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⁽¹⁾ Text with EEA relevance

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Note to the reader (see page 3 of the cover)



⁽¹⁾ Text with EEA relevance

I

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

REGULATIONS

COMMISSION REGULATION (EC) No 958/2008

of 30 September 2008

establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules for Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector ⁽²⁾, and in particular Article 138(1) thereof,

Whereas:

Regulation (EC) No 1580/2007 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XV, Part A thereto,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 138 of Regulation (EC) No 1580/2007 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 October 2008.

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

Done at Brussels, 30 September 2008.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, 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	MK	31,4
	TR	84,0
	ZZ	57,7
0707 00 05	JO	156,8
	TR	74,9
	ZZ	115,9
0709 90 70	TR	104,9
	ZZ	104,9
0805 50 10	AR	68,9
	EG	71,4
	TR	110,6
	UY	73,6
	ZA	85,1
	ZZ	81,9
0806 10 10	TR	119,7
	US	162,4
	ZZ	141,1
0808 10 80	CL	127,7
	CN	85,5
	NZ	104,0
	US	115,6
	ZA	87,8
	ZZ	104,1
0808 20 50	CN	68,3
	TR	142,1
	ZA	92,2
	ZZ	100,9

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

COMMISSION REGULATION (EC) No 959/2008**of 30 September 2008****fixing the import duties in the cereals sector applicable from 1 October 2008**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 in respect of import duties in the cereals sector ⁽²⁾, and in particular Article 2(1) thereof,

Whereas:

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

(2) Article 136(2) of Regulation (EC) No 1234/2007 lays down that, for the purposes of calculating the import duty referred to in paragraph 1 of that Article, represen-

tative cif import prices are to be established on a regular basis for the products in question.

(3) Under Article 2(2) of Regulation (EC) No 1249/96, the price to be used for the calculation of the import duty on products of CN codes 1001 10 00, 1001 90 91, ex 1001 90 99 (high quality common wheat), 1002 00, 1005 10 90, 1005 90 00 and 1007 00 90 is the daily cif representative import price determined as specified in Article 4 of that Regulation.

(4) Import duties should be fixed for the period from 1 October 2008 and should apply until new import duties are fixed and enter into force.

(5) However, in accordance with Commission Regulation (EC) No 608/2008 of 26 June 2008 temporarily suspending customs duties on imports of certain cereals for the 2008/2009 marketing year ⁽³⁾, the application of certain duties set by this Regulation is suspended,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 October 2008, the import duties in the cereals sector referred to in Article 136(1) of Regulation (EC) No 1234/2007 shall be those fixed in Annex I to this Regulation on the basis of the information contained in Annex II.

Article 2

This Regulation shall enter into force on 1 October 2008.

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

Done at Brussels, 30 September 2008.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 161, 29.6.1996, p. 125.

⁽³⁾ OJ L 166, 27.6.2008, p. 19.

ANNEX I

Import duties on the products referred to in Article 136(1) of Regulation (EC) No 1234/2007 applicable from 1 October 2008

CN code	Description	Import duties ⁽¹⁾ (EUR/t)
1001 10 00	Durum wheat, high quality	0,00 ⁽²⁾
	medium quality	0,00 ⁽²⁾
	low quality	0,00 ⁽²⁾
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	High quality common wheat, other than for sowing	0,00 ⁽²⁾
1002 00 00	Rye	7,38 ⁽²⁾
1005 10 90	Maize seed other than hybrid	0,00
1005 90 00	Maize, other than seed ⁽³⁾	0,00 ⁽²⁾
1007 00 90	Grain sorghum other than hybrids for sowing	7,38 ⁽²⁾

⁽¹⁾ For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal the importer may benefit, under Article 2(4) of Regulation (EC) No 1249/96, from a reduction in the duty of:

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

⁽²⁾ In accordance with Regulation (EC) No 608/2008, application of this duty is suspended.

⁽³⁾ The importer may benefit from a flatrate reduction of EUR 24 per tonne where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

ANNEX II

Factors for calculating the duties laid down in Annex I

16.9.2008-29.9.2008

1. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

(EUR/t)

	Common wheat ⁽¹⁾	Maize	Durum wheat, high quality	Durum wheat, medium quality ⁽²⁾	Durum wheat, low quality ⁽³⁾	Barley
Exchange	Minneapolis	Chicago	—	—	—	—
Quotation	212,82	148,11	—	—	—	—
Fob price USA	—	—	308,39	298,39	278,39	123,41
Gulf of Mexico premium	—	13,44	—	—	—	—
Great Lakes premium	3,63	—	—	—	—	—

⁽¹⁾ Premium of 14 EUR/t incorporated (Article 4(3) of Regulation (EC) No 1249/96).⁽²⁾ Discount of 10 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).⁽³⁾ Discount of 30 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

2. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

Freight costs: Gulf of Mexico–Rotterdam: 29,17 EUR/t

Freight costs: Great Lakes–Rotterdam: 26,25 EUR/t

COMMISSION REGULATION (EC) No 960/2008
of 30 September 2008
implementing Regulation (EC) No 808/2004 of the European Parliament and of the Council
concerning Community statistics on the information society
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 808/2004 of the European Parliament and of the Council of 21 April 2004 concerning Community statistics on the information society ⁽¹⁾, and in particular Article 8(2) thereof,

Whereas:

- (1) Regulation (EC) No 808/2004 established a common framework for the systematic production of Community statistics on the information society.
- (2) Pursuant to Article 8(1) of Regulation (EC) No 808/2004, implementing measures are necessary to determine the data to be supplied for preparation of the statistics laid

down in Articles 3 and 4 of that Regulation and the deadlines for their transmission.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Statistical Programme Committee established by Council Decision 89/382/EEC, Euratom ⁽²⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The data to be transmitted for the production of Community statistics on the information society as laid down in Articles 3(2) and 4 of Regulation (EC) No 808/2004 shall be as specified in Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on the 20th day following 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, 30 September 2008.

For the Commission
Joaquín ALMUNIA
Member of the Commission

⁽¹⁾ OJ L 143, 30.4.2004, p. 49.

⁽²⁾ OJ L 181, 28.6.1989, p. 47.

ANNEX I

MODULE 1: ENTERPRISES AND THE INFORMATION SOCIETY**1. Subjects and their characteristics**

(a) The subjects to be covered for the reference year 2009, selected from the list in Annex I to Regulation (EC) No 808/2004, are the following:

- ICT systems and their usage in enterprises,
- use of the Internet and other electronic networks by enterprises,
- e-commerce and e-business processes.

(b) The following enterprise characteristics must be collected:

ICT systems and their usage in enterprises

Characteristics to be collected for all enterprises:

- computer usage.

Characteristics to be collected for enterprises that use computers:

- (optional) percentage of persons employed using computers at least once a week,
- use of an internal computer network (e.g. LAN),
- use of an internal home page (intranet),
- use of extranet,
- use of free or open source operating systems, such as Linux (i.e. with its source code available, no copyright cost, and the possibility to modify and/or (re)distribute it),
- use of RFID technologies.

Characteristics to be collected for enterprises that use an internal computer network (e.g. LAN):

- use of wireless access within the internal computer network (e.g. LAN).

Characteristics to be collected for enterprises that use RFID:

- use of RFID for product identification,
- use of RFID for monitoring and control of industrial production,
- use of RFID for supply chain and inventory tracking and tracing,
- use of RFID for service and maintenance information management or asset management,
- use of RFID for payment applications,
- use of RFID for person identification or access control.

Use of the Internet and other electronic networks by enterprises

Characteristics to be collected for enterprises that use computers:

- access to the Internet.

