article 13

Investigation procedure

1. The requests for an investigation mentioned in Article 4(5) hereof shall be addressed to the DPO in writing. Within 15 days upon receipt, the DPO shall send an acknowledgement of receipt to the person who commissioned the investigation, and verify whether the request is to be treated as confidential. In the event of obvious misuse of the right to request an investigation, the DPO shall not be obliged to report back to the requester.

2. The DPO shall request a written statement on the matter from the Controller who is responsible for the data-processing operation in question. The Controller shall provide his/her response to the DPO within 15 working days. The DPO may wish to receive complementary information from him and/or other parties within 15 days. If appropriate he/she may request an opinion on the issue from the Legal Service. The DPO shall be provided with the opinion within 30 working days.

3. The DPO shall report back to the person who commissioned the investigation no later than three months following its receipt. This period may be suspended until the DPO has obtained any further information that he or she may have requested.

4. No one shall suffer prejudice on account of a matter brought to the attention of the DPO alleging a breach of the provisions of the Regulation.

Article 14

Data Protection Coordinators

1. A DPC shall be appointed in each Directorate-General or Service by the Director-General or the Head of Service. Based on a written agreement, several Directorates-General, Services or Offices may, for reasons of coherence or efficiency, decide to appoint a common DPC or share the services of an already appointed DPC.

2. The function of DPC can be combined with other functions as appropriate. To acquire the necessary competences for the functions, he must undergo the compulsory training for DPCs within six months of his appointment.

3. The term of office of the DPC shall not be limited. He should be chosen, at the appropriate hierarchical level, on the basis of his high professional ethics, his knowledge and experience of the functioning of his Directorate-General and his motivation for the function. He should have an understanding of information systems principles.

4. Without prejudice to the responsibilities of the DPO, the DPC shall:

(a) establish an inventory of processing operations in the Directorate-General, keep it up to date, and help to define an appropriate risk level for each of the processing operations; he shall use the online Inventory Management System for DPCs put in place for those purposes by the DPO on his website on the Commission's Intranet;

(b) assist the Director-General or Head of Service to identify the respective Controllers;

(c) have the right to obtain from the Controllers necessary and adequate information. This shall not include the right to access personal data processed under the responsibility of the Controller.

5. Without prejudice to the responsibilities of the Controller, the DPC shall:

(a) assist the Controllers in complying with their legal obligations;

(b) help the Controllers to establish notifications;

(c) input the simplified notifications into the online notification system of the DPO.

6. The DPC shall participate in the regular meetings of the DPCs' network, chaired by the DPO, to ensure coherent implementation and interpretation of the Regulation in the Commission and to discuss subjects of common interest.

7. In the execution of his tasks the DPC can ask the DPO for a recommendation, advice or an opinion.

Article 15

Administration and management

1. The DPO shall be administratively attached to the Secretariat-General and his activities shall be integrated into the activity-based budgeting and management process under Activity 7 of the Secretariat-General: Relations with Civil Society, Openness and Information. In this context the DPO shall participate in preparing the Annual Management Plan and the Draft Preliminary Budget of the Secretariat-General.

2. The DPO shall be the reporting officer for the staff of his Secretariat and the Assistant Data Protection Officer. The Deputy Secretary-General shall be the countersigning officer.

3. The DPO shall participate in the management coordination of the Secretariat-General as appropriate.

SECTION 4

FINAL PROVISIONS

Article 16

Entry into force

This Decision enters into force on 3 June 2008.

Done at Brussels, 3 June 2008.

For the Commission

The President

José Manuel BARROSO

COMMISSION DECISION**of 25 June 2008****amending Decision 2004/706/EC as regards the list of members of the European Corporate Governance Forum**

(2008/598/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Whereas:

(1) As one of the actions announced in the Commission's Action Plan on Modernising Company Law and enhancing Corporate Governance of May 2003 ⁽¹⁾, the European Corporate Governance Forum was set up by Commission Decision 2004/706/EC ⁽²⁾.

