

Official Journal

of the European Union

L 298

English edition

Legislation

Volume 51

7 November 2008

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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 1094/2008

of 6 November 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 7 November 2008.

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

Done at Brussels, 6 November 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	MA	51,6
	MK	46,2
	TR	69,3
	ZZ	55,7
0707 00 05	JO	175,3
	MA	30,8
	TR	71,6
	ZZ	92,6
0709 90 70	MA	53,8
	TR	123,0
	ZZ	88,4
0805 20 10	MA	102,7
	ZZ	102,7
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	HR	24,8
	TR	80,5
	ZZ	52,7
0805 50 10	AR	82,1
	MA	103,9
	TR	101,7
	ZA	96,4
	ZZ	96,0
0806 10 10	BR	234,7
	TR	134,2
	US	272,9
	ZA	218,0
	ZZ	215,0
0808 10 80	AL	32,1
	AR	75,0
	CA	96,3
	CL	68,1
	CN	66,8
	MK	37,6
	NZ	104,3
	US	162,2
	ZA	99,1
	ZZ	82,4
0808 20 50	CN	68,2
	TR	124,9
	US	208,3
	ZZ	133,8

⁽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 1095/2008**of 6 November 2008****amending Regulation (EC) No 109/2007 as regards the terms of the authorisation of the feed additive monensin sodium (Coxidin)****(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 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition ⁽¹⁾, and in particular Article 13(3) thereof,

Whereas:

(1) The additive monensin sodium (Coxidin) was authorised under certain conditions in accordance with Regulation (EC) No 1831/2003. Commission Regulation (EC) No 109/2007 ⁽²⁾ authorised that additive for ten years for use for chickens for fattening and turkey, linking the authorisation to the holder of authorisation for putting that additive into circulation.

(2) Regulation (EC) No 1831/2003 provides for the possibility of modifying the authorisation of an additive further to a request from the holder of the authorisation and an opinion of the European Food Safety Authority ('the Authority').

(3) The holder of the authorisation of the feed additive monensin sodium (Coxidin) has submitted an application with which it proposes changing the terms of the

authorisation by reducing the withdrawal period before slaughter and by establishing the final Maximum Residue Limits (MRLs).

(4) In its opinion adopted on 18 June 2008 ⁽³⁾, the Authority concluded, after re-assessing human exposure, that a one-day withdrawal time for Coxidin for chickens for fattening and turkeys could be set. No new data was provided by the holder of the authorisation which would allow the Authority to propose a final MRL.

(5) Regulation (EC) No 109/2007 should therefore be amended accordingly.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 109/2007 is replaced by the Annex 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, 6 November 2008.

For the Commission

Androulla VASSILIOU

Member of the Commission

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.

⁽²⁾ OJ L 31, 6.2.2007, p. 6.

⁽³⁾ Scientific Opinion of the Panel on Additives and Products or Substances used in Animal Feed (FEEDAP) on a request from the European Commission on the withdrawal period for Coxidin for chickens and turkeys for fattening and the re-examination of the provisional Maximum Residue Limit. *The EFSA Journal* (2008) 731, 1-14.

ANNEX

Identification number of the additive	Name of the holder of authorisation	Additive (Trade name)	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content		Maximum content	Other provisions	End of period of authorisation	Provisional maximum residue limits (MRLs) in the relevant feedstuffs of animal origin
						mg of active substance/kg of complete feedingstuff with a moisture content of 12 %		mg of active substance/kg of complete feedingstuff with a moisture content of 12 %			
Coccidiostats and histomonostats											
5 1 701	Huvepharma NV Belgium	Monensin sodium (Coxidin)	Active substance $C_{36}H_{61}O_{11}Na$ Sodium salt of polyether monocarboxylic acid produced by <i>Streptomyces cinnamonensis</i> , 28682 LMG S-19095 in powder form. Factor composition: Monensin A: not less than 90 % Monensin A + B: not less than 95 % Monensin C: 0,2-0,3 % <i>Additive composition</i> Monensin sodium technical substance equivalent to monensin activity: 25 % Perlite: 15-20 % Wheat bran: 55-60 % <i>Analytical method (1)</i> Method for determination of the active substance: high performance liquid chromatography (HPLC) with post-column derivatisation and UV detection ($\lambda = 520$ nm)	Chickens for fattening	—	100	125	1.. Use prohibited at least one day before slaughter 2. The additive shall be incorporated in compound feedingstuffs in form of a premixture 3. Maximum permitted dose of monensin sodium in complementary feedingstuffs: — 625 mg/kg for chickens for fattening; — 500 mg/kg for turkeys 4. Monensin sodium shall not be mixed with other coccidiostats 5. Indicate in the instructions for use: 'Dangerous for equines. This feedingstuff contains an ionophore: avoid simultaneous administration with tiamulin and monitor for possible adverse reactions when used concurrently with other medicinal substances' 6. Wear suitable protective clothing, gloves and eye/face protection. In case of insufficient ventilation in the premise, wear suitable respiratory equipments	6.2.2017	25 µg monensin sodium/kg of wet skin + fat 8 µg monensin sodium/kg of wet liver, wet kidney and wet muscle	
				Turkeys	16 weeks	60	100				

