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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 1046/2008

of 24 October 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 25 October 2008.

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

Done at Brussels, 24 October 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	IL	106,4
	MA	46,2
	MK	40,8
	TR	72,2
	ZZ	66,4
0707 00 05	JO	162,5
	TR	118,2
	ZZ	140,4
0709 90 70	TR	121,3
	ZZ	121,3
0805 50 10	AR	112,1
	MA	96,1
	TR	91,9
	ZA	85,2
	ZZ	96,3
0806 10 10	BR	224,2
	TR	119,1
	US	224,6
	ZZ	189,3
0808 10 80	CA	97,3
	CL	72,8
	CN	91,2
	MK	37,6
	NZ	75,6
	US	136,5
	ZA	92,0
	ZZ	86,1
0808 20 50	CL	60,3
	CN	110,4
	TR	125,5
	ZZ	98,7

⁽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 1047/2008**of 24 October 2008****on the issue of licences for importing rice under the tariff quotas opened for the October 2008 subperiod by Regulation (EC) No 327/98**

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 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences ⁽²⁾, and in particular Article 7(2) thereof,

Whereas:

- (1) Commission Regulation (EC) No 327/98 of 10 February 1998 opening and providing for the administration of certain tariff quotas for imports of rice and broken rice ⁽³⁾ opened and provided for the administration of certain import tariff quotas for rice and broken rice, broken down by country of origin and split into several subperiods in accordance with Annex IX to that Regulation and Commission Regulation (EC) No 60/2008 ⁽⁴⁾ (Regulation (EC) No 60/2008 opened a special subperiod in February 2008 for the import tariff quota for wholly milled and semi-milled rice originating in the United States of America).
- (2) October is the only subperiod for the quota with order number 09.4138 laid down in Article 1(1)(a) of Regulation (EC) No 327/98. This quota comprises the balance of the unused quantities from the quotas with order numbers 09.4127-09.4128-09.4129-09.4130 in the previous subperiod. October is the last subperiod for the quotas with order numbers 09.4148 and 09.4168

laid down in Article 1(1)(b) and (e) of Regulation (EC) No 327/98, which comprise the balance of the unused quantities from the previous subperiod.

- (3) The notifications presented under Article 8(a) of Regulation (EC) No 327/98 show that, for the quota with order number 09.4138, the applications lodged in the first 10 working days of October 2008 under Article 4(1) of that Regulation cover a quantity greater than that available. The extent to which licences may be issued should therefore be determined by establishing the allocation coefficient to be applied to the quantities requested.
- (4) The final percentage take-up for 2008 of each quota provided for by Regulation (EC) No 327/98 should also be made known,

HAS ADOPTED THIS REGULATION:

Article 1

1. For import licence applications for rice under the quota with order number 09.4138 as referred to in Regulation (EC) No 327/98 lodged in the first 10 working days of October 2008, licences shall be issued for the quantities requested, multiplied by the allocation coefficient set out in the Annex to this Regulation.

2. The final percentage take-up for 2008 of each quota provided for by Regulation (EC) No 327/98 is given in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 24 October 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 238, 1.9.2006, p. 13.

⁽³⁾ OJ L 37, 11.2.1998, p. 5.

⁽⁴⁾ OJ L 22, 25.1.2008, p. 6.

ANNEX

Quantities to be allocated for the October 2008 subperiod under Regulation (EC) No 327/98 and final percentage take-ups for 2008:

- (a) Quota for wholly milled or semi-milled rice falling within CN code 1006 30 provided for in Article 1(1)(a) of Regulation (EC) No 327/98:

Origin	Order number	Allocation coefficient for October 2008 subperiod	Final percentage take-up of the quota for 2008
United States of America	09.4127		98,99 %
Thailand	09.4128		100 %
Australia	09.4129		82,68 %
Other origins	09.4130		100 %
All countries	09.4138	1,724138 %	100 %

- (b) Quota for husked rice falling within CN code 1006 20 provided for in Article 1(1)(b) of Regulation (EC) No 327/98:

Origin	Order number	Allocation coefficient for October 2008 subperiod	Final percentage take-up of the quota for 2008
All countries	09.4148	— ⁽¹⁾	100 %

- (c) Quota for broken rice falling within CN code 1006 40 provided for in Article 1(1)(c) of Regulation (EC) No 327/98:

Origin	Order number	Final percentage take-up of the quota for 2008
Thailand	09.4149	81,61 %
Australia	09.4150	0 %
Guyana	09.4152	0 %
United States of America	09.4153	0 %
Other origins	09.4154	100 %

- (d) Quota for wholly milled or semi-milled rice falling within CN code 1006 30 provided for in Article 1(1)(d) of Regulation (EC) No 327/98:

Origin	Order number	Final percentage take-up of the quota for 2008
Thailand	09.4112	100 %
United States of America	09.4116	100 %
India	09.4117	100 %
Pakistan	09.4118	100 %
Other origins	09.4119	100 %
All countries	09.4166	100 %

- (e) Quota for broken rice falling within CN code 1006 40 provided for in Article 1(1)(e) of Regulation (EC) No 327/98:

Origin	Order number	Allocation coefficient for October 2008 subperiod	Final percentage take-up of the quota for 2008
All countries	09.4168	— ⁽¹⁾	100 %

⁽¹⁾ No quantity remaining available for this subperiod.

COMMISSION REGULATION (EC) No 1048/2008**of 23 October 2008****establishing a prohibition of fishing for cod in VI; EC waters of Vb; EC and international waters of XII and XIV by vessels flying the flag of Ireland**

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, 23 October 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	46/T&Q
Member State	IRL
Stock	COD/561214
Species	Cod (<i>Gadus morhua</i>)
Area	VI; EC waters of Vb; EC and international waters of XII and XIV
Date	20.6.2008

COMMISSION REGULATION (EC) No 1049/2008**of 23 October 2008****establishing a prohibition of fishing for cod in zones I and IIb 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 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, 23 October 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	48/T&Q
Member State	FRA
Stock	COD/1/2B.
Species	Cod (<i>Gadus morhua</i>)
Area	I and IIb
Date	7.9.2008

COMMISSION REGULATION (EC) No 1050/2008**of 24 October 2008****amending Regulation (EC) No 1580/2007 as regards the trigger levels for additional duties on cucumbers, artichokes, clementines, mandarins and oranges**

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⁾, and in particular Article 143(b) thereof, in conjunction with Article 4,

Whereas:

- (1) Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules of Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector ⁽²⁾ provides for surveillance of imports of the products listed in Annex XVII thereto. That surveillance is to be carried out in accordance with the rules laid down in Article 308d of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽³⁾.
- (2) For the purposes of Article 5(4) of the Agreement on Agriculture ⁽⁴⁾ concluded during the Uruguay Round of

multilateral trade negotiations and in the light of the latest data available for 2005, 2006 and 2007, the trigger levels for additional duties of cucumbers, artichokes, clementines, mandarins and oranges should be adjusted.

- (3) As a result, Regulation (EC) No 1580/2007 should be amended accordingly.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Annex XVII to Regulation (EC) No 1580/2007 is replaced by the text set out in the Annex to this Regulation.

Article 2

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

It shall apply from 1 November 2008.

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

Done at Brussels, 24 October 2008.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, p. 1.

⁽³⁾ OJ L 253, 11.10.1993, p. 1.

⁽⁴⁾ OJ L 336, 23.12.1994, p. 22.

ANNEX

'ANNEX XVII

ADDITIONAL IMPORT DUTIES: TITLE IV, CHAPTER II, SECTION 2

Without prejudice to the rules governing the interpretation of the combined nomenclature, the description of the products is deemed to be indicative only. The scope of the additional duties for the purposes of this Annex is determined by the scope of the CN codes as they exist at the time of the adoption of this Regulation.