Characteristics to be collected for enterprises that have access to the Internet:

- percentage of persons employed using computers connected to the World Wide Web at least once a week,
- Internet connection: traditional modem or ISDN,
- Internet connection: DSL,
- Internet connection: other fixed Internet connection,
- Internet connection: mobile connection,
- (optional) Internet usage for banking and financial services,
- (optional) Internet usage for training and education,
- Internet usage for interaction with public authorities, in the previous calendar year,
- use of website.

Characteristics to be collected for enterprises that interacted with public authorities via the Internet, in the previous calendar year:

- Internet usage for obtaining information from public authorities' websites, in the previous calendar year,
- Internet usage for obtaining forms from public authorities' websites, in the previous calendar year,
- Internet usage for returning filled-in forms to public authorities, in the previous calendar year,
- Internet usage for handling an administrative procedure completely electronically without the need for additional paperwork, in the previous calendar year,
- Internet usage for submitting a proposal in an electronic tender system (public e-procurement), in the previous calendar year.

Characteristics to be collected for enterprises that have a website:

- (optional) provision of the following facility: privacy policy statement, privacy seal or certification of website safety,
- (optional) provision of the following facility: product catalogues or price lists,
- (optional) provision of the following facility: possibility for visitors to customise or design products,
- (optional) provision of the following facility: online ordering or reservation or booking facility,
- (optional) provision of the following facility: online order tracking facility,
- (optional) provision of the following facility: personalised content for regular/repeated visitors,
- (optional) provision of the following facility: advertisement of open job positions or online job application.

E-commerce and e-business processes

Characteristics to be collected for enterprises that use computers:

- use of automated data exchange (ADE), defined as the exchange of messages (e.g. orders, invoices, payment transactions or description of goods) via the Internet or other computer networks in an agreed format which allows their automatic processing (e.g. XML, EDIFACT) without the individual message being manually typed,

- electronic sharing of supply-chain management information with customers or suppliers,
- electronic and automatic sharing of relevant information about sales orders received (either electronically or not) with the inventory management function,
- electronic and automatic sharing of relevant information about sales orders received (either electronically or not) with the accounting function,
- electronic and automatic sharing of relevant information about sales orders received (either electronically or not) with the production or services management function,
- electronic and automatic sharing of relevant information about sales orders received (either electronically or not) with the distribution management function,
- electronic and automatic sharing of relevant information about purchase orders sent (either electronically or not) with the inventory management function,
- electronic and automatic sharing of relevant information about purchase orders sent (either electronically or not) with the accounting function,
- use of ERP software package to share information on sales and/or purchases with other internal functional areas (for example, finance, planning, marketing),
- use of any software application for managing information about clients (so-called CRM) to capture, store and make available to other business functions the information about its clients,
- use of any software application for managing information about clients (so-called CRM) to analyse the information about clients for marketing purposes (setting prices, making sales promotions, choosing distribution channels, etc.),
- use of digital signature in any message sent, i.e. using encryption methods that assure the authenticity and integrity of the message (uniquely linked to and capable of identifying the signatory and where any subsequent change to the message is detectable).

Characteristics to be collected for enterprises that use automated data exchange:

- use of ADE for: sending orders to suppliers,
- use of ADE for: receiving e-invoices,
- use of ADE for: receiving orders from customers,
- use of ADE for: sending e-invoices,
- use of ADE for: sending or receiving product information,
- use of ADE for: sending or receiving transport documents,
- (optional) use of ADE for: sending payment instructions to financial institutions,
- (optional) use of ADE for: sending or receiving data to/from public authorities.

Characteristics to be collected for enterprises that use computers and are not classified in Section K of NACE Rev. 2:

- have sent orders via computer networks, in the previous calendar year,
- have received orders via computer networks, in the previous calendar year,
- (optional) problems or barriers to e-commerce: products or services not suitable for e-commerce,
- (optional) problems or barriers to e-commerce: customers do not want to buy via e-commerce,

- (optional) problems or barriers to e-commerce: security concerns,
- (optional) problems or barriers to e-commerce: problems related to logistics,
- (optional) problems or barriers to e-commerce: uncertainty about legal framework,
- (optional) problems or barriers to e-commerce: technical issues in implementing e-commerce,
- (optional) problems or barriers to e-commerce: need to reorganise business processes for e-commerce,
- (optional) problems or barriers to e-commerce: adverse experiences with electronic sales in the past,
- (optional) problems or barriers to e-commerce: language problems related to international e-commerce.

Characteristics to be collected for enterprises that share supply chain management information with customers or suppliers and are not classified in Section K of NACE Rev. 2:

- exchange of information with suppliers on inventory, production, demand forecasts,
- (optional) exchange of information with suppliers on demand forecasts,
- (optional) exchange of information with suppliers on inventory levels,
- (optional) exchange of information with suppliers on production plans,
- exchange of information with suppliers on progress of deliveries,
- exchange of information with customers on inventory, production, demand forecasts,
- (optional) exchange of information with customers on demand forecasts,
- (optional) exchange of information with customers on inventory levels,
- (optional) exchange of information with customers on production plans,
- exchange of information with customers on progress of deliveries,
- (optional) exchange of information with suppliers or customers via websites,
- (optional) exchange of information with suppliers or customers via automated data exchange.

Characteristics to be collected for enterprises that have received orders via computer networks and are not classified in Section K of NACE Rev. 2:

- percentage of total turnover resulting from orders received via computer networks, in the previous calendar year,
- percentage of e-commerce sales resulting from orders received via websites, in the previous calendar year,
- percentage of e-commerce sales resulting from orders received via automated data exchange, in the previous calendar year,
- (optional) percentage of e-commerce sales resulting from orders received via automated data exchange using the Internet, in the previous calendar year,
- (optional) percentage of e-commerce sales resulting from orders received via automated data exchange using other networks, in the previous calendar year,
- electronic sales by destination: own country,
- electronic sales by destination: other EU countries,

- electronic sales by destination: rest of the world,
- (optional) use of online payment systems for sales via websites,
- (optional) use of offline payment systems for sales via websites,
- use of secure protocols (SSL/TLS) in receiving orders via the Internet,
- (optional) favourable effects of adopting electronic sales: access to new markets, increasing sales potential,
- (optional) favourable effects of adopting electronic sales: lower transaction costs,
- (optional) favourable effects of adopting electronic sales: increased turnover,
- (optional) favourable effects of adopting electronic sales: other effects.

Characteristics to be collected for enterprises that have received orders from customers from other countries of the European Union via computer networks and are not classified in Section K of NACE Rev. 2:

- (optional) electronic sales by destination: EU country with highest value of electronic sales, in the previous calendar year,
- (optional) electronic sales by destination: EU country with second highest value of electronic sales, in the previous calendar year,
- (optional) electronic sales by destination: EU country with third highest value of electronic sales, in the previous calendar year.

Characteristics to be collected for enterprises that have sent orders via computer networks and are not classified in Section K of NACE Rev. 2:

- percentage of total purchases value resulting from orders placed via computer networks, in percentage classes, in the previous calendar year ([0;1], [1;5], [5;10], [10;25], [25;50], [50;75], [75;100]),
- electronic purchases by origin: own country,
- electronic purchases by origin: other EU countries,
- electronic purchases by origin: rest of the world.

(c) The following enterprise background characteristics must be collected or obtained from alternative sources:

Characteristics to be collected for all enterprises:

- main economic activity of the enterprise, in the previous calendar year,
- average number of persons employed, in the previous calendar year,
- location in terms of convergence/non-convergence region, in the previous calendar year.

Characteristics to be collected for enterprises not classified in Section K of NACE Rev. 2:

- total purchases of goods and services (in value terms, excluding VAT), in the previous calendar year,
- total turnover (in value terms, excluding VAT), in the previous calendar year.

2. Coverage

The characteristics specified in heading 1(b) of this Annex are to be collected and obtained for enterprises classified in the following economic activities, of the following enterprise size and with the following geographic scope.