(1) Details of the analytical methods are available at the following address of the Community Reference Laboratory: www.irmm.jrc.be/crl-feed-additives

COMMISSION REGULATION (EC) No 1096/2008**of 6 November 2008****amending Regulation (EC) No 1356/2004 as regards the terms of the authorisation of the feed additive 'Elancoban', belonging to the group of coccidiostats and other medicinal substances****(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 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition ⁽¹⁾, and in particular Article 13(3) thereof,

Whereas:

(1) The additive monensin sodium (Elancoban G100, Elancoban 100, Elancogran 100, Elancoban G200, Elancoban 200) was authorised under certain conditions in accordance with Council Directive 70/524/EEC ⁽²⁾. Commission Regulation (EC) No 1356/2004 ⁽³⁾ authorised that additive for ten years for use for chickens for fattening, chickens reared for laying and turkeys, linking the authorisation to the person responsible for putting that additive into circulation. That additive was notified as an existing product in accordance with Article 10 of Regulation (EC) No 1831/2003. Since all the information required under that provision was submitted, that additive was entered into the Community Register of Feed Additives.

(2) Regulation (EC) No 1831/2003 provides for the possibility to modify the authorisation of an additive further to a request from the holder of the authorisation and an opinion of the European Food Safety Authority ('the Authority').

(3) The holder of the authorisation of the additive monensin sodium (Elancoban G100, Elancoban 100, Elancogran 100, Elancoban G200, Elancoban 200) has submitted an application with which it proposes changing the terms of the authorisation by reducing the withdrawal period before slaughter.

(4) In its opinion adopted on 18 June 2008 ⁽⁴⁾, the Authority concluded, after re-assessing human exposure, that a one-day withdrawal time for Elancoban G100, Elancoban 100, Elancogran 100, Elancoban G200 and Elancoban 200 for chickens for fattening, chickens reared for laying and turkeys could be set.

(5) Regulation (EC) No 1356/2004 should therefore be amended accordingly.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 1356/2004 is replaced by the Annex 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, 6 November 2008.

For the Commission

Androulla VASSILIOU

Member of the Commission

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.

⁽²⁾ OJ L 270, 14.12.1970, p. 1. Directive repealed by Regulation (EC) No 1831/2003.

⁽³⁾ OJ L 251, 27.7.2004, p. 6.

⁽⁴⁾ Scientific Opinion of the Panel on Additives and Products or Substances used in Animal Feed (FEEDAP) on a request from the European Commission on the withdrawal period for Elancoban for chickens for fattening, chickens reared for laying and turkeys for fattening. *The EFSA Journal* (2008) 730, 1-16.

COMMISSION REGULATION (EC) No 1097/2008**of 6 November 2008****providing for exceptional measures regarding import licences in the rice sector due to problems in the international market in 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⁾, and in particular Articles 134 and 148 in conjunction with Article 4 thereof,

Whereas:

- (1) Since the beginning of 2008, the pattern of imports of rice into the Community has been disturbed by various export restricting measures in third countries. In some cases those measures were official export prohibitions, or they had the effect of official export prohibitions. Consequently importers in the Community could not comply with their obligations related to import licences, in particular as concerns the obligation to import as laid down in Article 7 of Commission Regulation (EC) No 376/2008 of 23 April 2008 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products ⁽²⁾.
- (2) Therefore, in order to limit the adverse impact on importers, exceptional measures should be provided for as regards import licences issued under 2007/08 and 2008 tariff quota period.
- (3) The obligation to import is a primary requirement within the meaning of Article 20 of Commission Regulation (EEC) No 2220/85 of 22 July 1985 laying down common detailed rules for the application of the system of securities for agricultural products ⁽³⁾, which, if the obligation has not been met, should lead to forfeiture of the security according to Article 22 of that regulation. At the request of interested parties and pursuant to Articles 40 of Regulation (EC) No 376/2008 the obligation to import should be cancelled and the security should be released on a case by case basis. It is appropriate to lay down conditions to be fulfilled by the titular holder in demonstrating that the export restricting measures can be considered as *force majeure*.

- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Market,

HAS ADOPTED THIS REGULATION:

Article 1

1. Pursuant to Article 40 of Regulation (EC) No 376/2008, at the request of the titular holder, within one month after entry into force of this regulation, for the import licences issued in the tariff rate quota period 2007/08 under the Regulations (EC) No 964/2007 ⁽⁴⁾ and (EC) No 1002/2007 ⁽⁵⁾, or the tariff rate quota period 2008 under the Regulations (EC) No 2058/96 ⁽⁶⁾, (EC) No 327/98 ⁽⁷⁾, (EC) No 955/2005 ⁽⁸⁾, (EC) No 1964/2006 ⁽⁹⁾ and (EC) No 1529/2007 ⁽¹⁰⁾, the obligation to import shall be cancelled and the securities shall be released for the quantities not used, by the competent authorities of the Member States.