Serial No	CN code	Description	Trigger period	Trigger level (tonnes)
78.0015	0702 00 00	Tomatoes	— 1 October to 31 May	594 495
78.0020			— 1 June to 30 September	108 775
78.0065	0707 00 05	Cucumbers	— 1 May to 31 October	8 632
78.0075			— 1 November to 30 April	15 259
78.0085	0709 90 80	Artichokes	— 1 November to 30 June	16 421
78.0100	0709 90 70	Courgettes	— 1 January to 31 December	117 360
78.0110	0805 10 20	Oranges	— 1 December to 31 May	700 277
78.0120	0805 20 10	Clementines	— 1 November to end of February	385 569
78.0130	0805 20 30 0805 20 50 0805 20 70 0805 20 90	Mandarins (including tangerines and satsumas); wilkings and similar citrus hybrids	— 1 November to end of February	95 620
78.0155	0805 50 10	Lemons	— 1 June to 31 December	335 545
78.0160			— 1 January to 31 May	64 453
78.0170	0806 10 10	Table grapes	— 21 July to 20 November	89 754
78.0175	0808 10 80	Apples	— 1 January to 31 August	875 884
78.0180			— 1 September to 31 December	106 430
78.0220	0808 20 50	Pears	— 1 January to 30 April	257 029
78.0235			— 1 July to 31 December	37 083
78.0250	0809 10 00	Apricots	— 1 June to 31 July	4 199
78.0265	0809 20 95	Cherries, other than sour cherries	— 21 May to 10 August	151 059
78.0270	0809 30	Peaches, including nectarines	— 11 June to 30 September	39 144
78.0280	0809 40 05	Plums	— 11 June to 30 September	7 658'

COMMISSION REGULATION (EC) No 1051/2008**of 24 October 2008****amending Annex V to Council Regulation (EC) No 1342/2007 as regards the quantitative limits of certain steel products from the Russian Federation**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1342/2007 of 22 October 2007 on administering certain restrictions on imports of certain steel products from the Russian Federation ⁽¹⁾, and in particular Article 5 thereof,

Whereas:

- (1) The European Community and the Russian Federation signed an agreement on trade in certain steel products on 26 October 2007 ⁽²⁾ (the Agreement).
- (2) Article 3(3) of the Agreement provides that unused quantities for a given year may be carried over to the following year up to a maximum of 7 % of the relevant quantitative limit set out in Annex II to the Agreement.
- (3) Pursuant to Article 3(4) of the Agreement transfers between product groups may be made up to 7 % of the quantitative limit of a given product group and transfers between product categories are permitted up to a maximum of 25 000 tonnes.
- (4) Russia has notified the Community of its intent to make use of the provisions in Article 3(3) and (4) within the

time limits set by the Agreement. It is appropriate to make the necessary adjustments to the quantitative limits for the year 2008 resulting from Russia's request.

- (5) Article 10 stipulates that with each yearly renewal, quantities in every product group shall be increased by 2,5 %.
- (6) Regulation (EC) No 1342/2007 should be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

The quantitative limits for the year 2008 set out in Annex V to Regulation (EC) No 1342/2007 are replaced by those set out in the Annex I to this Regulation.

Article 2

The quantitative limits for the year 2009 resulting from the application of Article 10(1) of the 2007 Agreement between the European Community and the Russian Federation on trade in certain steel products are set out in Annex II to this Regulation.

Article 3

This Regulation shall enter into force on the 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, 24 October 2008.

For the Commission

Catherine ASHTON

Member of the Commission

⁽¹⁾ OJ L 300, 17.11.2007, p. 1.

⁽²⁾ OJ L 300, 17.11.2007, p. 52.

ANNEX I

QUANTITATIVE LIMITS FOR 2008

(tonnes)	
Products	2008
<i>SA. Flat products</i>	
SA1. Coils	1 113 993
SA2. Heavy plate	308 907
SA3. Other flat products	600 454
SA4. Alloyed products	104 290
SA5. Alloyed quarto plates	27 932
SA6. Alloyed cold-rolled and coated sheets	109 650
<i>SB. Long products</i>	
SB1. Beams	58 906
SB2. Wire rod	329 010
SB3. Other long products	529 434
Note: SA and SB are product categories. SA1 to SA6 and SB1 to SB3 are product groups.	

ANNEX II

QUANTITATIVE LIMITS FOR 2009

(tonnes)	
Products	2009
<i>SA. Flat products</i>	
SA1. Coils	1 060 875
SA2. Heavy plate	281 875
SA3. Other flat products	609 875
SA4. Alloyed products	107 625
SA5. Alloyed quarto plates	25 625
SA6. Alloyed cold-rolled and coated sheets	112 750
<i>SB. Long products</i>	
SB1. Beams	56 375
SB2. Wire rod	332 100
SB3. Other long products	519 675
Note: SA and SB are product categories. SA1 to SA6 and SB1 to SB3 are product groups.	

REGULATION (EC) No 1052/2008 OF THE EUROPEAN CENTRAL BANK
of 22 October 2008
amending Regulation (EC) No 1745/2003 (ECB/2003/9) on the application of minimum reserves
(ECB/2008/10)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank (hereinafter the ESCB Statute), and in particular to Article 19.1 thereof,

Having regard to Council Regulation (EC) No 2531/98 of 23 November 1998 concerning the application of minimum reserves by the European Central Bank ⁽¹⁾,

Having regard to Council Regulation (EC) No 2532/98 of 23 November 1998 concerning the powers of the European Central Bank to impose sanctions ⁽²⁾,

Whereas:

- (1) Article 19.1 of the ESCB Statute provides that the Governing Council of the European Central Bank (ECB) may establish regulations concerning the calculation and determination of the required minimum reserves.
- (2) Article 2 of Regulation (EC) No 2531/98 provides that the ECB may, on a non-discriminatory basis, exempt institutions from the obligation to hold minimum reserves in accordance with criteria established by the ECB.
- (3) The ECB considers it necessary to tighten the criteria for granting exemptions from reserve requirements and, in addition, to add a new criterion regarding the possibility to grant an exemption to institutions subject to measures imposed by the Community or a Member State which result in the freezing of funds or the restriction of the use of an institution's funds or are otherwise subject to a decision of the ECB's Governing Council suspending or excluding their access to open market operations or to the Eurosystem's standing facilities.
- (4) In the light of past experience, it is also necessary to amend Regulation (EC) No 1745/2003 of the European Central Bank (ECB/2003/9) ⁽³⁾ to refine the definition of the components of the reserve base in respect of which minimum reserves are calculated and the provisions on granting an exemption from the requirements of separate reporting for institutions holding minimum reserves through an intermediary.

- (5) Regulation (EC) No 1745/2003 (ECB/2003/9) should also provide for general criteria governing transitional maintenance periods for institutions which become subject to the ECB's reserve requirements on account of the adoption of the euro by the Member State in which they are located,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1745/2003 (ECB/2003/9) is amended as follows:

1. Article 2(2) and (3) are replaced by the following:

'2. Without being obliged to submit any request, an institution shall be exempted from reserve requirements from the start of the maintenance period in which its authorisation is withdrawn or renounced, or in which a decision to submit the institution to winding-up proceedings is taken by a judicial authority or any other competent authority of a participating Member State.

The ECB may exempt the following institutions from reserve requirements on a non-discriminatory basis:

- (a) institutions subject to reorganisation measures;
- (b) institutions subject to the freezing of funds and/or other measures imposed by the Community or a Member State under Article 60(2) of the Treaty restricting the use of their funds or a decision of the ECB's Governing Council suspending or excluding their access to open market operations or the Eurosystem's standing facilities;
- (c) institutions for which the purpose of the ECB's minimum reserve system would not be met by imposing reserve requirements upon them. In reaching a decision on any such exemption, the ECB shall take into account one or more of the following criteria:
 - (i) the institution is authorised to pursue special-purpose functions only;

⁽¹⁾ OJ L 318, 27.11.1998, p. 1.

⁽²⁾ OJ L 318, 27.11.1998, p. 4.