(2) The objective of the European Corporate Governance Forum is to foster the identification and exchange of best practices existing in Member States in order to ensure a high standard of corporate governance throughout the European Union and to act as a body of reflection and debate, giving advice to the Commission in the field of corporate governance.

(3) The European Corporate Governance Forum, in its three years of existence, has made a significant contribution to the corporate governance discussion in the European Union and has given important input to the work of the Commission in this area.

(4) The three-year mandate of the current members expired on 17 October 2007. According to Article 4 of Decision 2004/706/EC, the members shall remain in office until a decision on their replacement or a renewal of their appointment has been taken.

(5) The list of members contained in the Annex to Decision 2004/706/EC should therefore be replaced by a new list of members for the next term of three years,

HAS DECIDED AS FOLLOWS:

Sole Article

The list of members contained in the Annex to Decision 2004/706/EC is replaced by the list reproduced in the Annex.

Done at Brussels, 25 June 2008.

For the Commission

Charlie McCREEVY

Member of the Commission

⁽¹⁾ COM(2003) 284 final.

⁽²⁾ OJ L 321, 22.10.2004, p. 53.

ANNEX

- Bistra Boeva,
 - Antonio Borges,
 - Niklas Bruun,
 - Bertrand Collomb,
 - David Devlin,
 - Jose Maria Garrido Garcia,
 - Peter Montagnon,
 - Klaus-Peter Müller,
 - Colette Neuville,
 - Roland Oetker,
 - Rolf Skog,
 - Marek Sowa,
 - Trelawny Williams,
 - Jaap Winter,
 - Eddy Wymeersch.
-

COMMISSION DECISION

of 4 July 2008

recognising in principle the completeness of the dossier submitted for detailed examination in view of the possible inclusion of *Pseudomonas* sp. strain DSMZ 13134 in Annex I to Council Directive 91/414/EEC

*(notified under document number C(2008) 3322)***(Text with EEA relevance)**

(2008/599/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant-protection on the market ⁽¹⁾, and in particular Article 6(3) thereof,

Whereas:

- (4) By this Decision it should be formally confirmed at Community level that the dossier is considered as satisfying in principle the data and information requirements set out in Annex II and, for at least one plant protection product containing the active substance concerned, the requirements set out in Annex III to Directive 91/414/EEC.
- (5) This Decision should not prejudice the right of the Commission to request the applicant to submit further data or information in order to clarify certain points in the dossier.
- (1) Directive 91/414/EEC provides for the development of a Community list of active substances authorised for incorporation in plant protection products.
- (2) A dossier for the active substance *Pseudomonas* sp. strain DSMZ 13134 was submitted by Sourcon-Padena GmbH&Co. KG to the authorities of the Netherlands on 28 August 2007 with an application to obtain its inclusion in Annex I to Directive 91/414/EEC.
- (3) The authorities of the Netherlands have indicated to the Commission that, on preliminary examination, the dossier for the active substance concerned appears to satisfy the data and information requirements set out in Annex II to Directive 91/414/EEC. The dossier submitted appears also to satisfy the data and information requirements set out in Annex III to Directive 91/414/EEC in respect of one plant protection product containing the active substance concerned. In accordance with Article 6(2) of Directive 91/414/EEC, the dossier was subsequently forwarded by the applicant to the Commission and other Member States, and was referred to the Standing Committee on the Food Chain and Animal Health.
- (6) 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

Without prejudice to Article 6(4) of Directive 91/414/EEC, the dossier concerning the active substance identified in the Annex to this Decision, which was submitted to the Commission and the Member States with a view to obtaining the inclusion of that substance in Annex I to that Directive, satisfy in principle the data and information requirements set out in Annex II to that Directive.

The dossier also satisfies the data and information requirements set out in Annex III to that Directive in respect of one plant protection product containing the active substance, taking into account the uses proposed.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1. Directive as last amended by Commission Directive 2008/69/EC (OJ L 172, 2.7.2008, p. 9).