2. The measure provided for in paragraph 1 shall only apply in cases where the titular holder invokes rules imposed by a third country which are considered by the competent authorities of the Member State to constitute *force majeure* in accordance with Articles 39 and 40 of Regulation (EC) No 376/2008. The titular holder shall demonstrate, to the satisfaction of the competent authorities that he was unable to import owing to the introduction by third countries of formal export bans or measures with equivalent effect, on which a reasonably prudent trader in the rice sector could not have anticipated the introduction of these measures at the time of applying for the import licence, and that the titular holder made all reasonable efforts to use the import licence during the period of validity.

Article 2

Before 31 January 2009 the Member States shall report to the Commission the measures taken in application of Article 1(2) of this regulation.

The notifications shall be made by electronic means. The form and content of the notifications shall be defined on the basis of models made available by the Commission to the Member States.

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 114, 26.4.2008, p. 3.

⁽³⁾ OJ L 205, 3.8.1985, p. 5.

⁽⁴⁾ OJ L 213, 15.8.2007, p. 26.

⁽⁵⁾ OJ L 226, 30.8.2007, p. 15.

⁽⁶⁾ OJ L 276, 29.10.1996, p. 7.

⁽⁷⁾ OJ L 37, 11.2.1998, p. 5.

⁽⁸⁾ OJ L 164, 24.6.2005, p. 5.

⁽⁹⁾ OJ L 408, 22.12.2006, p. 19.

⁽¹⁰⁾ OJ L 348, 31.12.2007, p. 155.

Article 3

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

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

Done at Brussels, 6 November 2008.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

DIRECTIVES

DIRECTIVE 2008/92/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 22 October 2008

concerning a Community procedure to improve the transparency of gas and electricity prices charged to industrial end-users (recast)

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 285(1) thereof,

Having regard to the proposal from the Commission,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽¹⁾,

Whereas:

(1) Council Directive 90/377/EEC of 29 June 1990 concerning a Community procedure to improve the transparency of gas and electricity prices charged to industrial end-users ⁽²⁾ has been significantly amended on several occasions ⁽³⁾. Now that new amendments are being made to the said Directive, it is desirable, for reasons of clarity, that the provisions in question should be recast.

(2) Energy price transparency, to the extent that it reinforces the conditions ensuring that competition is not distorted in the common market, is essential to the achievement and smooth functioning of the internal energy market.

(3) Transparency can help to obviate discrimination against users by increasing their freedom to choose between different energy sources and different suppliers.

(4) At present, the degree of transparency varies from one energy source and one Member State or one Community region to another, thus calling into question the achievement of an internal energy market.

(5) However, the price paid by industry in the Community for the energy which it uses is one of the factors which influence its competitiveness and should therefore remain confidential.

(6) The system of standard consumers used by the Statistical Office of the European Communities (Eurostat) in its price publications and the price system introduced for major industrial electricity users ensure that transparency is not an obstacle to confidentiality.

(7) It is necessary to extend the consumer categories used by Eurostat up to the limits at which the consumers remain representative.

(8) In this way end-users price transparency would be achieved without endangering the necessary confidentiality of contracts. In order to respect confidentiality there must be at least three consumers in a given consumption category for a price to be published.

(9) This information, which concerns gas and electricity consumed by industry for energy end-users, will also enable comparisons to be drawn with other energy sources (oil, coal, fossil and renewable energy sources) and other consumers.

(10) Undertakings which supply gas and electricity as well as industrial gas and electricity consumers remain, independently of the application of this Directive, subject to the Treaty's competition rules and consequently the Commission can require communication of prices and conditions of sale.

(11) Knowledge of the price systems in force forms part of price transparency.

(12) Knowledge of the breakdown of consumers by category and their respective market shares also forms part of price transparency.

⁽¹⁾ Opinion of the European Parliament of 17 June 2008 (not yet published in the Official Journal) and Council Decision of 25 September 2008.

⁽²⁾ OJ L 185, 17.7.1990, p. 16.

⁽³⁾ See Annex III, Part A.

- (13) The communication to Eurostat of prices and conditions of sale to consumers and price systems in operation as well as the breakdown of consumers by consumption category should inform the Commission sufficiently for it to decide, as necessary, on appropriate action or proposals in the light of the situation of the internal energy market.
- (14) The data supplied to Eurostat will be more reliable if the undertakings themselves compile these data.
- (15) Familiarity with the taxation and parafiscal charges existing in each Member State is important to ensure price transparency.
- (16) It must be possible to check the reliability of the data supplied to Eurostat.
- (17) The achievement of transparency presupposes the publication and circulation of prices and price systems as widely as possible among consumers.
- (18) To implement energy price transparency the system should be based on the proven expertise and methods developed and applied by Eurostat regarding the processing, checking and publication of data.
- (19) With the prospect of the achievement of the internal market in energy, the system of price transparency should be rendered operational as soon as possible.
- (20) The uniform implementation of this Directive can only take place in all the Member States when the natural gas market, in particular with regard to infrastructure, has reached a sufficient level of development.
- (21) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽¹⁾.
- (22) In particular, the Commission should be empowered to make the necessary changes to Annexes I and II in the light of specific problems identified. Since those measures are of general scope and are designed to amend non-essential elements of this Directive, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.
- (23) Since the new elements introduced into this Directive concern committee procedure only, they do not need to be transposed by the Member States.