⁽³⁾ OJ L 250, 2.10.2003, p. 10.

- (ii) the institution is prohibited from exercising active banking functions in competition with other credit institutions;
- (iii) the institution is under a legal obligation to have all its deposits earmarked for purposes relating to regional and/or international development assistance.

3. The ECB shall publish a list of institutions subject to reserve requirements. The ECB shall also publish a list of institutions exempt from its reserve requirements for reasons other than being subject to:

- (a) reorganisation measures;
- (b) the freezing of funds and/or other measures imposed by the Community or a Member State under Article 60(2) of the Treaty restricting the use of an institution's funds or a decision issued by the ECB's Governing Council suspending or excluding an institution's access to open market operations or the Eurosystem's standing facilities.

Institutions may rely on these lists when deciding whether their liabilities are owed to another institution that is itself subject to reserve requirements. These lists shall not be determinative of whether institutions are subject to reserve requirements in accordance with Article 2.'

2. Article 3(2) is replaced by the following:

'2. The following liabilities shall be excluded from the reserve base:

- (a) liabilities which are owed to any other institution not listed as being exempt from the ECB's minimum reserve system according to Article 2(3);
- (b) liabilities which are owed to the ECB or to a participating NCB.

In applying this provision, the institution shall provide evidence to the relevant participating NCB of the actual amount of its liabilities owed to any other institution not listed as being exempt from the ECB's minimum reserve system and of its liabilities which are owed to the ECB or to a participating NCB in order to exclude them from the reserve base. If such evidence cannot be presented for debt securities issued with an original maturity of up to and including two years, the institution may apply a standard deduction to the outstanding amount of its debt securities issued with an original maturity of up to and including two years from the reserve base. The amount of such standard deduction shall be published by the ECB in the same manner as the publication of the list referred to in Article 2(3).'

3. Article 4(1) is replaced by the following:

'1. A reserve ratio of 0 % shall apply to the following liability categories (as defined within the ECB's reporting framework for money and banking statistics in Regulation (EC) No 2423/2001 (ECB/2001/13)):

- (a) deposits with agreed maturity over two years;
- (b) deposits redeemable at notice over two years;
- (c) repos;
- (d) debt securities issued with an original maturity over two years.'

4. Article 11 is replaced by the following:

'Article 11

Reserve holding on a consolidated basis

Institutions allowed to report statistical data regarding their consolidated reserve base as a group (as defined within the ECB's reporting framework for money and banking statistics in Regulation (EC) No 2423/2001 (ECB/2001/13)) shall hold minimum reserves through one of the institutions in the group which is acting as intermediary exclusively for these institutions and in accordance with the provisions in Article 10. On receiving authorisation from the ECB to carry out statistical reporting regarding the consolidated reserve base for the institutions in the group, the institution acting as the intermediary for the group shall automatically be exempted from the provisions in Article 10(6) and only the group as a whole shall be entitled to receive the allowance referred to in Article 5(2).'

5. The following Article 13a is inserted:

'Article 13a

Euro area enlargement

1. The ECB's Governing Council delegates power to the ECB's Executive Board to decide, in cases when a Member State adopts the euro in accordance with the Treaty on the following matters, after taking into consideration the views of the Market Operations Committee of the ESCB, as applicable:

- (a) the dates of the transitional maintenance period for the application of minimum reserve requirements to institutions located in that Member State, with the initial date being the date of the adoption of the euro in that Member State;

- (b) the manner of calculation of the reserve base for the purposes of determining the level of minimum reserves required to be held by institutions located in the Member State adopting the euro during the transitional maintenance period taking into account the ECB's reporting framework for money and banking statistics as laid down in Regulation (EC) No 2423/2001 (ECB/2001/13); and
- (c) the time limit by which the calculation and verification of the minimum reserves is to be carried out by the institutions located in the Member State adopting the euro and their national central bank in respect of the transitional maintenance period.

The Executive Board shall publish a statement on its decision at least two months before the date of the adoption of the euro in that Member State.

2. The Governing Council of the ECB further delegates to the Executive Board of the ECB the power to authorise institutions located in other participating Member States to deduct from their reserve base for the maintenance periods coinciding with and succeeding the transitional maintenance period any liabilities owed to institutions located in the Member State adopting the euro even though at the time

the minimum reserves are calculated such institutions do not appear on the list of institutions subject to reserve requirements in Article 2(3). In this event, the decisions issued by the Executive Board of the ECB under this paragraph may further specify the manner in which the deduction of such liabilities shall be carried out.

3. Any decision issued by the Executive Board under paragraphs 1 and 2 shall be promptly notified to the Governing Council of the ECB, and the Executive Board of the ECB shall abide by any decision adopted by the Governing Council of the ECB thereon.'

Article 2

Final provision

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

Done at Frankfurt am Main, 22 October 2008.

For the Governing Council of the ECB
The President of the ECB
Jean-Claude TRICHET

REGULATION (EC) No 1053/2008 OF THE EUROPEAN CENTRAL BANK
of 23 October 2008
on temporary changes to the rules relating to eligibility of collateral
(ECB/2008/11)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty establishing the European Community and in particular to the first indent of Article 105(2) and to Article 110 thereof,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank and in particular to the first indent of Article 34.1, in conjunction with the first indent of Article 3.1 and Article 18.2 thereof,

Whereas:

- (1) To enhance on a temporary basis the provision of liquidity to counterparties for Eurosystem monetary policy operations, the criteria determining the eligibility of collateral that counterparties for Eurosystem monetary policy operations provide to the Eurosystem to obtain liquidity should be widened. The criteria determining the eligibility of collateral are laid down in Guideline ECB/2000/7 of 31 August 2000 on monetary policy instruments and procedures of the Eurosystem ⁽¹⁾.
- (2) The Governing Council of the European Central Bank (ECB) decided on 15 October 2008 to widen temporarily the rules relating to the eligibility of collateral for the operations of the Eurosystem. The Governing Council furthermore decided that the date of entry into force of its decision as well as any further measures regarding such widened eligibility criteria would be communicated as soon as possible.
- (3) In order to implement the above mentioned decision in a manner which allows its immediate application, recourse has to be made to a regulation, which does not require further executing measures by the national central banks of the Member States that have adopted the euro (hereinafter the NCBs). This Regulation is to be in force for a limited period of time and will be replaced by an ECB Guideline,

HAS ADOPTED THIS REGULATION:

Article 1

Widening of certain eligibility criteria for collateral

1. The eligibility criteria for collateral laid down in Annex I to Guideline ECB/2000/7 (hereinafter the General Documentation) shall be widened in accordance with Articles 2 to 7.

⁽¹⁾ OJ L 310, 11.12.2000, p. 1.

2. In the event of any discrepancy between this Regulation and the General Documentation, as implemented at national level by the NCBs, the former shall prevail. The NCBs shall continue to apply all provisions of the General Documentation unaltered unless otherwise provided for in this Regulation.

Article 2

Admission of collateral denominated in US dollars, pounds sterling or Japanese yen as eligible collateral

1. Marketable debt instruments as described in Section 6.2.1 of the General Documentation, if denominated in US dollars, pounds sterling or Japanese yen, shall constitute eligible collateral for the purposes of Eurosystem monetary policy operations, provided that: (i) they are issued and held/settled in the euro area; and (ii) the issuer is established in the European Economic Area.
2. An additional haircut of 8 % shall be imposed by the Eurosystem on all such marketable debt instruments.

Article 3

Admission of syndicated loans governed by the laws of England and Wales as eligible collateral

1. Syndicated loans as described in Section 6.2.2 of the General Documentation governed by the laws of England and Wales shall constitute eligible collateral for the purposes of Eurosystem monetary policy operations.
2. Furthermore, the requirement laid down in Section 6.2.2 of the General Documentation, according to which the total number of governing laws that are applicable to: (i) the counterparty; (ii) the creditor; (iii) the debtor; (iv) the guarantor (if relevant); (v) the credit claim agreement; and (vi) the mobilisation agreement may not exceed two, shall be amended in the case of such syndicated loans so that the total number of governing laws may not exceed three.