(a) Economic activity: enterprises classified in the following categories of NACE Rev. 2:

NACE category	Description
Section C	'Manufacturing'
Section D, E	'Electricity, gas and steam, water supply, sewerage and waste management'
Section F	'Construction'
Section G	'Wholesale and retail trade; repair of motor vehicles and motorcycles'
Section H	'Transport and storage'
Section I	'Accommodation and food service activities'
Section J	'Information and communication'
Classes 64.19, 64.92, 66.12 and 66.19	'Financial and insurance activities'
Groups 65.1 and 65.2	
Section L	'Real estate activities'
Divisions 69-74	'Professional, scientific and technical activities'
Section N	'Administrative and support activities'

(b) Enterprise size: enterprises with 10 or more persons employed. Enterprises with less than 10 persons employed are to be covered optionally.

(c) Geographic scope: enterprises located in any part of the territory of the Member State.

3. Reference periods

The reference period is the year 2008 for the characteristics which refer to the previous calendar year. The reference period is January 2009 for the other characteristics.

4. Breakdowns

For the subjects and their characteristics listed in heading 1(b) of this Annex the following background characteristics must be provided.

(a) Economic activity breakdown: according to the following NACE Rev. 2 aggregates:

NACE Rev. 2 aggregation for possible calculation of national aggregates
10-18
19-22
23-25
26-33
35-39
41-43
45-47
49-53
55
56
58-63
64.19 + 64.92 + 65.1 + 65.2 + 66.12 + 66.19
68
69-74
77-82
79

NACE Rev. 2 aggregation for possible calculation of European aggregates

10-12

13-15

16-18

26

27-28

29-30

31-33

45

46

47

58-60

61

62-63

64.19 + 64.92

65.1 + 65.2

66.12 + 66.19

77-78 + 80-82

Data must be provided broken down by the respective NACE Rev. 1.1 aggregates in order to establish comparability of data between both versions of economic activity classification.

NACE aggregation

DA + DB + DC + DD + DE

DF + DG + DH

DI + DJ

DK + DL + DM + DN

45

50

51

52

55.1 + 55.2

60 + 61 + 62 + 63

64

65.12 + 65.22

66.01 + 66.03

72

70 + 71 + 73 + 74

92.1 + 92.2

If covered, the following breakdown should be applied to the optional NACE Rev. 1.1 categories.

NACE aggregation
22
40 + 41
55.3 + 55.4 + 55.5
92.3 to 92.7
93
67.12 + 67.13 + 67.2

(b) Size class breakdown: data must be broken down by the following size classes of the number of persons employed.

Size class
10 or more persons employed
10 to 49 persons employed
50 to 249 persons employed
250 or more persons employed

If covered, the following breakdown should be applied to enterprises with less than 10 persons employed. (The characteristics are to be provided for size classes 'Less than five persons employed' and 'five to nine persons employed' optionally.)

Size class
Less than 10 persons employed
Less than five persons employed (optional)
five to nine persons employed (optional)

(c) Geographic breakdown: Data must be broken down by the following regional groups.

Regional group
Convergence regions
Non-convergence regions

5. Periodicity

The data must be provided once for the year 2009.

6. Deadlines

- The aggregate data, where necessary flagged for confidentiality or unreliability, referred to in Article 6 of Regulation (EC) No 808/2004 must be forwarded to Eurostat before 5 October 2009. By that date, the dataset has to be finalised, validated and accepted. The tabulated, computer readable transmission format must follow the instructions provided by Eurostat.
- The metadata referred to in Article 6 of Regulation (EC) No 808/2004 must be forwarded to Eurostat before 31 May 2009. The metadata must follow the report template provided by Eurostat.
- The quality report referred to in Article 7(4) of Regulation (EC) No 808/2004 must be forwarded to Eurostat by 5 November 2009. The quality report must follow the report template provided by Eurostat.

ANNEX II

MODULE 2: INDIVIDUALS, HOUSEHOLDS AND THE INFORMATION SOCIETY

1. Subjects and their characteristics

- (a) The subjects to be covered for the reference year 2009, selected from the list in Annex II to Regulation (EC) No 808/2004, are the following:

- access to and use of ICT systems by individuals and/or in households,
- use of the internet for different purposes by individuals and/or in households,
- ICT competence,
- barriers to use of ICT and the internet.

- (b) The following characteristics must be collected:

Access to and use of ICT systems by individuals and/or in households

Characteristics to be collected for all households:

- access at home to a computer,
- access at home to the internet, regardless of whether it is used.

Characteristics to be collected for households with access to the internet at home:

- devices used to access the internet at home: desktop computer,
- devices used to access the internet at home: portable computer (laptop),
- devices used to access the internet at home: other mobile devices,
- (optional) devices used to access the internet at home: internet-enabled mobile phone,
- (optional) devices used to access the internet at home: handheld computer,
- devices used to access the internet at home: TV set with specific internet device,
- devices used to access the internet at home: games console,
- devices used to access the internet at home: unknown,
- type of connection used to access the internet at home: modem or ISDN,
- type of connection used to access the internet at home: DSL (e.g. ADSL, SHDSL),
- type of connection used to access the internet at home: other broadband connection (e.g. cable, UMTS),
- type of connection used to access the internet at home: mobile phone over narrowband (GPRS, etc.).

Characteristics to be collected for all individuals:

- most recent computer use at home, at work or any other place (within the last three months; between three months and a year ago; more than one year ago; never used a computer).

Characteristics to be collected for individuals having used a computer in the last three months:

- average frequency of computer use (every day or almost every day; at least once a week (but not every day); at least once a month (but not every week); less than once a month),
- (optional) location of computer use in the last three months: at home,
- (optional) location of computer use in the last three months: at place of work (other than home),
- (optional) location of computer use in the last three months: at place of education,

- (optional) location of computer use in the last three months: at another person's home,
- (optional) location of computer use in the last three months: at other places (e.g. public library, hotel, airport, internet café).

Use of the internet for different purposes by individuals and/or in households

Characteristics to be collected for all individuals:

- most recent internet use (within the last three months; between three months and a year ago; more than one year ago; never used the internet).

Characteristics to be collected for individuals having already used the internet:

- most recent internet commerce activity for private use (within the last three months; between three months and a year ago; more than one year ago; never bought or ordered),
- internet usage for placing a bet (e.g. sports betting) or playing gambling or lotto in the last 12 months,
- (optional) awareness of fundamental rights of consumers in the EU in connection with online purchases of goods over the internet (except auctions): cancellation of purchases and right to a refund within a short period for most goods,
- (optional) awareness of fundamental rights of consumers in the EU in connection with online purchases of goods over the internet (except auctions): delivery of goods within a maximum of 30 days after placing the order (unless otherwise agreed in contract between parties),
- (optional) awareness of fundamental rights of consumers in the EU in connection with online purchases of goods over the internet (except auctions): privacy and data protection (e.g. providing consent to data processing beyond execution of order and billing requirements),
- (optional) awareness of fundamental rights of consumers in the EU in connection with online purchases of goods over the internet (except auctions): right to be informed about the contractual conditions,
- (optional) awareness of fundamental rights of consumers in the EU in connection with online purchases of goods over the internet (except auctions): none of the above.