Article 2

The rapporteur Member State shall pursue the detailed examination for the dossier referred to in Article 1 and shall communicate to the Commission the conclusions of its examination accompanied by a recommendation on the inclusion or non-inclusion in Annex I to Directive 91/414/EEC of the active substance referred to in Article 1 and any conditions for that inclusion as soon as possible and at the latest within a period of one year from the date of publication of this Decision in the *Official Journal of the European Union*.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 4 July 2008.

For the Commission

Androulla VASSILIOU

Member of the Commission

*ANNEX***Active substance concerned by this Decision**

Common Name, CIPAC Identification Number	Applicant	Date of application	Rapporteur Member State
<i>Pseudomonas</i> sp. strain DSMZ 13134 CIPAC-No: Not relevant	Sourcon-Padena GmbH&Co. KG	28 August 2007	NL

COMMISSION DECISION

of 14 July 2008

fixing for the marketing year 2008/09 the amounts of the aid for diversification and the additional aid for diversification to be granted under the temporary scheme for the restructuring of the sugar industry of the Community

(notified under document number C(2008) 3498)

(Only the Bulgarian, Danish, Dutch, English, Finnish, French, German, Hungarian, Italian, Lithuanian, Polish, Portuguese, Romanian, Slovak, Spanish and Swedish texts are authentic)

(2008/600/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 320/2006 of 20 February 2006 establishing a temporary scheme for the restructuring of the sugar industry in the Community ⁽¹⁾,

Having regard to Commission Regulation (EC) No 968/2006 of 27 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 320/2006 establishing a temporary scheme for the restructuring of the sugar industry in the Community ⁽²⁾, and in particular Article 13(1) thereof,

Whereas:

- (1) By 31 May 2008, the Commission has to fix the amounts attributed to each Member State concerned for the aid for diversification provided for in Article 6 of Regulation (EC) No 320/2006 and the additional aid for diversification provided for in Article 7 of that Regulation.
- (2) The amounts of the aid for diversification and additional aid for diversification are calculated on the basis of the tonnes of sugar quota renounced in the 2008/09 marketing year in the Member State concerned, as provided for in Article 13(2) of Regulation (EC) No 968/2006,

Article 1

The amounts per Member State concerned of the aid for diversification and the additional aid for diversification provided for in Articles 6 and 7 of Regulation (EC) No 320/2006 respectively, as fixed in respect of the quotas renounced in the 2008/09 marketing year, are set out in the Annex to this Decision.

Article 2

This Decision is addressed to the Kingdom of Belgium, the Republic of Bulgaria, the Kingdom of Denmark, the Federal Republic of Germany, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Lithuania, the Republic of Hungary, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, Romania, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 14 July 2008.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 58, 28.2.2006, p. 42. Regulation as last amended by Regulation (EC) No 1261/2007 (OJ L 283, 27.10.2007, p. 8).

⁽²⁾ OJ L 176, 30.6.2006, p. 32. Regulation as last amended by Regulation (EC) No 1264/2007 (OJ L 283, 27.10.2007, p. 16).

ANNEX

Amounts per Member State of the aid for diversification and the additional aid for diversification 2008/2009 marketing year

(EUR)

Member State	Aid for diversification	Additional aid for diversification
Belgium	19 328 990,80	—
Bulgaria	445 737,60	445 737,60
Denmark	7 511 785,40	—
Germany	71 025 341,24	—
Spain	24 066 969,50	—
France	64 126 854,01	—
Italy	23 024 757,70	11 512 378,85
Lithuania	1 947 100,40	—
Hungary	18 119 439,80	22 466 717,48
The Netherlands	11 870 108,60	—
Austria	5 138 833,00	—
Poland	34 412 304,98	—
Portugal	1 407 000,00	2 904 905,25
Romania	419 772,35	—
Slovakia	3 150 179,20	5 414 871,35
Finland	844 293,80	—
Sweden	4 712 136,80	—
United Kingdom	15 477 000,00	—