Article 4

Admission of debt instruments issued by credit institutions, which are traded on certain non-regulated markets as eligible collateral

1. Debt instruments issued by credit institutions, which are traded on certain non-regulated markets, as specified by the ECB shall constitute eligible collateral for the purposes of Eurosystem monetary policy operations.

2. An additional haircut of 5 % shall be imposed by the Eurosystem on all such debt instruments.

Article 5

Admission of collateral with a 'BBB-' credit assessment and above as eligible collateral

1. The Eurosystem's minimum requirement for the assessment of the credit standard of assets eligible as collateral for the purposes of Eurosystem monetary policy operations shall be a 'BBB-' equivalent credit assessment. This change to the credit assessment requirement shall apply to both marketable and non-marketable assets, with the exception of asset-backed securities as described in Section 6.3 of the General Documentation, for which the requirement for high credit standards shall remain unchanged.

2. An additional haircut of 5 % shall be imposed by the Eurosystem on all eligible assets with a credit assessment below 'A-'.

Article 6

Admission of subordinated assets with adequate guarantees as eligible collateral

1. The requirement of non-subordination relating to the eligibility of marketable assets as collateral for the purposes of Eurosystem monetary policy operations as described in Section 6.2.1 of the General Documentation shall not apply when a financially sound guarantor provides an unconditional and irrevocable guarantee payable on first demand on these assets, as further defined in Section 6.3.2 of the General Documentation.

2. An additional haircut of 10 % shall be imposed by the Eurosystem on all such assets, with a further 5 % valuation markdown in the event of a theoretical valuation.

Article 7

Admission of fixed-term deposits as eligible collateral

Fixed-term deposits as described in Section 3.5 of the General Documentation from eligible counterparties shall be eligible as collateral for all refinancing operations of the Eurosystem.

Article 8

Further implementation measures

The Governing Council has delegated the competence to take any further decisions which are necessary to implement its decision of 15 October 2008 to the Executive Board.

Article 9

Final provisions

1. This Regulation shall enter into force on 25 October 2008. Articles 2 and 3 shall apply as from 14 November 2008.

2. This Regulation shall apply until 30 November 2008.

3. This Regulation shall be published without delay on the ECB's website.

Done at Frankfurt am Main, 23 October 2008.

For the Governing Council of the ECB
The President of the ECB
Jean-Claude TRICHET

II

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

DECISIONS

COMMISSION

COMMISSION DECISION

of 24 October 2008

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

(notified under document number C(2008) 6154)

(Text with EEA relevance)

(2008/812/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

of avian influenza and repealing Directive 92/40/EEC ⁽⁴⁾, and in particular Article 63(3) thereof,

Having regard to the Treaty establishing the European Community,

Whereas:

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

(1) Commission Decision 2006/415/EC of 14 June 2006 concerning certain protection measures in relation to highly pathogenic avian influenza of subtype H5N1 in poultry in the Community ⁽⁵⁾ lays down certain protection measures to be applied in order to prevent the spread of that disease, including the establishment of areas A and B following a suspected or confirmed outbreak of the disease. Those areas are set out in the Annex to that Decision.

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

(2) Following a confirmed outbreak of highly pathogenic avian influenza of subtype H5N1 in Landkreis Görlitz, Saxony, in Germany, that Member State took protection measures pursuant to Decision 2006/415/EC, including the establishment of areas A and B, as provided for in Article 4 of that Decision.

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

(3) Commission Decision 2008/795/EC of 10 October 2008 concerning certain interim protection measures in relation to highly pathogenic avian influenza of subtype H5N1 in poultry in Germany ⁽⁶⁾ was adopted following that outbreak in Germany. That Decision defines the areas within which the protection measures provided for in Decision 2006/415/EC are to apply and the period of application of those measures.

Having regard to Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control

⁽¹⁾ OJ L 395, 30.12.1989, p. 13.

⁽²⁾ OJ L 224, 18.8.1990, p. 29.

⁽³⁾ OJ L 146, 13.6.2003, p. 1.

⁽⁴⁾ OJ L 10, 14.1.2006, p. 16.

⁽⁵⁾ OJ L 164, 16.6.2006, p. 51.

⁽⁶⁾ OJ L 272, 14.10.2008, p. 16.

- (4) These interim protection measures have now been reviewed within the framework of the Standing Committee on the Food Chain and Animal Health and should be confirmed.
- (5) The outbreak in Germany is located close to the border with Poland and therefore Poland has taken the appropriate protection measures as provided for in Decision 2006/415/EC, including the establishment of areas A and B on its territory. These areas should also be added to the Annex to Decision 2006/415/EC.
- (6) Decision 2006/415/EC should therefore be amended accordingly.
- (7) In the interests of clarity of Community legislation, Decision 2008/795/EC should be repealed.
- (8) 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

The Annex to Decision 2006/415/EC is replaced by the text in the Annex to this Decision.

Article 2

Decision 2008/795/EC is repealed.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 24 October 2008.

For the Commission
Androulla VASSILIOU
Member of the Commission

ANNEX

'ANNEX

PART A

Area A as established in accordance with Article 4(2):

ISO Country Code	Member State	Area A		Date until applicable in accordance with Article 4(4)(b)(iii)
		Code (if available)	Name	
DE	GERMANY	Görlitz 14284	The 10 km zone established around the outbreak in the commune of Markersdorf in the Landkreis of Görlitz including all or parts of the communes of: Görlitz Markersdorf Schöpstal Königshain Reichenbach/O.L. Sohland a. Rotstein Bernstadt a. d. Eigen Schönau-Berzdorf a. d. Eigen Kodersdorf Vierkirchen Waldhufen	13.11.2008
PL	POLAND	Dolnośląskie Voivodship Zgorzelecki 00225	The area in the district of Zgorzelecki contained within the following boundaries: — to the North: northern border of Zgorzelec town; — to the East: eastern border of Zgorzelec town, Koźmin village and Osiek Łużycki village; — to the South: southern border of Osiek Łużycki village; — to the West: Polish-German border	13.11.2008

PART B

Area B as established in accordance with Article 4(2):

ISO Country Code	Member State	Area B		Date until applicable in accordance with Article 4(4)(b)(iii)
		Code (if available)	Name	
DE	GERMANY	Görlitz 14284	The area in the Landkreis of Görlitz including all or parts of the communes of: Neißeau Horka Niesky Quitzdorf am See Hohendubrau Kittlitz Löbau Rosenbach Berthelsdorf Großhennersdorf Schlegel Ostritz	13.11.2008
		Bautzen 14272	The area in the Landkreis of Bautzen including all or parts of the commune of: Weißenberg	
PL	POLAND	Dolnośląskie Voivodship Zgorzelecki 00225	In the district of Zgorzelecki the municipalities of: — Pieńsk including Pieńsk town and village area of Pieńsk — Sulików — Zgorzelec (areas other than listed in Area A) — Zawidów	13.11.2008'

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 1/2008

of 12 March 2008

of the Committee established under the Agreement between the European Community and the Swiss Confederation on Mutual Recognition in relation to Conformity Assessment on the inclusion in Annex 1 of a new Chapter 16 on construction products

(2008/813/EC)

THE COMMITTEE,

Having regard to the Agreement between the European Community and the Swiss Confederation on Mutual Recognition in relation to Conformity Assessment (the Agreement) signed on the 21 June 1999, and in particular Article 10(5) thereof,

Whereas according to Article 10(5), the Committee may modify the Annexes to this Agreement,

HAS DECIDED AS FOLLOWS:

1. Annex 1 on Product Sectors to the Agreement is modified in order to include a new Chapter 16 on Construction Products in accordance with the provisions set out in Attachment A annexed to this Decision.
2. This Decision, done in duplicate, shall be signed by representatives of the Committee who are authorised to act on behalf of the Parties. This Decision shall be effective from the date of the later of these signatures.