Characteristics to be collected for individuals having used the internet in the last three months:

- average frequency of internet use in the last three months (every day or almost every day; at least once a week (but not every day); at least once a month (but not every week); less than once a month),
- location of internet use in the last three months: at home,
- location of internet use in the last three months: at place of work (other than home),
- location of internet use in the last three months: at place of education,
- location of internet use in the last three months: at another person's home,
- location of internet use in the last three months: at other places,
- (optional) location of internet use in the last three months: public library,
- (optional) location of internet use in the last three months: post office,
- (optional) location of internet use in the last three months: public office, town hall or government agency,
- (optional) location of internet use in the last three months: community or voluntary organisation,
- (optional) location of internet use in the last three months: internet café,
- (optional) location of internet use in the last three months: hotspot (at hotels, airports, public places, etc.),
- use of mobile devices to access the internet: mobile phone,

- use of mobile devices to access the internet: mobile phone via GPRS,
- use of mobile devices to access the internet: mobile phone via UMTS, HSDPA (3G, 3G+),
- use of mobile devices to access the internet: handheld computer (palmtop, PDA),
- use of mobile devices to access the internet: portable computer (laptop) via wireless connection away from home or work,
- internet usage in the last three months for private purposes for sending and/or receiving e-mail,
- internet usage in the last three months for private purposes for telephoning over the internet, video calls (via webcam) over the internet,
- internet usage in the last three months for private purposes for posting messages to chat sites, blogs, news-groups or online discussion forum, use of instant messaging,
- internet usage in the last three months for private purposes for finding information about goods and services,
- internet usage in the last three months for private purposes for using services related to travel and accommodation,
- internet usage in the last three months for private purposes for listening to web radios and/or watching web television,
- internet usage in the last three months for private purposes for uploading to any website self-created content (text, images, photos, videos, music etc.) to be shared,
- internet usage in the last three months for private purposes for downloading software (other than games software),
- internet usage in the last three months for private purposes for playing or downloading games, images, films or music,
- internet usage in the last three months for private purposes for reading or downloading online news, newspapers or news magazines,
- internet usage in the last three months for private purposes for looking for a job or sending a job application,
- internet usage in the last three months for private purposes for seeking health-related information,
- internet usage in the last three months for private purposes for internet banking,
- internet usage in the last three months for private purposes for selling goods or services, e.g. via auctions,
- internet usage in the last three months for private purposes for looking for information about education, training or course offers,
- internet usage in the last three months for private purposes for doing an online course (in any subject),
- internet usage in the last three months for private purposes for consulting the internet with the purpose of learning,
- internet usage in the last three months for private purposes for obtaining information from public authorities' websites,
- internet usage in the last 12 months for private purposes for obtaining information from public authorities' websites,
- internet usage in the last three months for private purposes for downloading official forms from public authorities' websites,
- internet usage in the last 12 months for private purposes for downloading official forms from public authorities' websites,

- internet usage in the last three months for private purposes for sending filled-in forms to public authorities,
- internet usage in the last 12 months for private purposes for sending filled-in forms to public authorities.

Characteristics to be collected for individuals having used the internet in the last three months for private purposes for finding information about goods or services:

- (optional) information was used to buy goods or services,
- (optional) information was used to buy over the internet.

Characteristics to be collected for individuals having used the internet in the last three months for private purposes for reading or downloading online news, newspapers or news magazines:

- internet usage in the last three months for private purposes for reading or downloading online news, newspapers or news magazines the individual subscribed to in order to receive them regularly.

Characteristics to be collected for individuals having used the internet for internet commerce activities for private use in the last 12 months:

- internet usage for ordering food or groceries in the last 12 months,
- internet usage for ordering household goods in the last 12 months,
- internet usage for ordering medicine in the last 12 months,
- internet usage for ordering films or music in the last 12 months (to be reported separately for films: whether delivered on-line; to be reported separately for music: whether delivered on-line),
- internet usage for ordering books, magazines, newspapers or e-learning material in the last 12 months (to be reported separately: whether delivered on-line),
- internet usage for ordering clothes or sports goods in the last 12 months,
- internet usage for ordering video games software and upgrades in the last 12 months (to be reported separately with other computer software and upgrades: whether delivered on-line),
- internet usage for ordering other computer software and upgrades in the last 12 months (to be reported separately with video games software and upgrades: whether delivered on-line),
- internet usage for ordering computer hardware in the last 12 months,
- internet usage for ordering electronic equipment (incl. cameras) in the last 12 months,
- internet usage for ordering telecommunication services (e.g. TV, broadband subscriptions, fixed line or mobile phone subscriptions, uploading money on prepaid phone cards),
- internet usage for purchasing shares, insurance policies and other financial services in the last 12 months,
- internet usage for ordering holiday accommodation (hotels, etc.) in the last 12 months,
- internet usage for ordering other travel arrangements (transport tickets, car hire, etc.; to be reported separately with tickets for events: whether delivered on-line),
- internet usage for ordering tickets for events in the last 12 months (to be reported separately with travel tickets: whether delivered on-line),
- internet usage for ordering other goods or services in the last 12 months,
- goods or services bought or ordered in the last 12 months from national sellers,
- goods or services bought or ordered in the last 12 months from sellers from other EU countries,
- goods or services bought or ordered in the last 12 months from sellers from the rest of the world,

- goods or services bought or ordered in the last 12 months: country of origin of sellers is not known,
- (optional) number of orders or goods or services bought over the internet in the last three months (1-5 orders/purchases; between >5 and 10 orders/purchases; >10 orders/purchases; unknown),
- (optional) total value of goods or services (excluding shares or other financial services) bought over the internet in the last three months (amount in national currency or in classes, if national currency is the euro: less than 50 euros, 50 to less than EUR 100, EUR 100 to less than EUR 500, EUR 500 to less than EUR 1 000, EUR 1 000 or more; unknown),
- method of payment for goods or services ordered over the internet for private use in the last 12 months: provided credit or debit card details over the internet,
- method of payment for goods or services ordered over the internet for private use in the last 12 months: provided pre-paid card or pre-paid account details over the internet,
- method of payment for goods or services ordered over the internet for private use in the last 12 months: electronic bank transfer via internet banking,
- method of payment for goods or services ordered over the internet for private use in the last 12 months: payment not via the internet (in cash, via ordinary bank transfer, etc.),
- problems encountered in the last 12 months when buying or ordering goods or services over the internet for private use regardless of type of problem,
- wider choice of goods or services is argument for ordering goods or services via the internet for private purposes (very important; to some extent; not at all),
- lower prices is argument for ordering goods or services via the internet for private purposes (very important; to some extent; not at all),
- easy to use the website is argument for ordering goods or services via the internet for private purposes (very important; to some extent; not at all),
- convenience (e.g. less time-consuming, shopping at any time, cross-border) is argument for ordering goods or services via the internet for private purposes (very important; to some extent; not at all),
- opportunity to buy products not available in my area or region is argument for ordering goods or services via the internet for private purposes (very important; to some extent; not at all),
- certification of quality of website services by independent body or availability of recognised trust mark is argument for ordering goods or services via the internet for private purposes (very important; to some extent; not at all),
- opinion rating and feedback on website from other users is argument for ordering goods or services via the internet for private purposes (very important; to some extent; not at all),
- certainty about legal rights and guarantees is argument for ordering goods or services via the internet for private purposes (very important; to some extent; not at all),
- conditions of sale read when purchasing goods or services over the internet for private use (always; sometimes; never).

Characteristics to be collected for individuals having used the internet for internet commerce activities for private use in the last 12 months for ordering medicine:

- (optional) internet commerce activities for ordering prescribed medicine,
- (optional) internet commerce activities for ordering non-prescribed medicine.

Characteristics to be collected for individuals having used the internet for internet commerce activities in the last 12 months for private purposes and having encountered any problem with internet commerce:

- problems encountered with internet commerce: technical failure of website during ordering or payment,

- problems encountered with internet commerce: difficulties in finding information concerning guarantees and other legal rights,
- problems encountered with internet commerce: speed of delivery lower than indicated,
- problems encountered with internet commerce: final costs higher than indicated (e.g. higher delivery costs, unexpected transaction fee),
- problems encountered with internet commerce: wrong or damaged goods delivered,
- problems encountered with internet commerce: problems with fraud encountered (e.g. no goods/services received at all, misuse of credit card details),
- problems encountered with internet commerce: complaints and redress difficult or no satisfactory response after complaint,
- problems encountered with internet commerce: other.