- (24) This Directive should be without prejudice to the obligations of the Member States relating to the time limits for transposition into national law of the Directives set out in Annex III, Part B,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Member States shall take the steps necessary to ensure that undertakings which supply gas or electricity to industrial end-users, as defined in Annexes I and II, communicate to the Statistical Office of the European Communities (Eurostat) in the form provided for in Article 3:

1. the prices and terms of sale of gas and electricity to industrial end-users;
2. the price systems in use;
3. the breakdown of consumers and the corresponding volumes by category of consumption to ensure the representativeness of these categories at national level.

Article 2

1. The undertakings referred to in Article 1 shall assemble the data provided for in Article 1(1) and (2) on 1 January and 1 July of each year.

These data, drawn up in conformity with the provisions referred to in Article 3, shall be sent to Eurostat and the competent authorities of the Member States within two months.

2. On the basis of the data referred to in paragraph 1, Eurostat shall publish each May and each November, in an appropriate form, the prices of gas and electricity for industrial users in the Member States and the pricing systems used to that end.

3. The information provided for in Article 1(3) shall be sent every two years to Eurostat and to the Member States' competent authorities.

This information shall not be published.

Article 3

The implementing provisions concerning the form, content and all other features of the information provided for in Article 1 are set out in Annexes I and II.

⁽¹⁾ OJ L 184, 17.7.1999, p. 23.

Article 4

Eurostat shall not disclose data supplied to it pursuant to Article 1 which might, by their nature, be subject to commercial confidentiality. Such confidential statistical data transmitted to Eurostat shall be accessible only to officials of Eurostat and may be used only for statistical purposes.

The first paragraph shall not, however, prevent the publication of such data in an aggregated form which does not enable individual commercial transactions to be identified.

Article 5

Where Eurostat notes statistically significant anomalies or inconsistencies in data transmitted under this Directive, it may ask the national bodies to allow it to inspect the appropriate disaggregated data as well as the methods of calculation or evaluation upon which the aggregated data are based, in order to assess, or even amend, any information deemed irregular.

Article 6

Where appropriate, the Commission shall make the necessary changes to Annexes I and II in the light of specific problems identified. Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 7(2).

Such changes shall, however, cover only the technical features of Annexes I and II and shall not be of a nature such as to alter the general structure of the system.

Article 7

1. The Commission shall be assisted by a committee.
2. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

Article 8

Once a year the Commission shall present a summary report on the operation of this Directive to the European Parliament, the Council and the European Economic and Social Committee.

Article 9

In the case of natural gas, this Directive will not be implemented in a Member State until five years after the introduction of that form of energy on the market in question.

The date of introduction of that energy source on a national market shall be explicitly reported to the Commission by the Member State concerned without delay.

Article 10

Directive 90/377/EEC, as amended by the acts listed in Annex III, Part A, is repealed without prejudice to the obligations of the Member States relating to the time limits for transposition into national law of the Directives set out in Annex III, Part B.

References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table set out in Annex IV.

Article 11

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

Article 12

This Directive is addressed to the Member States.

Done at Strasbourg, 22 October 2008.

For the European Parliament
The President
H.-G. PÖTTERING

For the Council
The President
J.-P. JOUYET

ANNEX I

GAS PRICES

Gas prices for industrial end-users ⁽¹⁾ to be collected and compiled according to the following methodology.

- (a) Prices to be reported are prices paid by industrial end-users buying natural gas distributed through mains for their own use.
- (b) All industrial uses of gas are considered. However, the system excludes consumers who use gas:
 - for electricity generation in power plants or in CHP plants,
 - in non-energy uses (e.g. in the chemical industry),
 - above 4 000 000 gigajoule (GJ) per year.
- (c) Prices recorded to be based on a system of standard consumption bands defined by a range of annual gas consumption.
- (d) Prices will be collected twice per year, at the beginning of each six-month period (January and July) and will refer to the average prices paid by industrial end-users for gas over the previous six months. The first communication of price data to the Statistical Office of the European Communities (Eurostat) will refer to the situation on 1 January 2008.
- (e) Prices must be expressed in national currency per gigajoule. The unit of energy used is measured on the basis of the gross calorific value (GCV).
- (f) Prices must include all charges payable: network charges plus energy consumed minus any rebates or premiums, plus other charges (meter rental, standing charges, etc.). Initial connection charges are not to be included.
- (g) Prices are to be recorded as national average prices.
- (h) The Member States develop and implement cost-effective procedures to ensure a representative data compilation system based on the following rules:
 - prices will represent weighted average prices, using the market shares of the gas supply undertakings surveyed as weighting factors; arithmetic average prices will be provided only when weighted figures cannot be calculated. In either case, Member States will ensure that a representative share of the national market is covered by the survey,
 - market shares should be based on the quantity of gas invoiced by the gas supply undertakings to industrial end-users. If possible, the market shares will be calculated separately for each band. The information used for calculating weighted average prices will be managed by Member States, respecting confidentiality rules,
 - in the interest of confidentiality, data relating to prices will be communicated only where there are, in the Member State concerned, at least three end-users in each of the categories referred to under point (j).
- (i) Three levels of prices are to be provided:
 - prices excluding taxes and levies,
 - prices excluding VAT and other recoverable taxes,
 - prices including all taxes, levies and VAT.