Signed at Berne, 12 March 2008.

On behalf of the Swiss Confederation

Heinz HERTIG

Signed at Brussels, 26 February 2008.

*On behalf of the European Community*Fernando PERREAU DE PINNINCK

ATTACHMENT

In Annex 1, Product Sectors, the following Chapter 16 on Construction Products shall be introduced:

‘CHAPTER 16

CONSTRUCTION PRODUCTS

SECTION I

Legislative, regulatory and administrative provisions

Provisions covered by Article 1 paragraph 2

European Community

1. Council Directive 89/106/EEC of 21 December 1988 on the approximation of the laws, regulations and administrative provisions of the Member States relating to construction products (OJ L 40, 11.2.1989, p. 12)

Implementing measures

2. Commission Decision 94/23/EC of 17 January 1994 on common procedural rules for European technical approval (OJ L 17, 20.1.1994, p. 34)
- 2(a). Commission Decision 94/611/EC of 9 September 1994 implementing Article 20 of Directive 89/106/EEC on construction products (OJ L 241, 16.9.1994, p. 25)
- 2(b). Commission Decision 95/204/EC of 31 May 1995 implementing Article 20(2) of Council Directive 89/106/EEC on construction products (OJ L 129, 14.6.1995, p. 23)
3. Commission Decision 95/467/EC of 24 October 1995 implementing Article 20(2) of Council Directive 89/106/EEC on construction products (OJ L 268, 10.11.1995, p. 29)
4. Commission Decision 96/577/EC of 24 June 1996 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards fixed fire-fighting systems (OJ L 254, 8.10.1996, p. 44)
5. Commission Decision 96/578/EC of 24 June 1996 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards sanitary appliances (OJ L 254, 8.10.1996, p. 49)
6. Commission Decision 96/579/EC of 24 June 1996 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards circulation fixtures (OJ L 254, 8.10.1996, p. 52)
7. Commission Decision 96/580/EC of 24 June 1996 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards curtain walling (OJ L 254, 8.10.1996, p. 56)
8. Commission Decision 96/581/EC of 24 June 1996 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards geotextiles (OJ L 254, 8.10.1996, p. 59)
9. Commission Decision 96/582/EC of 24 June 1996 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards structural sealant glazing systems and metal anchors for concrete (OJ L 254, 8.10.1996, p. 62)

10. Commission Decision 96/603/EC of 4 October 1996 establishing the list of products belonging to classes A "No contribution to fire" provided for in Decision 94/611/EC implementing Article 20 of Council Directive 89/106/EEC on construction products (OJ L 267, 19.10.1996, p. 23)
11. Commission Decision 97/161/EC of 17 February 1997 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards metal anchors for use in concrete for fixing lightweight systems (OJ L 62, 4.3.1997, p. 41)
12. Commission Decision 97/176/EC of 17 February 1997 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards structural timber products and ancillaries (OJ L 73, 14.3.1997, p. 19)
13. Commission Decision 97/177/EC of 17 February 1997 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards metal injection anchors for use in masonry (OJ L 73, 14.3.1997, p. 24)
14. Commission Decision 97/462/EC of 27 June 1997 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards wood-based panels (OJ L 198, 25.7.1997, p. 27)
15. Commission Decision 97/463/EC of 27 June 1997 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards plastic anchors for use in concrete and masonry (OJ L 198, 25.7.1997, p. 31)
16. Commission Decision 97/464/EC of 27 June 1997 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards waste water engineering products (OJ L 198, 25.7.1997, p. 33)
17. Commission Decision 97/555/EC of 14 July 1997 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards cements, building limes and other hydraulic binders (OJ L 229, 20.8.1997, p. 9)
18. Commission Decision 97/556/EC of 14 July 1997 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards external thermal insulation composite systems/kits with rendering (ETICS) (OJ L 229, 20.8.1997, p. 14)
19. Commission Decision 97/571/EC of 22 July 1997 on the general format of European Technical Approval for construction products (OJ L 236, 27.8.1997, p. 7)
20. Commission Decision 97/597/EC of 14 July 1997 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards reinforcing and prestressing steel for concrete (OJ L 240, 2.9.1997, p. 4)
21. Commission Decision 97/638/EC of 19 September 1997 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards fasteners for structural timber (OJ L 268, 1.10.1997, p. 36)
22. Commission Decision 97/740/EC of 14 October 1997 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards masonry and related products (OJ L 299, 4.11.1997, p. 42)

23. Commission Decision 97/808/EC of 20 November 1997 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards floorings (OJ L 331, 3.12.1997, p. 18)
24. Commission Decision 98/143/EC of 3 February 1998 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards systems of mechanically fastened flexible roof waterproofing membranes (OJ L 42, 14.2.1998, p. 58)
25. Commission Decision 98/213/EC of 9 March 1998 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards internal partition kits (OJ L 80, 18.3.1998, p. 41)
26. Commission Decision 98/214/EC of 9 March 1998 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards structural metallic products and ancillaries (OJ L 80, 18.3.1998, p. 46)
27. Commission Decision 98/279/EC of 5 December 1997 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards non-load-bearing permanent shuttering kits/systems based on hollow blocks or panels of insulating materials and, sometimes, concrete (OJ L 127, 29.4.1998, p. 26)
28. Commission Decision 98/436/EC of 22 June 1998 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards roof coverings, roof lights, roof windows and ancillary products (OJ L 194, 10.7.1998, p. 30)
29. Commission Decision 98/437/EC of 30 June 1998 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards internal and external wall and ceiling finishes (OJ L 194, 10.7.1998, p. 39)
30. Commission Decision 98/456/EC of 3 July 1998 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards post-tensioning kits for the prestressing of structures (OJ L 201, 17.7.1998, p. 112)
31. Commission Decision 98/457/EC of 3 July 1998 concerning the test of the Single Burning Item (SBI) referred to in Council Decision 94/611/EC implementing Article 20 of Council Directive 89/106/EEC on construction products (OJ L 201, 17.7.1998, p. 114)
32. Commission Decision 98/598/EC of 9 October 1998 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards aggregates (OJ L 287, 24.10.1998, p. 25)
33. Commission Decision 98/599/EC of 12 October 1998 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards liquid applied roof waterproofing kits (OJ L 287, 24.10.1998, p. 30)
34. Commission Decision 98/600/EC of 12 October 1998 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards self-supporting translucent roof kits (except glass-based kits) (OJ L 287, 24.10.1998, p. 35)

35. Commission Decision 98/601/EC of 13 October 1998 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards road construction products (OJ L 287, 24.10.1998, p. 41)
36. Commission Decision 1999/89/EC of 25 January 1999 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards prefabricated stair kits (OJ L 29, 3.2.1999, p. 34)
37. Commission Decision 1999/90/EC of 25 January 1999 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards membranes (OJ L 29, 3.2.1999, p. 38)
38. Commission Decision 1999/91/EC of 25 January 1999 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards thermal insulating products (OJ L 29, 3.2.1999, p. 44)
39. Commission Decision 1999/92/EC of 25 January 1999 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards light composite wood-based beams and columns (OJ L 29, 3.2.1999, p. 49)
40. Commission Decision 1999/93/EC of 25 January 1999 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards doors, windows, shutters, blinds, gates and related building hardware (OJ L 29, 3.2.1999, p. 51)
41. Commission Decision 1999/94/EC of 25 January 1999 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards precast normal/light-weight autoclaved aerated concrete products (OJ L 29, 3.2.1999, p. 55)
- 41(a). Commission Decision 1999/453/EC of 18 June 1999 amending Decision 96/579/EC and 97/808/EC on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards circulation fixtures and floorings respectively (OJ L 178, 14.7.1999, p. 50)
42. Commission Decision 1999/454/EC of 22 June 1999 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards fire stopping, fire sealing and fire protective products (OJ L 178, 14.7.1999, p. 52)
43. Commission Decision 1999/455/EC of 22 June 1999 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards timber frame and log prefabricated building kits (OJ L 178, 14.7.1999, p. 56)
44. Commission Decision 1999/469/EC of 25 June 1999 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards products related to concrete, mortar and grout (OJ L 184, 17.7.1999, p. 27)
45. Commission Decision 1999/470/EC of 29 June 1999 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards construction adhesives (OJ L 184, 17.7.1999, p. 32)