ICT competence

Characteristics to be collected for individuals having ever used a computer:

- (optional) most recent training course of at least three hours on any aspect of computer use (within the last three months; between three months and one year ago; between one and three years ago; more than three years ago; never taken a course),
- computer skills for copying or moving a file or folder,
- computer skills for using copy and paste tools to duplicate or move information within a document,
- computer skills for using basic arithmetic formulas in a spreadsheet,
- computer skills for compressing (or zipping) files,
- computer skills for connecting and installing new devices, e.g. printer or modem,
- computer skills for writing a computer program using a specialised programming language.

Barriers to use of ICT and the internet

Characteristics to be collected for households with access to the internet at home, but not via broadband connection:

- barriers to home internet access via broadband: too expensive,
- barriers to home internet access via broadband: no need,
- barriers to home internet access via broadband: not available in my area,
- barriers to home internet access via broadband: can access broadband elsewhere (e.g. at work),
- barriers to home internet access via broadband: none of the above, but other.

Characteristics to be collected for individuals having used the internet but not for internet commerce activities in the last 12 months:

- barriers to internet commerce: have no need,
- barriers to internet commerce: prefer to shop in person, like to see product, loyalty to shops, force of habit,
- barriers to internet commerce: relevant information about goods and services difficult to find on website,
- barriers to internet commerce: lack of skills,

- barriers to internet commerce: delivery of goods ordered over the internet is a problem (e.g. takes too long or is logistically difficult),
- barriers to internet commerce: payment security concerns (e.g. giving credit card details over the internet),
- barriers to internet commerce: privacy concerns (e.g. giving personal details over the internet),
- barriers to internet commerce: trust concerns about receiving or returning goods, concerns about complaints or redress,
- barriers to internet commerce: no payment card with which to pay over the internet,
- barriers to internet commerce: speed of the internet connection is too slow,
- barriers to internet commerce: other.

2. Coverage

- (a) The statistical units to be represented for the characteristics listed in heading 1(b) of this Annex that relate to households are households with at least one member in the age group 16 to 74.
- (b) The statistical units to be represented for the characteristics listed in heading 1(b) of this Annex that relate to individuals are individuals aged 16 to 74.
- (c) The geographic scope must comprise households and/or individuals living in any part of the territory of the Member State.

3. Reference period

The main reference period for the statistics to be collected is the first quarter of 2009.

4. Breakdowns

- (a) For the subjects and their characteristics listed in heading 1(b) of this Annex that relate to households, the following background characteristics must be collected:
 - region of residence (to be collected according to the NUTS1 classification of regions),
 - (optional) region of residence according to the NUTS2 classification,
 - geographic location: living in convergence regions (including phasing-out regions); living in regional competitiveness and employment regions,
 - degree of urbanisation: living in densely populated areas; living in intermediate populated areas; living in sparsely populated areas,
 - type of household: number of members in the household (to be collected separately: number of children under 16),
 - (optional) household's net monthly income (to be collected as a value or using quartiles).
- (b) For the subjects and their characteristics listed in heading 1(b) of this Annex that relate to individuals, the following background characteristics must be collected:
 - region of residence (to be collected according to the NUTS1 classification of regions),
 - (optional) region of residence according to the NUTS2 classification,
 - geographic location: living in convergence regions (including phasing-out regions); living in regional competitiveness and employment regions,
 - degree of urbanisation: living in densely populated areas; living in intermediate populated areas; living in sparsely populated areas,
 - gender: male; female,

- age (to be collected as value or using age groups): under 16 (optional); 16 to 24; 25 to 34; 35 to 44; 45 to 54; 55 to 64; 65 to 74; over 74 (optional),
- highest completed level of education according to the International Standard Classification of Educational Levels (ISCED 97): low (ISCED 0, 1 or 2); middle (ISCED 3 or 4); high (ISCED 5 or 6),
- employment situation: employee or self-employed including family workers; unemployed; students not in the labour force; other not in the labour force,
- occupation according to the International Standard Classification of Occupations (ISCO-88): manual workers, non-manual workers; ICT workers, non-ICT workers.

5. Periodicity

- The data must be provided once for the year 2009.

6. Deadlines for transmission of results

- (a) The aggregate data, where necessary flagged for confidentiality or unreliability, referred to in Article 6 of Regulation (EC) No 808/2004 must be forwarded to Eurostat before 5 October 2009. By that date, the dataset has to be finalised, validated and accepted. The tabulated, computer readable transmission format must follow the instructions provided by Eurostat.
 - (b) The metadata referred to in Article 6 of Regulation (EC) No 808/2004 must be forwarded to Eurostat before 31 May 2009. The metadata must follow the report template provided by Eurostat.
 - (c) The quality report referred to in Article 7(4) of Regulation (EC) No 808/2004 must be forwarded to Eurostat by 5 November 2009. The quality report must follow the report template provided by Eurostat.
-

COMMISSION REGULATION (EC) No 961/2008**of 29 September 2008****establishing a prohibition of fishing for common sole in VIIIa and b by vessels flying the flag of Belgium**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy ⁽¹⁾, and in particular Article 26(4) thereof,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to common fisheries policy ⁽²⁾, and in particular Article 21(3) thereof,

Whereas:

- (1) 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 fish stocks applicable in Community waters and for Community vessels, in waters where catch limitations are required ⁽³⁾, lays down quotas for 2008.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2008.

- (3) It is therefore necessary to prohibit fishing for that stock and its retention on board, transhipment and landing,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2008 shall be deemed to be exhausted from the date set out in that Annex.

*Article 2***Prohibitions**

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

*Article 3***Entry into force**

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, 29 September 2008.

For the Commission

Fokion FOTIADIS

Director-General for Maritime Affairs and Fisheries

⁽¹⁾ OJ L 358, 31.12.2002, p. 59.

⁽²⁾ OJ L 261, 20.10.1993, p. 1.

⁽³⁾ OJ L 19, 23.1.2008, p. 1.

ANNEX

No	40/T&Q
Member State	BEL
Stock	SOL/8AB.
Species	Common sole (<i>Solea solea</i>)
Area	VIIIa and b
Date	22.8.2008

COMMISSION REGULATION (EC) No 962/2008**of 29 September 2008****establishing a prohibition of fishing for sandeel in IIIa; EC waters of IIa and IV by vessels flying the flag of Germany**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy ⁽¹⁾, and in particular Article 26(4) thereof,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to common fisheries policy ⁽²⁾, and in particular Article 21(3) thereof,

Whereas:

- (1) 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 fish stocks applicable in Community waters and for Community vessels, in waters where catch limitations are required ⁽³⁾, lays down quotas for 2008.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2008.

- (3) It is therefore necessary to prohibit fishing for that stock and its retention on board, transhipment and landing,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2008 shall be deemed to be exhausted from the date set out in that Annex.

*Article 2***Prohibitions**

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

*Article 3***Entry into force**

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, 29 September 2008.

For the Commission

Fokion FOTIADIS

Director-General for Maritime Affairs and Fisheries

⁽¹⁾ OJ L 358, 31.12.2002, p. 59.

⁽²⁾ OJ L 261, 20.10.1993, p. 1.

⁽³⁾ OJ L 19, 23.1.2008, p. 1.

ANNEX

No	41/T&Q
Member State	DEU
Stock	SAN/2A3A4.
Species	Sandeel (<i>Ammodytidae</i>)
Area	IIIa; EC waters of IIa and IV
Date	22.8.2008

COMMISSION REGULATION (EC) No 963/2008**of 29 September 2008****establishing a prohibition of fishing for redfish in EC and international waters of V; international waters of XII and XIV by vessels flying the flag of Portugal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy ⁽¹⁾, and in particular Article 26(4) thereof,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to common fisheries policy ⁽²⁾, and in particular Article 21(3) thereof,

Whereas:

- (1) 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 fish stocks applicable in Community waters and for Community vessels, in waters where catch limitations are required ⁽³⁾, lays down quotas for 2008.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2008.