⁽¹⁾ Industrial end-user may include other non-residential users.

- (j) Gas prices will be surveyed for the following categories of industrial end-user:

Industrial end-user	Annual gas consumption (GJ)	
	Lowest	Highest
Band-I1		< 1 000
Band-I2	1 000	< 10 000
Band-I3	10 000	< 100 000
Band-I4	100 000	< 1 000 000
Band-I5	1 000 000	<= 4 000 000

- (k) Once every two years, together with the January price reporting, information about the compilation system applied will be communicated to Eurostat and particularly: a description of the survey and its scope (number of supply undertakings surveyed, aggregated percentage of the market represented, etc.) and the criteria used to calculate weighted average prices as well as the aggregated consumption volumes represented by each band. The first communication related to the compilation system will concern the situation on 1 January 2008.
- (l) Once per year, together with the January price reporting, information about the main average characteristics and factors affecting the prices reported for each consumption band will be communicated to Eurostat.

The information will include:

- average load factors for industrial end-users corresponding to each consumption band calculated on the basis of the total energy supplied and average maximum demand,
- a description on discounts given for interruptible supplies,
- a description of standing charges, meter rentals or any other charges relevant at national level.

- (m) Once per year, together with the January reporting, the rates and method of calculation as well as a description of the taxes levied on gas sales to industrial end-users should also be reported. The description must include any non-tax levy covering system costs and public service obligations.

The description of taxes to be provided will include three clearly separated sections:

- taxes, levies, non-tax levies, fees and any other fiscal charges not identified in the invoices provided to industrial end-users. The items described under this point will be included under the reported figures for the price level: 'Prices excluding taxes and levies',
- taxes and levies identified in the invoices provided to industrial end-users and considered as non-recoverable. The items described under this point will therefore be included under the reported figures for the price level: 'Prices excluding VAT and other recoverable taxes',
- value added tax (VAT) and other recoverable taxes identified in the invoices provided to industrial end-users. The items described under this point will be included under the reported figures for the price level: 'Prices including all taxes, levies and VAT'.

An outline of the different taxes, levies, non-tax levies, fees and fiscal charges applicable are:

- value added tax,

- concession fees. This usually refers to licences and fees for the occupation of land and public or private property by networks or other gas devices,
- environmental taxes or levies. This usually refers either to the promotion of renewable energy sources or CHP or as a burden for CO₂, SO₂ or another agent emissions related to climate change,
- other taxes or levies linked with the energy sector: public service obligations/charges, levies to financing energy regulatory authorities, etc.,
- other taxes or levies not linked with the energy sector: national, local or regional fiscal taxes on energy consumed, taxes on gas distribution, etc.

Taxes on income, property-related taxes, oil for motor cars, road taxes, taxes on licences for telecom, radio, advertising, fees for licences, taxes on waste, etc. will not be taken into consideration and are excluded from this description, because they are undoubtedly part of the operators' costs and apply also to other industries or activities.

- (n) In Member States where one company covers all the industrial sales, the information may be communicated by that company. In Member States where more than one company operates, the information should be communicated by an independent statistical body.
-

ANNEX II

ELECTRICITY PRICES

Electricity prices for industrial end-users ⁽¹⁾ to be collected and compiled according to the following methodology:

- (a) Prices to be reported are prices paid by industrial end-users buying electricity for their own use.
- (b) All industrial uses of electricity are considered.
- (c) Prices recorded to be based on a system of standard consumption bands defined by a range of annual electricity consumption.
- (d) Prices will be collected twice per year, at the beginning of each six-month period (January and July) and will refer to the average prices paid by the industrial end-user for electricity over the previous six months. The first communication of price data to Eurostat will refer to the situation on 1 January 2008.
- (e) Prices must be expressed in national currency per kWh.
- (f) Prices must include all charges payable: network charges plus energy consumed minus any rebates or premiums, plus other charges (capacity charges, commercialisation, meter rental, etc.). Initial connection charges are not to be included.
- (g) Prices are to be recorded as national average prices.
- (h) The Member States develop and implement cost-effective procedures to ensure a representative data compilation system based on the following rules:
 - prices will represent weighted average prices, using the market share of the electricity supply undertakings surveyed as weighting factors. Arithmetic average prices will be provided only when weighted figures cannot be calculated. In either case, Member States will ensure that a representative share of the national market is covered in the survey,
 - market shares should be based on the quantity of electricity invoiced by electricity supply undertakings to industrial end-users. If possible, the market shares will be calculated separately for each band. The information used for calculating weighted average prices will be managed by Member States, respecting confidentiality rules,
 - in the interest of confidentiality, data relating to prices will be communicated only where there are, in the Member State concerned, at least three end-users in each of the categories referred to under point (j).
- (i) Three levels of prices are to be provided:
 - prices excluding taxes and levies,
 - prices excluding VAT and other recoverable taxes,
 - prices including all taxes, levies and VAT.
- (j) Electricity prices will be surveyed for the following categories of industrial end-user:

Industrial end-user	Annual electricity consumption (MWh)	
	Lowest	Highest
Band IA		< 20
Band IB	20	< 500
Band IC	500	< 2 000
Band ID	2 000	< 20 000
Band IE	20 000	< 70 000
Band IF	70 000	<= 150 000

⁽¹⁾ Industrial end-user may include other non-residential user.

- (k) Once every two years, together with the January price reporting, information about the compilation system applied will be communicated to Eurostat and particularly: a description of the survey and its scope (number of supply undertakings surveyed, aggregated percentage of the market represented, etc.) and the criteria used to calculate the weighted average prices as well as the aggregated consumption volumes represented by each band. The first communication related to the compilation system will concern the situation on 1 January 2008.
- (l) Once per year, together with the January price reporting, information about the main average characteristics and factors affecting the prices reported for each consumption band will be communicated to Eurostat.

The information to be provided will include:

- average load factors for industrial end-users corresponding to each consumption band calculated on the basis of the total energy supplied and average maximum demand,
 - a table indicating the voltage limits per country,
 - a description of standing charges, meter rentals or any other charges relevant at national level.
- (m) Once per year, together with the January price reporting, the rates and method of calculation as well as a description of the taxes levied on electricity sales to industrial end-users should be reported. The description must include any non-tax levy covering system costs and public service obligations.

The description on taxes to be provided will include three clearly separated sections:

- taxes, levies, non-tax levies, fees and any other fiscal charges not identified in the invoices provided to industrial end-users. The items described under this point will be included under the reported figure for the price level: 'Prices excluding taxes and levies',
- taxes and levies identified in the invoices provided to industrial end-users and considered as non-recoverable. The items described under this point will be included under the reported figures for the price level: 'Prices excluding VAT and other recoverable taxes',
- value added tax (VAT) and other recoverable taxes identified in the invoices provided to industrial end-users. The items described under this point will be included under the reported figures for the price level: 'Prices including all taxes, levies and VAT'.

An outline of the different taxes, levies, non-tax levies, fees and fiscal charges that can be applicable are:

- value added tax,
- concession fees. This usually refers to licences and fees for the occupation of land and public or private property by networks or other electricity devices,
- environmental taxes or levies. This usually refers either to the promotion of renewable energy sources or CHP, or as a burden for CO₂, SO₂ or another agents emissions related with the climate change,
- nuclear and other inspection taxes: nuclear decommissioning charges, inspection and fees for nuclear installations, etc.,
- other taxes or levies linked with the energy sector: public service obligations/charges, levies to financing energy regulatory authorities, etc.,
- other taxes or levies not linked with the energy sector: national, local or regional fiscal taxes on energy consumed, taxes on electricity distribution, etc.

Taxes on income, property-related taxes, excise duties on oil products and fuels other than for electricity generation, oil for motor cars, road taxes, taxes on licences for telecom, radio, advertising, fees for licences, taxes on waste, etc., will not be taken into consideration and are excluded from this description, because they are undoubtedly part of the operators' costs and apply to other industries or activities.

- (n) Once per year, together with the January price reporting, a breakdown of electricity prices into their main components will be communicated to Eurostat. This breakdown of electricity prices into their main components will be based on the following methodology.

The complete price for electricity per consumption band can be considered as the global sum of 'network' prices, 'energy and supply' prices (i.e. from generation to commercialisation, except networks) and all taxes and levies.

- 'network' price is the ratio between the revenue related to transmission and distribution tariffs and (if possible) the corresponding volume of kWh per consumption band. If separate volumes of kWh per band are not available, estimates should be provided,
- 'energy and supply' price is the total price minus the 'network' price and minus all taxes and levies,
- taxes and levies. For this component an additional breakdown will be provided:
 - taxes and levies on 'network' prices,
 - taxes and levies on 'energy and supply' prices,
 - VAT and other recoverable taxes.