46. Commission Decision 1999/471/EC of 29 June 1999 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards space heating appliances (OJ L 184, 17.7.1999, p. 37)
47. Commission Decision 1999/472/EC of 1 July 1999 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards pipes, tanks and ancillaries not in contact with water intended for human consumption (OJ L 184, 17.7.1999, p. 42)
48. Commission Decision 2000/147/EC of 8 February 2000 implementing Council Directive 89/106/EEC as regards the classification of the reaction to fire performance of construction products (OJ L 50, 23.2.2000, p. 14)
49. Commission Decision 2000/245/EC of 2 February 2000 on the procedure for attesting the conformity of construction products pursuant to Article 20(4) of Council Directive 89/106/EEC as regards flat glass, profiled glass and glass block products (OJ L 77, 28.3.2000, p. 13)
50. Commission Decision 2000/273/EC of 27 March 2000 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards seven products for European Technical Approvals without Guideline (OJ L 86, 7.4.2000, p. 15)
51. Commission Decision 2000/367/EC of 3 May 2000 implementing Council Directive 89/106/EEC as regards the classification of the resistance to fire performance of construction products, construction works and parts thereof (OJ L 133, 6.6.2000, p. 26)
52. Commission Decision 2000/447/EC of 13 June 2000 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards prefabricated wood-based load-bearing stressed skin panels and self-supporting composite lightweight panels (OJ L 180, 19.7.2000, p. 40)
53. Commission Decision 2000/553/EC of 6 September 2000 implementing Council Directive 89/106/EEC as regards the external fire performance of roof coverings (OJ L 235, 19.9.2000, p. 19)
- 53(a). Commission Decision 2000/605/EC of 26 September 2000 amending Decision 96/603/EC establishing the list of products belonging to class A "No contribution to fire" provided for in Decision 94/611/EC implementing Article 20 of Council Directive 89/106/EEC on construction products (OJ L 258, 12.10.2000, p. 36)
54. Commission Decision 2000/606/EC of 26 September 2000 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards six products for European Technical Approvals without Guideline (OJ L 258, 12.10.2000, p. 38)
55. Commission Decision 2001/19/EC of 20 December 2000 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards expansion joints for road bridges (OJ L 5, 10.1.2001, p. 6)
56. Commission Decision 2001/308/EC of 31 January 2001 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards ventures (OJ L 107, 18.4.2001, p. 25)

- 56(a). Commission Decision 2001/596/EC of 8 January 2001 amending Decisions 95/467/EC, 96/578/EC, 96/580/EC, 97/176/EC, 97/462/EC, 97/556/EC, 97/740/EC, 97/808/EC, 98/213/EC, 98/214/EC, 98/279/EC, 98/436/EC, 98/437/EC, 98/599/EC, 98/600/EC, 98/601/EC, 1999/89/EC, 1999/90/EC, 1999/91/EC, 1999/454/EC, 1999/469/EC, 1999/470/EC, 1999/471/EC, 1999/472/EC, 2000/245/EC, 2000/273/EC, 2000/447/EC on the procedure for attesting the conformity of certain construction products pursuant to Article 20 of Council Directive 89/106/EEC (OJ L 209, 2.8.2001, p. 33)
57. Commission Decision 2001/671/EC of 21 August 2001 implementing Council Directive 89/106/EEC as regards the classification of the external fire performance of roofs and roof coverings (OJ L 235, 4.9.2001, p. 20)
58. Commission Decision 2002/359/EC of 13 May 2002 on the procedure for attesting the conformity of construction products in contact with water intended for human consumption, pursuant to Article 20(2) of Council Directive 89/106/EEC (OJ L 127, 14.5.2002, p. 16)
59. Commission Decision 2002/592/EC of 15 July 2002 amending Decisions 95/467/EC, 96/577/EC, 96/578/EC and 98/598/EC on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards gypsum products, fixed fire-fighting systems, sanitary appliances and aggregates respectively (OJ L 192, 20.7.2002, p. 57)
60. Commission Decision 2003/43/EC of 17 January 2003 establishing the classes of reaction-to-fire performance for certain construction products (OJ L 13, 18.1.2003, p. 35)
61. Commission Decision 2003/312/EC of 9 April 2003 on the publication of the reference of standards relating to thermal insulation products, geotextiles, fixed fire-fighting equipment and gypsum blocks in accordance with Council Directive 89/106/EEC (OJ L 114, 8.5.2003, p. 50)
62. Commission Decision 2003/424/EC of 6 June 2003 amending Decision 96/603/EC establishing the list of products belonging to Classes A "No contribution to fire" provided for in Decision 94/611/EC implementing Article 20 of Council Directive 89/106/EEC on construction products (OJ L 144, 12.6.2003, p. 9)
63. Commission Decision 2003/593/EC of 7 August 2003 amending Decision 2003/43/EC establishing the classes of reaction-to-fire performance of certain construction products (OJ L 201, 8.8.2003, p. 25)
64. Commission Decision 2003/629/EC of 27 August 2003 amending Decision 2000/367/EC establishing a classification system for resistance-to-fire performance for construction products, as regards the inclusion of smoke and heat control products (OJ L 218, 30.8.2003, p. 51)
65. Commission Decision 2003/632/EC of 26 August 2003 amending Decision 2000/147/EC implementing Council Directive 89/106/EEC as regards the classification of the reaction-to-fire performance of construction products (OJ L 220, 3.9.2003, p. 5)
66. Commission Decision 2003/639/EC of 4 September 2003 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards pins for structural joints (OJ L 226, 10.9.2003, p. 18)
67. Commission Decision 2003/640/EC of 4 September 2003 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards kits for exterior wall claddings (OJ L 226, 10.9.2003, p. 21)

68. Commission Decision 2003/655/EC of 12 September 2003 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards watertight covering kits for wetroom floors and walls (OJ L 231, 17.9.2003, p. 12)
69. Commission Decision 2003/656/EC of 12 September 2003 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards seven products for European technical approvals without Guideline (OJ L 231, 17.9.2003, p. 15)
70. Commission Decision 2003/722/EC of 6 October 2003 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards liquid-applied bridge deck waterproofing kits (OJ L 260, 11.10.2003, p. 32)
71. Commission Decision 2003/728/EC of 3 October 2003 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards metal frame building kits, concrete frame building kits, prefabricated building units, cold storage room kits and rockfall protection kits (OJ L 262, 14.10.2003, p. 34)
72. Commission Decision 2004/663/EC of 20 September 2004 amending Commission Decision 97/464/EC on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards waste water engineering products (OJ L 302, 29.9.2004, p. 6)
73. Commission Decision 2005/403/EC of 25 May 2005 establishing the classes of external fire performance of roofs and roof coverings for certain construction products as provided for by Council Directive 89/106/EEC (OJ L 135, 28.5.2005, p. 37)
74. Commission Decision 2005/484/EC of 4 July 2005 on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards cold storage building kits and cold storage building envelope kits (OJ L 173, 6.7.2005, p. 15)
75. Commission Decision 2005/610/EC of 9 August 2005 establishing the classes of reaction-to-fire performance for certain construction products (OJ L 208, 11.8.2005, p. 21)
76. Commission Decision 2005/823/EC of 22 November 2005 amending Decision 2001/671/EC implementing Council Directive 89/106/EEC as regards the classification of the external fire performance of roofs and roof coverings (OJ L 307, 25.11.2005, p. 53)
77. Commission Decision 2006/190/EC of 1 March 2006 amending Decision 97/808/EC on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards floorings (OJ L 66, 8.3.2006, p. 47)
78. Commission Decision 2006/213/EC of 6 March 2006 establishing the classes of reaction-to-fire performance for certain construction products as regards wood flooring and solid wood panelling and cladding (OJ L 79, 16.3.2006, p. 27)