- (3) It is therefore necessary to prohibit fishing for that stock and its retention on board, transhipment and landing,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2008 shall be deemed to be exhausted from the date set out in that Annex.

*Article 2***Prohibitions**

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

*Article 3***Entry into force**

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, 29 September 2008.

For the Commission

Fokion FOTIADIS

Director-General for Maritime Affairs and Fisheries

⁽¹⁾ OJ L 358, 31.12.2002, p. 59.

⁽²⁾ OJ L 261, 20.10.1993, p. 1.

⁽³⁾ OJ L 19, 23.1.2008, p. 1.

ANNEX

No	43/T&Q
Member State	PRT
Stock	RED/51214.
Species	Redfish (<i>Sebastes</i> spp.)
Area	EC and international waters of V; international waters of XII and XIV
Date	29.8.2008

COMMISSION REGULATION (EC) No 964/2008**of 29 September 2008****prohibiting fishing for forkbeards in Community waters and waters not under the sovereignty or jurisdiction of third countries of VIII and IX by vessels flying the flag of France**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the common fisheries policy ⁽¹⁾, and in particular Article 26(4) thereof,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ⁽²⁾, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 2015/2006 of 19 December 2006 fixing for 2007 and 2008 the fishing opportunities for Community fishing vessels for certain deep-sea fish stocks ⁽³⁾ lays down quotas for 2007 and 2008.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of, or registered in, the Member State referred to therein have exhausted the quota allocated for 2008.

- (3) It is therefore necessary to prohibit fishing for that stock and its retention on board, transhipment and landing,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated for 2008 to the Member State referred to in the Annex to this Regulation for the stock referred to therein shall be deemed to be exhausted from the date stated in that Annex.

*Article 2***Prohibitions**

Fishing for the stock referred to in the Annex to this Regulation by vessels flying the flag of, or registered in, the Member State referred to therein shall be prohibited from the date stated in that Annex. After that date it shall also be prohibited to retain on board, tranship or land such stock caught by those vessels.

*Article 3***Entry into force**

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, 29 September 2008.

For the Commission

Fokion FOTIADIS

Director-General for Maritime Affairs and Fisheries

⁽¹⁾ OJ L 358, 31.12.2002, p. 59.

⁽²⁾ OJ L 261, 20.10.1993, p. 1.

⁽³⁾ OJ L 384, 29.12.2006, p. 28.

ANNEX

No	05/DSS
Member State	FRA
Stock	GFB/89-
Species	Forkbeards (<i>Phycis blennoides</i>)
Area	Community waters and waters not under the sovereignty or jurisdiction of third countries of VIII and IX
Date	23.7.2008

DIRECTIVES

COMMISSION DIRECTIVE 2008/91/EC

of 29 September 2008

amending Council Directive 91/414/EEC to include diuron as active substance

(Text with EEA relevance)

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 products on the market ⁽¹⁾, and in particular Article 6(1) thereof,

Whereas:

(1) Commission Regulations (EC) No 451/2000 ⁽²⁾ and (EC) No 703/2001 ⁽³⁾ lay down the detailed rules for the implementation of the second stage of the programme of work referred to in Article 8(2) of Directive 91/414/EEC and establish a list of active substances to be assessed, with a view to their possible inclusion in Annex I to Directive 91/414/EEC. That list included diuron. By Commission Decision 2007/417/EC ⁽⁴⁾ it was decided not to include diuron in Annex I to Directive 91/414/EEC.

(2) In accordance with Article 6(2) of Directive 91/414/EEC the original notifier submitted on 26 June 2007 a new application to Denmark, which had been designated rapporteur Member State by Regulation (EC) No 451/2000.

(3) Denmark assessed the information submitted by the notifier and prepared an additional report on 15 November 2007, recommending the inclusion of the substance in Annex I.

(4) Commission Regulation (EC) No 33/2008 of 17 January 2008 laying down detailed rules for the application of Council Directive 91/414/EEC as regards a regular and an accelerated procedure for the assessment of active substances which were part of the programme of work

referred to in Article 8(2) of that Directive but have not been included into its Annex I ⁽⁵⁾, entered into force on 25 January 2008. In the case of diuron the rapporteur Member State completed the assessment of the additional information submitted by the notifier before the entry into force of that Regulation, taking into account the same criteria as provided for in Article 15 of that Regulation. Given this situation the Commission evaluated the additional report, and where relevant the draft assessment report, and the recommendation by the Member State in accordance with Article 20 of Regulation (EC) No 33/2008.

(5) The draft review report was reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health, and finalised on 11 July 2008 in the format of the Commission review report for diuron. It concentrated on the concerns that lead to the non-inclusion. Those were the unacceptable operator exposure, the inconclusive nature of the assessment of a possible risk for groundwater, due to uncertainties as regards the fate of certain metabolites, and the lack of data demonstrating that the risk to birds and mammals is acceptable.

(6) As set out in that report the instructions by the notifier now require applications to be made with significantly smaller quantities of diuron. As a result, acceptable levels of operator exposure can be demonstrated, some of them linked to the use of protective equipment. As regards the risk to groundwater, the degradation pattern of certain metabolites has been clarified by the notifier and reviewed by the rapporteur Member State which agreed that when applied to the models for groundwater, the trigger value is not exceeded. Finally, on the basis of the refined assessments that have now been submitted by the notifier, the risk to birds and mammals may be considered as acceptable.

(7) Consequently, the additional data provided by the notifier permit to eliminate the specific concerns that led to the non-inclusion. No other open scientific questions have arisen. Consequently, the consultation of the European Food Safety Authority was not considered necessary.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.

⁽²⁾ OJ L 55, 29.2.2000, p. 25.

⁽³⁾ OJ L 98, 7.4.2001, p. 6.

⁽⁴⁾ OJ L 156, 16.6.2007, p. 32.

⁽⁵⁾ OJ L 15, 18.1.2008, p. 5.

- (8) It has appeared from the various examinations made that plant protection products containing diuron may be expected to satisfy, in general, the requirements laid down in Article 5(1)(a) and (b) of Directive 91/414/EEC, in particular with regard to the uses which were examined and detailed in the Commission review report. It is therefore appropriate to include diuron in Annex I to that Directive, in order to ensure that in all Member States the authorisations of plant protection products containing this active substance can be granted in accordance with the provisions of that Directive.
- (9) It is therefore appropriate to amend Directive 91/414/EEC accordingly.
- (10) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 91/414/EEC is amended as set out in the Annex to this Directive.

Article 2

Member States shall bring into force by 31 March 2009 at the latest the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

Article 3

This Directive shall enter into force on 1 October 2008.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 29 September 2008.

For the Commission

Androulla VASSILIOU

Member of the Commission

ANNEX

The following entry shall be added at the end of the table in Annex I to Directive 91/414/EEC:

No	Common name, identification numbers	IUPAC name	Purity ⁽¹⁾	Entry into force	Expiration of inclusion	Specific provisions
'198	Diuron CAS No: 330-54-1 CIPAC No: 100	3-(3,4-dichlorophenyl)- 1,1-dimethylurea	≥ 930 g/kg	1 October 2008	30 September 2018	PART A Only uses as herbicide at rates not exceeding 0,5 kg/ha (areic average) may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on diuron, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 11 July 2008 shall be taken into account. In this overall assessment Member States must pay particular attention to: — the operator safety where conditions of use shall prescribe the use of personal protective equipment, if appropriate, — the protection of aquatic organisms and non-target plants. Conditions of authorisation shall include risk mitigation measures, where appropriate.'

⁽¹⁾ Further details on identity and specification of active substance are provided in the review report.