N.B.: If complementary services are identified separately, then they can be allocated into one of the two main components as follows:

- 'network' price will include the following costs: transmission and distribution tariffs, transmission and distribution losses, network costs, after-sale services, system service costs and meter rental,
 - 'energy and supply' price will include the following costs: generation, aggregation, balancing energy, supplied energy costs, customer services, after-sales management, metering, and other supply costs,
 - other specific costs. This item represents costs which are neither network costs nor energy and supply costs nor taxes. If this kind of costs exists, they will be reported separately.
- (o) In Member States where one company covers all the industrial sales, the information may be communicated by that company. In Member States where more than one company operates, the information should be communicated by an independent statistical body.

ANNEX III

PART A

Repealed Directive with list of its successive amendments

(referred to in Article 10)

Council Directive 90/377/EEC
(OJ L 185, 17.7.1990, p. 16).

Commission Directive 93/87/EEC
(OJ L 277, 10.11.1993, p. 32).

Annex I to the 1994 Act of Accession
(OJ C 241, 29.8.1994, p. 21).

Point 12(A)(3)(a) and (b) of Annex II to the 2003
Act of Accession
(OJ L 236, 23.9.2003, p. 33).

Regulation (EC) No 1882/2003 of the European
Parliament and of the Council
(OJ L 284, 31.10.2003, p. 1).

Annex I, point 3 only

Council Directive 2006/108/EC
(OJ L 363, 20.12.2006, p. 414).

Only as regards the reference to Directive 90/377/EEC in
Article 1 and points 1(a) and (b) of Annex I

Commission Decision 2007/394/EC
(OJ L 148, 9.6.2007, p. 11).

PART B

List of time limits for transposition into national law

(referred to in Article 10)

Directive	Time limit for transposition
90/377/EEC	30 July 1991
93/87/EEC	—
2006/108/EC	1 January 2007

ANNEX IV

Correlation table

Directive 90/377/EEC	This Directive
Article 1	Article 1
Article 2(1), first sentence	Article 2(1), first subparagraph
Article 2(1), second sentence	Article 2(1), second subparagraph
Article 2(2)	Article 2(2)
Article 2(3), first sentence	Article 2(3), first subparagraph
Article 2(3), second sentence	—
Article 2(3), third sentence	Article 2(3), second subparagraph
Articles 3 to 5	Articles 3 to 5
Article 6, first sentence	Article 6, first paragraph, first sentence
—	Article 6, first paragraph, second sentence
Article 6, second sentence	Article 6, second paragraph
Article 7(1) and (2)	Article 7
Article 7(3)	—
Article 8	Article 8
Article 9, first paragraph	—
Article 9, second paragraph, first sentence	Article 9, first paragraph
Article 9, second paragraph, second sentence	Article 9, second paragraph
—	Articles 10 and 11
Article 10	Article 12
Annexes I and II	Annexes I and II
—	Annex III
—	Annex IV

DECISIONS ADOPTED JOINTLY BY THE EUROPEAN PARLIAMENT AND THE COUNCIL

DECISION No 1098/2008/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 22 October 2008

on the European Year for Combating Poverty and Social Exclusion (2010)

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

essential element in achieving the Union's 10-year strategic goal of economic growth, more and better jobs and greater social cohesion.

Having regard to the Treaty establishing the European Community, and in particular Article 137(2) thereof,

- (4) The Lisbon European Council invited Member States and the Commission to take steps to make 'a decisive impact on the eradication of poverty' by 2010. The Lisbon European Council thus agreed to adopt an Open Method of Coordination (OMC) in this area.

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

- (5) From the outset, the OMC on Social Protection and Social Inclusion has been an important tool for supporting this political commitment and strengthening the capacity of the EU to support Member States in their drive for greater social cohesion in Europe.

Having regard to the opinion of the Committee of the Regions ⁽²⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽³⁾,

- (6) The OMC helps to deepen mutual learning and has increased awareness of the multidimensional nature of exclusion and poverty. The OMC thus creates the conditions to produce more impact on the ground and to make the EU's attachment to social values more visible to its citizens.

Whereas:

- (1) The fight against poverty and social exclusion is one of the key commitments of the European Union and its Member States.
- (2) The Amsterdam Treaty in 1997 added new provisions on the fight against social exclusion to the existing fields of activity covered by the social policy provisions of the EC Treaty, in particular Articles 136 and 137, and provided a new legal framework and basis for new policy commitments in this area.
- (3) The European Council meeting in Lisbon on 23 and 24 March 2000 recognised that the extent of poverty and social exclusion was unacceptable. Building a more inclusive European Union was thus considered to be an

- (7) Despite these achievements, significant parts of the population are still suffering from deprivation or limited and unequal access to services, or are excluded from society. The Joint Report on Social Protection and Social Inclusion 2008 highlights the fact that 78 million people in the European Union live at risk of poverty, 19 million of whom are children. The gender gap is approximately two percentage points.
- (8) In addition, wealth inequalities and severe poverty are matters of growing concern across the Union.
- (9) There is a need, in the interest of social and economic cohesion, for support to be provided for less-favoured regions, for areas with permanent structural disadvantages, for outermost regions, for certain islands and island Member States and for areas that have been affected by recent deindustrialisation or industrial conversion.