79. Commission Decision 2006/600/EC of 4 September 2006 establishing the classes of reaction-to-fire performance for certain construction products as regards double skin metal faced sandwich panels for roofs (OJ L 244, 7.9.2006, p. 24)
80. Commission Decision 2006/673/EC of 5 October 2006 amending Decision 2003/43/EC establishing the classes of reaction-to-fire performance for certain construction products as regards gypsum plasterboards (OJ L 276, 7.10.2006, p. 77)
81. Commission Decision 2006/751/EC of 27 October 2006 amending Decision 2000/147/EC implementing Council Directive 89/106/EEC as regards the classification of the reaction-to-fire performance of construction products (OJ L 305, 4.11.2006, p. 8)
82. Commission Decision 2006/893/EC of 5 December 2006 on the withdrawal of the reference of standard EN 10080:2005 "Steel for the reinforcement of concrete — Weldable reinforcing steel — General" in accordance with Council Directive 89/106/EEC (OJ L 343, 8.12.2006, p. 102)
83. Commission Decision 2007/348/EC of 15 May 2007 amending Decision 2003/43/EC establishing the classes of reaction-to-fire performance for certain construction products as regards wood-based panels (OJ L 131, 23.5.2007, p. 21)
- Switzerland
100. Loi fédérale du 8 octobre 1999 sur les produits de construction (RO 2000 3104)
101. Ordonnance du 27 novembre 2000 sur les produits de construction (RO 2001 100)
102. Accord intercantonal sur l'élimination des entraves techniques au commerce du 23 octobre 1998 (RO 2003 270)

SECTION II

Conformity assessment bodies

1. The Committee established under Article 10 of this Agreement shall draw up and keep up to date, according to the procedure described in Article 11 of this Agreement, a list of the conformity assessment bodies.
2. Conformity assessment bodies can be differentiated in three different bodies involved in the attestation of conformity: Certification body, inspection body and testing laboratory. For the purpose of this Agreement the definitions of Annex III Section 3 to Directive 89/106/EEC shall apply.

SECTION III

Designating authorities

The Committee established under Article 10 of this Agreement shall draw up and keep up to date a list of the designating authorities and the competent authorities notified by the Parties.

SECTION IV

Special rules relating to the designation of conformity assessment bodies

For the designation of conformity assessment bodies, the designating authorities shall comply with the general principles contained in Annex 2 to this Agreement and the assessment criteria set out in Annex IV to Directive 89/106/EEC.

SECTION V

Supplementary provisions

1. *European harmonised standards for construction products*

For the purpose of this Agreement, Switzerland will publish the reference of the European harmonised standards for construction products after their publishing in the *Official Journal of the European Union* according to Article 7 of the Directive 89/106/EEC.

To state the equivalence of the Swiss systems of conformity attestation, Switzerland will add to every harmonised standard a conversion table. This conversion table shall ensure the comparability of the Swiss and the European systems of conformity attestation describing the relevant procedures to assess conformity.

2. Interpretative documents and guidance papers

The six Interpretative Documents referred to in Article 3 of the Directive 89/106/EEC and in the Communication 94/C 62/01 of the Commission (OJ C 62, 28.2.1994, p. 1) established according to Article 20 of the Directive 89/106/EEC shall also apply for the purpose of this Agreement.

3. European technical approvals

- (a) Switzerland shall be entitled to designate Swiss bodies to issue European technical approvals. It shall make sure that designated bodies become members of the European Organisation for Technical Approvals (EOTA) and participate in its work, in particular for establishing guidelines for European technical approvals according to Article 11 of the Directive 89/106/EEC and issuing European technical approvals (ETAs).

Switzerland shall notify the Committee established under Article 10 of this Agreement of the names and addresses of such bodies.

Decisions of EOTA shall also apply for the purpose of this Agreement.

European Technical Approvals are issued by the EOTA Approval Bodies and are recognised by both Parties for the purpose of this Agreement.

- (b) "Approval Body" shall mean a public or private law body which is authorised to issue European technical approvals.

Approval bodies are designated by the Parties according to their relevant procedures.

The Committee established under Article 10 of this Agreement shall draw up and keep up to date a list of the approval bodies. To this end, the notification procedure described in Section II paragraph 1 in accordance with Article 11 of this Agreement shall also apply to approval bodies analogously.

The Parties hereby recognise that the bodies thus listed for the purpose of this Agreement fulfil the conditions to issue European technical approvals.

4. Information exchanges

In accordance with Article 9 of this Agreement, the Parties shall exchange information needed to ensure a proper implementation of this chapter.

5. Technical documentation

It shall be sufficient for manufacturers, their authorised representatives or the person responsible for placing products on the market to hold the technical documents required by the national authorities for inspection purposes at their disposal in the territory of one of the Parties for a period of at least ten years after the last date of manufacture of the product.

The Parties hereby undertake to forward all relevant technical documents at the request of the authorities of the other Party.

6. Person responsible for placing the products on the market and labelling

The manufacturer shall not be obliged to designate an authorised representative or a person responsible for placing products on the market established in the territory of the other Party, nor to indicate the name and address of an authorised representative, responsible person or importer on the label, outer packaging or instructions for use.'

III

(Acts adopted under the EU Treaty)

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

COUNCIL DECISION 2008/814/CFSP

of 13 October 2008

concerning the conclusion of an Agreement between the European Union and the United States of America on the participation of the United States of America in the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty on European Union, and in particular Article 24 thereof,

Having regard to the recommendation from the Presidency,

Whereas:

- (1) On 4 February 2008, the Council adopted Joint Action 2008/124/CFSP on the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO ⁽¹⁾.
- (2) That Joint Action provides that detailed arrangements regarding the participation of third States shall be laid down in an agreement to be concluded in accordance with Article 24 of the Treaty.
- (3) On 13 December 2004, the Council authorised the Presidency, assisted where necessary by the Secretary-General/High Representative, in case of future EU civilian crisis management operations to open negotiations with third States with a view to concluding an agreement on the basis of the model agreement between the European Union and a third State on the participation of a third State in a European Union civilian crisis management operation. On that basis, the Presidency negotiated an Agreement with the United States of America on the participation of the United States of America in the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO.
- (4) The Agreement should be approved,

Article 1

The Agreement between the European Union and the United States of America on the participation of the United States of America in the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO, is hereby approved on behalf of the European Union.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement in order to bind the European Union.

Article 3

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

Article 4

This Decision shall be published in the *Official Journal of the European Union*.

Done at Luxembourg, 13 October 2008.

For the Council
The President
B. KOUCHNER

⁽¹⁾ OJ L 42, 16.2.2008, p. 92.

AGREEMENT**between the European Union and the United States of America on the participation of the United States of America in the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO**

THE EUROPEAN UNION (EU or EUROPEAN UNION),

of the one part, and

THE UNITED STATES OF AMERICA (UNITED STATES),

of the other part,

hereinafter referred to as the 'Parties',

TAKING INTO ACCOUNT:

- the shared desire of the European Union and the United States to collaborate closely in supporting the development of Kosovo's democratic standards, in particular those relating to the Rule of Law,
- the adoption by the Council of the European Union of Joint Action 2008/124/CFSP of 4 February 2008 on the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO (hereinafter referred to as EULEX KOSOVO),
- the invitation to the United States of 18 February 2008 to participate in the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO,
- the successful completion of the Force Generation process and the recommendation by the EU Civilian Operation Commander and the Committee for Civilian Aspects of Crisis Management to agree on the participation of the United States in the EU-led operation,
- the Political and Security Committee Decision EULEX/2/2008 of 22 April 2008, which accepted the United States contribution to EULEX KOSOVO,

HAVE AGREED AS FOLLOWS:

Article 1

Participation in the operation

1. The United States shall associate itself with Joint Action 2008/124/CFSP on the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO and with any Joint Action or Decision by which the Council of the European Union decides to extend EULEX KOSOVO, in accordance with the provisions of this Agreement and any implementing arrangements.