COMMISSION DECISION

of 17 July 2008

on the allocation to the Netherlands of additional fishing days, for permanent cessation of fishing activities, within the Skagerrak, that part of ICES zone IIIa not covered by the Skagerrak and the Kattegat, ICES zone IV and EC waters of ICES zone IIa

*(notified under document number C(2008) 3586)***(Only the Dutch text is authentic)**

(2008/601/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 40/2008 of 16 January 2008 fixing for 2008 the fishing opportunities and associated conditions for certain fish stocks and groups of stocks, applicable in Community waters and for Community vessels in waters where catch limitations are required ⁽¹⁾, and in particular point 10 of Annex IIA,

Whereas:

- (1) Point 8 of Annex IIA to Regulation (EC) No 40/2008 specifies the maximum number of days on which Community vessels of an overall length equal to or greater than 10 metres carrying on board beam trawls of mesh sizes equal to or larger than 80 mm may be present within the Skagerrak, that part of ICES zone IIIa not covered by the Skagerrak and the Kattegat, ICES zone IV and EC waters of ICES zone IIa, as defined in point 2.1 of Annex IIA, from 1 February 2008 to 31 January 2009.
- (2) Point 10 of Annex IIA enables the Commission to allocate an additional number of fishing days on which a vessel may be present within the geographical area when carrying on board such beam trawls, on the basis of permanent cessations of fishing activities that have taken place since 1 January 2002.
- (3) The Netherlands submitted on 4 April 2008 data demonstrating that Dutch vessels carrying on board beam trawlers with mesh size equal to or larger than 80 mm, which have ceased activities since 1 January 2002, deployed 16 % of the fishing effort deployed in 2001 by Dutch vessels present within the geographical area and carrying on board such beam trawls.
- (4) In view of the data submitted, 19 additional days at sea for vessels carrying on board beam trawls of mesh size equal to or larger than 80 mm and less than 90 mm, 23

additional days at sea for vessels carrying on board beam trawls of mesh size equal to or larger than 90 mm and less than 100 mm, and 21 additional days at sea for vessels carrying on board beam trawls of mesh size equal to or larger than 100 mm should be allocated to the Netherlands in the corresponding geographical area during the period of application of Article 8 of Regulation (EC) No 40/2008 extending from 1 February 2008 to 31 January 2009.

- (5) The measures provided for in this Decision are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS DECISION:

Article 1

The maximum number of days a fishing vessel flying the flag of the Netherlands and carrying on board beam trawls of mesh size equal to or larger than 80 mm and less than 90 mm may be present in the Skagerrak, that part of ICES zone IIIa not covered by the Skagerrak and the Kattegat, ICES zone IV and EC waters of ICES zone IIa, as laid down in Table I of Annex IIA to Regulation (EC) No 40/2008, shall be increased to 138 days per year.

Article 2

The maximum number of days a fishing vessel flying the flag of the Netherlands and carrying on board beam trawls of mesh size equal to or larger than 90 mm and less than 100 mm may be present in the Skagerrak, that part of ICES zone IIIa not covered by the Skagerrak and the Kattegat, ICES zone IV and EC waters of ICES zone IIa, as laid down in Table I of Annex IIA to Regulation (EC) No 40/2008, shall be increased to 166 days per year.

Article 3

The maximum number of days a fishing vessel flying the flag of the Netherlands and carrying on board beam trawls of mesh size equal to or larger than 100 mm may be present in the Skagerrak, that part of ICES zone IIIa not covered by the Skagerrak and the Kattegat, ICES zone IV and EC waters of ICES zone IIa, as laid down in Table I of Annex IIA to Regulation (EC) No 40/2008, shall be increased to 150 days per year.

⁽¹⁾ OJ L 19, 23.1.2008, p. 1. Regulation as amended by Commission Regulation (EC) No 541/2008 (OJ L 157, 17.6.2008, p. 23).

Article 4

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 17 July 2008.

For the Commission

Joe BORG

Member of the Commission