II

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

DECISIONS

COUNCIL

COUNCIL DECISION

of 25 September 2008

adopting the Rules of Procedure of the Investment Facility Committee set up under the auspices of the European Investment Bank

(2008/762/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Internal Agreement between the Representatives of the Governments of the Member States meeting within the Council, on the financing of Community aid under the multiannual financial framework for the period 2008 to 2013 in accordance with the ACP-EC Partnership Agreement and on the allocation of financial assistance for the Overseas Countries and Territories to which Part Four of the EC Treaty applies ⁽¹⁾, and in particular Article 9(2) thereof,

Having regard to Council Regulation (EC) No 617/2007 of 14 May 2007 on the implementation of the 10th European Development Fund under the ACP-EC Partnership Agreement ⁽²⁾, and in particular the second paragraph of Article 13(1) thereof,

Having regard to the proposal from the European Investment Bank,

Having regard to the opinion of the Commission,

HAS DECIDED AS FOLLOWS:

Article 1

The Rules of Procedure of the Investment Facility Committee set up under the auspices of the European Investment Bank, as set out in the Annex, are hereby adopted.

Article 2

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

Done at Brussels, 25 September 2008.

For the Council

The President

B. HORTEFEUX

⁽¹⁾ OJ L 247, 9.9.2006, p. 32.

⁽²⁾ OJ L 152, 13.6.2007, p. 1.

ANNEX

RULES OF PROCEDURE OF THE INVESTMENT FACILITY COMMITTEE SET UP UNDER THE AUSPICES OF THE EUROPEAN INVESTMENT BANK*Article 1*

1. The Investment Facility Committee (the Committee) shall consist of a representative for each Member State and a representative of the Commission of the European Communities (the Commission). Only the members of the Committee designated by the Member States, or their alternates, shall vote.

2. The Chairman and the deputy Chairman of the Committee shall be elected from within the members of the Committee designated by the Member States, for a period of two years. The election shall take place at the beginning of the first meeting of the Committee by secret vote. The Chairman shall be elected among the candidates on the basis of a qualified majority, as laid down in Article 3. The election of the deputy Chairman shall follow the same procedure.

3. The European Investment Bank (the Bank), shall provide the Committee's secretariat and support services.

4. The Member States shall each nominate one representative and one alternate authorised to exercise voting rights. An alternate may attend meetings of the Committee as an observer, but shall only have the right to vote when his Member State's representative is absent. Under exceptional circumstances, where neither the representative nor the alternate can attend a meeting of the Committee, the representative may give a proxy to another representative, or may be replaced by a third person to be appointed ad hoc by the Member State. The Member States shall inform the Bank and the General Secretariat of the Council of the names and addresses of their representatives and their alternates through their Permanent Representations to the European Union.

5. The Commission shall nominate one representative and one alternate to attend the meetings of the Committee and shall communicate their names to the Bank and to the General Secretariat of the Council. These appointees may be assisted by other officials and servants of the Commission.

6. The Bank shall nominate two officials to attend and take part in the work of the Committee and shall communicate their names to the Commission and to the General Secretariat of the Council. These appointees may be assisted by other officials of the Bank.

7. A representative of the General Secretariat of the Council shall be invited to attend meetings of the Committee as an observer.

Article 2

The Committee shall be convened by its Chairman and shall meet at least four times a year at the Bank's headquarters in Luxembourg. The Chairman may convene additional meetings at the request of one of its members, or the Bank.

The secretariat shall send notices of meetings to the members of the Committee and their alternates, and to the General Secretariat of the Council, including details of the agenda proposed for the meeting, at the same time as the relevant documents, as specified in Article 5(1).

Article 3

The Committee shall act in all matters by a qualified majority of 724 votes out of 1 004, expressing a vote in favour by at least fourteen Member States. The blocking minority shall consist of 281 votes. The votes of the representatives of the Member States shall be weighted as follows:

Member State	Votes
Belgium	35
Bulgaria	1
Czech Republic	5
Denmark	20
Germany	205

Member State	Votes
Estonia	1
Greece	15
Spain	79
France	196
Ireland	9
Italy	129
Cyprus	1
Latvia	1
Lithuania	1
Luxembourg	3
Hungary	6
Malta	1
Netherlands	49
Austria	24
Poland	13
Portugal	12
Romania	4
Slovenia	2
Slovakia	2
Finland	15
Sweden	27
United Kingdom	148
Total	1 004

Article 4

1. The Committee shall, under the conditions laid down in Article 3:

(a) with regard to the Investment Facility, approve:

- (i) the operational guidelines and proposals for their revision;
- (ii) the investment strategies and business plans, in accordance with point (b) of Article 13(2) of the Council Regulation (EC) No 617/2007 of 14 May 2007 on the implementation of the 10th European Development Fund under the ACP-EC Partnership Agreement ⁽¹⁾ (the Implementing Regulation);
- (iii) the annual reports, including the financial statements;
- (iv) any general policy document, including evaluation reports;

(b) deliver an opinion on:

- (i) proposals to grant an interest subsidy, in accordance with point (a) of Article 13(3) of the Implementing Regulation;
- (ii) proposals related to projects for which the Commission has rendered a negative opinion;
- (iii) any other proposal based on the general principles defined in the operational guidelines.

⁽¹⁾ OJ L 152, 13.6.2007, p. 1.

In addition, the governing bodies of the Bank may, from time to time, request that the Committee provides an opinion on other financing proposals, or on other strategy or policy issues concerning the operations of the Bank in the ACP countries.

2. The working documents and proposals for the Committee shall be prepared and submitted to the Committee by the Bank. Proposals shall provide details on:

- (a) the description of the project and its relevance to the country development strategy as presented in the country strategy papers;
- (b) the development objective which the project is intended to achieve, including the sustainability of the measures planned;
- (c) the general organisation of, and the justification for, the project;
- (d) the project's costs, method of financing and risks involved, as well as, when relevant, the risk mitigation measures the Bank intends to apply;
- (e) the project's local, national and regional impact, based on the provisions of the ACP-EC Partnership Agreement, including on the environment;
- (f) the agreement or opinion of the Commission, as specified in Article 13(5) of the Implementing Regulation.

3. The detailed rules governing the technical execution of the project and the timetable for carrying it out shall be summarised in an Annex to the proposal.

Article 5

1. The Bank shall send the relevant documents and proposals to the members of the Committee and their alternates, and to the General Secretariat of the Council within the following respective time limits:

- (a) at least four weeks before the date fixed for meetings in cases where the approval of the Committee is provided for;
- (b) at least three weeks before the date fixed for meetings in cases where the opinion of the Committee is sought.

The Chairman may in exceptional cases waive the above time limits at the reasoned request of the Bank.

2. Members of the Committee shall notify the Bank in writing of any comments or requests for further information they may have on the documents circulated pursuant to paragraph 1, at least five working days in cases of approval and three working days in cases of opinion, before the date of the meetings.

3. Acting on a proposal from its Chairman, the Committee shall adopt the agenda at the beginning of the meeting. Each member of the Committee may request that items be added to the agenda, but for discussion only. Information supplied in this connection may be given orally.

4. An absent Member State representative shall be deemed to have approved or delivered a favourable opinion on the documents submitted, except where he has given the Chairman of the Committee written notice of his intention not to approve or deliver a favourable opinion, or where, as an exceptional measure, he has given a proxy to another Member State representative. Where proxies to vote have been given or a replacement has been designated, the Chairman of the Committee shall be duly informed in advance.

A Member State representative may receive a proxy from one other Member State representative only.

Article 6

1. The opinion of the Committee may be sought by means of a written procedure at the initiative of the Bank and with the prior agreement of the Chairman.
2. Where a proposal is submitted through written procedure, the Bank shall submit it together with all relevant supporting documents. If, within three weeks following the submission of a proposal, a Member State representative has not cast a negative vote, he shall be deemed to have voted in favour of the proposal.
3. If discussion at a meeting of the Committee is specifically requested by one of its members not later than five working days before expiry of the three-week period referred to in the paragraph 2, the proposal shall be submitted in the next scheduled meeting of the Committee. In exceptional cases of particular urgency, the Bank may then request that an extraordinary meeting of the Committee be convened by the Chairman pursuant to Article 2.