2. The contribution of the United States to EULEX KOSOVO is without prejudice to the decision-making autonomy of the European Union. The Committee of Contributors, made up of EU Member States, the United States and other non-EU States participating in EULEX KOSOVO, will play a key role in the day-to-day management of the mission; the views of the Committee will be taken into account by the Political and Security Committee which exercises political control and strategic direction over EULEX KOSOVO.

3. The United States shall ensure that persons made available as part of its contribution to EULEX KOSOVO (hereinafter seconded personnel) undertake their mission consistent with:

- Joint Action 2008/124/CFSP and possible subsequent amendments,
- the EULEX KOSOVO Operation Plan,
- possible implementing arrangements, and
- this Agreement.

4. The United States shall ensure that seconded personnel carry out their duties and conduct themselves in a manner fully supportive of the objectives and interests of EULEX KOSOVO.

5. The United States shall inform in due time the Civilian Operations Commander and the Head of Mission of EULEX KOSOVO (hereinafter referred to as Head of Mission) of any change to its contribution to EULEX KOSOVO. The participation of the United States under this Agreement in EULEX KOSOVO shall be subject to the availability of appropriated funds.

6. A competent medical authority of the United States shall certify seconded personnel as medically fit for duty, following medical examination and any necessary vaccinations. Personnel seconded to EULEX KOSOVO shall produce a copy of this certification.

Article 2

Status of personnel

1. The status of seconded personnel serving in Kosovo shall be governed by Article 10(1) of Joint Action 2008/124/CFSP; such personnel shall enjoy privileges and immunities accorded on the basis of relevant UN documents including UNSCR 1244, relevant provisions of the law applicable in Kosovo, and other pertinent documents and correspondence.

2. The status of any seconded personnel serving in headquarters or command elements located outside Kosovo shall be governed by arrangements between the headquarters and command elements concerned and the United States.

3. The United States shall exercise exclusive legal jurisdiction over seconded personnel, to the extent permitted by its own laws and regulations and without prejudice to the provisions on the status of the personnel referred to in paragraph 1.

4. The United States shall be responsible for answering any claims arising from its participation in EULEX KOSOVO, from or concerning any of its seconded personnel. The United States shall be responsible, at its discretion, for bringing any action, in particular legal or disciplinary, against any of its seconded personnel, in accordance with its laws and regulations.

5. The United States undertakes to make a declaration as regards the waiver of claims against any State participating in EULEX KOSOVO, and to do so when signing this Agreement.

6. The Member States of the European Union undertake to make a declaration as regards the waiver of claims, for the participation of the United States in EULEX KOSOVO, and to do so when signing this Agreement.

Article 3

Classified information

The agreement between the European Union and the government of the United States of America on the security of classified information, done at Washington on 30 April 2007, shall apply in the context of EULEX KOSOVO.

Article 4

Chain of command

1. The Civilian Operations Commander shall exercise command and control over EULEX KOSOVO at the strategic level. The Head of Mission shall assume responsibility for and exercise command and control over EULEX KOSOVO at theatre level.

2. The Head of Mission shall exercise command and control over seconded personnel, teams and units from contributing States as assigned by the Civilian Operations Commander and shall exercise administrative and logistic responsibility including over assets, resources and information placed at the disposal of EULEX KOSOVO.

3. The United States shall have the same rights and obligations in terms of the day-to-day management of the operation as participating Member States of the European Union taking part in the operation, in accordance with the legal instruments referred to in Article 1(1).

4. The Head of Mission shall be responsible for disciplinary control over the personnel of EULEX KOSOVO. Any disciplinary action shall be the responsibility of the United States.

5. A National Contingent Leader (NCL) shall be appointed by the United States to represent its national contingent in EULEX KOSOVO. The NCL shall report to the Head of Mission on national matters and shall be responsible for day-to-day contingent discipline.

6. The decision to end the operation shall be taken by the European Union, following consultation with the United States, provided that the United States is still contributing to EULEX KOSOVO on the date of that decision.

Article 5

Financial aspects

The United States shall assume the costs associated with its participation in the operation as set out in Article 9(4) of Joint Action 2008/124/CFSP, unless covered by common funding, as set out in the operational budget of the mission.

Article 6

Arrangements to implement the Agreement

Any necessary technical and administrative arrangements in pursuance of the implementation of this Agreement shall be concluded between the Secretary-General of the Council of the European Union/High Representative for the Common Foreign and Security Policy and the appropriate authorities of the United States.

*Article 7***Dispute settlement**

Disputes concerning the interpretation or application of this Agreement shall be settled by diplomatic means between the Parties.

*Article 8***Entry into force and termination**

1. This Agreement shall enter into force on the date of signature and shall remain in force until it is terminated.
2. Either Party may terminate this Agreement upon two months written notice to the other party.

Done at Brussels, in duplicate, in the English language, this **22nd** day of October, 2008.

For the European Union

For the United States of America



ANNEX

DECLARATIONS**Referred to in Article 2(5) and (6)****Declaration by the EU Member States**

The EU Member States applying the EU Joint Action 2008/124/CFSP of 4 February 2008 on the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO will endeavour, insofar as their internal legal systems so permit, to waive as far as possible claims against the United States for injury, death of their personnel, or damage to, or loss of, any assets owned by themselves and used by EULEX KOSOVO if such injury, death, damage or loss:

- was caused by personnel from the United States in the execution of their duties in connection with EULEX KOSOVO, except in case of gross negligence or wilful misconduct,
- or arose from the use of any assets owned by the United States, provided that the assets were used in connection with the operation and except in case of gross negligence or wilful misconduct of the personnel of EULEX KOSOVO from the United States using those assets.'

Declaration by the United States

'As a participant to the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO, established by the EU Joint Action 2008/124/CFSP of 4 February 2008, the United States will endeavour, insofar as its internal legal system so permits, to waive as far as possible claims against any other State participating in EULEX KOSOVO for injury, death of its personnel, or damage to, or loss of, any assets owned by itself and used by EULEX KOSOVO if such injury, death, damage or loss:

- was caused by personnel in the execution of their duties in connection with EULEX KOSOVO, except in case of gross negligence or wilful misconduct,
 - or arose from the use of any assets owned by States participating in EULEX KOSOVO, provided that the assets were used in connection with the operation and except in case of gross negligence or wilful misconduct of the personnel of EULEX KOSOVO using those assets.'
-

CORRIGENDA**Corrigendum to Commission Regulation (EC) No 1039/2008 of 22 October 2008 reintroducing customs duties on imports of certain cereals for the 2008/09 marketing year**

(Official Journal of the European Union L 280 of 23 October 2008)

On page 5, Article 1(2) (and footnote ⁽³⁾):

for: '2. In accordance with Articles 135 and 136 of Regulation (EC) No 1234/2007, the customs duties are reintroduced at the levels as last laid down by Commission Regulation (EC) No 1026/2008 ⁽³⁾.

⁽³⁾ OJ L 277, 18.10.2008, p. 31.'

read: '2. In accordance with Articles 135 and 136 of Regulation (EC) No 1234/2007, the customs duties are reintroduced at the levels laid down by the Commission ⁽³⁾.

⁽³⁾ As last laid down by Regulation (EC) No 1026/2008 (OJ L 277, 18.10.2008, p. 31).'

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.