Article 7

1. Without prejudice to Article 13(6) of the Implementing Regulation, the Committee's approval or favourable opinion may be granted subject to any comment specified by the Committee.
2. The Committee may ask for the appraisal of a request or proposal to be supplemented in certain respects. In such an event, the request or the proposal can be put before the Committee a second time.
3. The opinions delivered by the Committee shall be forwarded to the Bank's decision making bodies.

Article 8

1. A record of the main conclusions of each meeting of the Committee and the main standpoints adopted by the members of the Committee shall be drawn up by the secretariat under the responsibility of the Chairman within two weeks of the date of the meeting. The secretariat shall likewise record the opinions and votes cast under written procedure. These records shall be sent to the members of the Committee.
2. The record shall be deemed final once approved by the Committee, whether by written procedure or at a subsequent meeting.
3. Correspondence concerning the Committee shall be addressed to the secretariat, for the attention of the Chairman of the Committee.
4. All representatives and observers attending meetings of the Committee shall observe the confidentiality of the Committee's work and deliberations. Documents relating to such work and deliberations shall be for the use of those to whom they are addressed, who shall be responsible for their safekeeping and the preservation of their confidentiality.

Article 9

1. The operating expenditure of the Committee, including travel expenses for one representative of each Member State, shall be borne by the Bank.
2. The Bank shall place at the disposal of the Committee the premises and equipment necessary for its work.

Article 10

All notices, correspondence or documents to be transmitted pursuant to these Rules may be so transmitted using electronic mail or facsimile machine.

COMMISSION

COMMISSION DECISION

of 29 September 2008

establishing, pursuant to Directive 2006/66/EC of the European Parliament and of the Council, a common methodology for the calculation of annual sales of portable batteries and accumulators to end-users

(notified under document number C(2008) 5339)

(Text with EEA relevance)

(2008/763/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC ⁽¹⁾, and in particular point (b) of Article 10(4) thereof,

Whereas:

- (1) The annual sales of portable batteries and accumulators to end-users should be expressed as the weight of the portable batteries and accumulators placed on the market in the territory of the Member State in the year concerned, excluding any portable batteries and accumulators that have left the territory of that Member State in that year before being sold to end-users.
- (2) Member States should base the calculation of annual sales of portable batteries and accumulators to end-users on collected data. Statistically significant estimates based on the collected data may also be used for the calculation.
- (3) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 18(1) of Directive 2006/12/EC of the European Parliament and the Council ⁽²⁾,

Article 1

1. Member States shall calculate the annual sales of portable batteries and accumulators to end-users in a given year, as the weight of portable batteries and accumulators placed on the market in the territory of the Member State in the year concerned, excluding any portable batteries and accumulators that have left the territory of that Member State in that year before being sold to the end-users.

2. The placing on the market of each battery shall be counted once.

Article 2

The calculation provided for in Article 1 shall be based on collected data or statistically significant estimates based on collected data.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 29 September 2008.

For the Commission

Stavros DIMAS

Member of the Commission

⁽¹⁾ OJ L 266, 26.9.2006, p. 1.

⁽²⁾ OJ L 114, 27.4.2006, p. 9.

COMMISSION DECISION

of 30 September 2008

concerning the non-inclusion of dicofol in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing that substance

*(notified under document number C(2008) 5105)***(Text with EEA relevance)**

(2008/764/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

dicofol the rapporteur Member State was Spain and all relevant information was submitted on 18 September 2006.

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 products on the market ⁽¹⁾, and in particular the fourth subparagraph of Article 8(2) thereof,

Whereas:

(1) Article 8(2) of Directive 91/414/EEC provides that a Member State may, during a period of 12 years following the notification of that Directive, authorise the placing on the market of plant protection products containing active substances not listed in Annex I to that Directive that are already on the market two years after the date of notification, while those substances are gradually being examined within the framework of a programme of work.

(2) Commission Regulations (EC) No 451/2000 ⁽²⁾ and (EC) No 1490/2002 ⁽³⁾ lay down the detailed rules for the implementation of the third stage of the programme of work referred to in Article 8(2) of Directive 91/414/EEC and establish a list of active substances to be assessed with a view to their possible inclusion in Annex I to Directive 91/414/EEC. That list includes dicofol.

(3) For dicofol the effects on human health and the environment have been assessed in accordance with the provisions laid down in Regulations (EC) No 451/2000 and (EC) No 1490/2002 for a range of uses proposed by the notifier. Moreover, those Regulations designate the rapporteur Member States which have to submit the relevant assessment reports and recommendations to the European Food Safety Authority (EFSA) in accordance with Article 8(1) of Regulation (EC) No 451/2000. For

(4) The Commission examined dicofol in accordance with Article 11a of Regulation (EC) No 1490/2002. A draft review report for that substance was reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health and finalised on 20 May 2008 in the format of the Commission review report.

(5) During the examination of this active substance by the Committee, taking into account comments received from Member States, it was concluded that there are clear indications that it may be expected that it has harmful effects on human health and in particular on both operators and workers, because the exposure is greater than 100 % of the AOEL and data gaps in the consumer risk assessment. Moreover, other concerns which were identified by the rapporteur Member States in its assessment report are included in the review report for the substance.

(6) The Commission invited the notifier to submit its comments on the results of the examination of dicofol and on its intention or not to further support the substance. The notifier submitted its comments which have been carefully examined. However, despite the arguments put forwards by the notifier, the concerns identified could not be eliminated, and assessments made on the basis of the information submitted have not demonstrated that it may be expected that, under the proposed conditions of use, plant protection products containing dicofol satisfy in general the requirements laid down in Article 5(1)(a) and (b) of Directive 91/414/EEC.

(7) Dicofol should therefore not be included in Annex I to Directive 91/414/EEC.

(8) Measures should be taken to ensure that authorisations granted for plant protection products containing dicofol are withdrawn within a fixed period of time and are not renewed and that no new authorisations for such products are granted.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.

⁽²⁾ OJ L 55, 29.2.2000, p. 25.

⁽³⁾ OJ L 224, 21.8.2002, p. 23.

(9) Any period of grace granted by a Member State for the disposal, storage, placing on the market and use of existing stocks of plant protection products containing dicofol should be limited to 12 months in order to allow existing stocks to be used in one further growing season, which ensures that plant protection products containing dicofol remain available for 18 months from the adoption of this Decision.

(10) This Decision does not prejudice the submission of an application for dicofol in accordance with Article 6(2) of Directive 91/414/EEC and Commission Regulation (EC) No 33/2008 of 17 January 2008 laying down detailed rules for the application of Council Directive 91/414/EEC as regards a regular and an accelerated procedure for the assessment of active substances which were part of the programme of work referred to in Article 8(2) of that Directive but have not been included into its Annex I⁽¹⁾, in view of a possible inclusion in its Annex I.

(11) 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

Dicofol shall not be included as an active substance in Annex I to Directive 91/414/EEC.

Article 2

Member States shall ensure that:

- (a) authorisations for plant protection products containing dicofol are withdrawn by 30 March 2009;
- (b) no authorisations for plant protection products containing dicofol are granted or renewed from the date of publication of this Decision.

Article 3

Any period of grace granted by Member States in accordance with the provisions of Article 4(6) of Directive 91/414/EEC, shall be as short as possible and shall expire on 30 March 2010 at the latest.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 30 September 2008.

For the Commission

Androulla VASSILIOU

Member of the Commission

⁽¹⁾ OJ L 15, 18.1.2008, p. 5.

NOTE TO THE READER

The institutions have decided no longer to quote in their texts the last amendment to cited acts.

Unless otherwise indicated, references to acts in the texts published here are to the version of those acts currently in force.