⁽¹⁾ OJ C 224, 30.8.2008, p. 106.

⁽²⁾ Opinion of 18 June 2008 (not yet published in the Official Journal).

⁽³⁾ Opinion of the European Parliament of 17 June 2008 (not yet published in the Official Journal) and Council Decision of 2 October 2008.

- (10) Social exclusion damages the well-being of citizens, hampering their ability to express themselves and to participate in society. This aspect should therefore be given appropriate visibility in the European Year for Combating Poverty and Social Exclusion (hereinafter, the European Year).
- (11) In its Resolution of 15 November 2007 on social reality stocktaking, the European Parliament stressed that the strengthening of social cohesion and the eradication of poverty and social exclusion must become a political priority for the European Union.
- (12) The fight against poverty and social exclusion is to be pursued both within the European Union and externally, in accordance with the UN Millennium Development Goals to which the European Union and the Member States have subscribed.
- (13) The problem of poverty and social exclusion has broad, complex and multidimensional forms. They relate to a large number of factors, such as income and living standards, the need for educational and decent work opportunities, effective social protection systems, housing, access to good quality health and other services, as well as active citizenship. Stakeholders across all relevant policy areas should therefore be involved.
- (14) Consequently, the prevention of and the fight against poverty require multidimensional policies at national, regional and local level which ensure a balance between economic and social policies and targeted strategies for groups or persons in particularly vulnerable situations. The European Year may help to stimulate such multidimensional policies as well as the further development of relevant indicators.
- (15) The Social Agenda 2005-10, which complements and supports the Lisbon Strategy, has a key role in promoting the social dimension of economic growth and the active participation of citizens in society and in the labour market. One of the priorities of the Social Agenda is the promotion of equal opportunities for all as a vector for social and intergenerational solidarity and the creation of a poverty-free and more inclusive society.
- (16) In their National Action Plans on Social Inclusion, several Member States highlight the high poverty and/or exclusion risk faced by particular groups, including children, early school-leavers, single parents, large families, families with a single income, young people, in particular young women, older people, migrants and ethnic minorities, people with disabilities and their carers, the homeless, the unemployed, in particular the long-term unemployed, prisoners, women and children who are victims of violence, and severe substance abusers.
- National policies and supporting measures targeted at the most vulnerable groups could play an important role in fighting against poverty and social exclusion.
- (17) Decent employment can significantly reduce the poverty risk for the individual. However employment in itself is not always a sufficient condition to lift people out of poverty, and the at-risk-of-poverty rate is still relatively high even for those in work. In-work poverty is linked to low pay, the gender pay gap, low skills, limited professional training opportunities, the need to combine a job with a family, precarious employment and working conditions, and also to difficult household conditions. Quality employment and social and economic support are thus essential for lifting individuals out of poverty.
- (18) The lack of basic competences and qualifications adapted to the changing needs of the labour market is also a major barrier to inclusion in society. There is a growing danger of new cleavages in society emerging between those who have access to lifelong learning to enhance their employability and adaptability, and to facilitate their personal development and active citizenship, and those who remain excluded and face various forms of discrimination. Those without adequate skills find it more difficult to enter the labour market and find a quality job, are more likely to spend long periods out of work and, if they do work, are more likely to find themselves in low-paid jobs.
- (19) The availability of and the ability to use information and communication technology (ICT) is increasingly becoming a prerequisite for inclusion. A ministerial declaration approved on 11 June 2006 in Riga calls for an information society for all.
- (20) Key to the successful impact of Community action to fight poverty and social exclusion is the extent to which it enjoys broad popular and political support. Moreover, the effective implementation of EU legislation on equal opportunities and non-discrimination also supports the aims of the European Year. The European Year should, therefore, act as a catalyst for raising awareness, for building momentum and for exchanging best practices between the Member States, local and regional authorities and international organisations involved in the fight against poverty. It should help to focus political attention and mobilise everyone concerned in order to drive forward and strengthen the OMC on Social Protection and Social Inclusion as well as to promote further actions and initiatives at Community and national level in that field, in association with the people affected by poverty and their representatives.
- (21) The European Year should boost active inclusion policies as a means of preventing poverty and social exclusion and should help to promote best practices in this field within the OMC.

- (22) The varying levels of progress made at national level and the differing national socioeconomic and cultural contexts and sensitivities call for a considerable part of the activities of the European Year to be decentralised at national level, through a system of indirect centralised management in accordance with the procedures laid down in Article 54(2)(c) of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽¹⁾ and in Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down the detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽²⁾.
- (23) However, the definition of policy priorities at national level should be monitored by the Commission with a view to guaranteeing consistency with the strategic objectives agreed for the European Year and ultimately with the Common Objectives established for the OMC.
- (24) Effective coordination of all partners contributing at Community, national, regional and local level is a fundamental prerequisite for ensuring the effectiveness of the European Year. Local and regional partners have a particular role to play in promoting the interests of people living in poverty or social exclusion.
- (25) Participation in the European Year should be open to the Member States, the European Free Trade Association (EFTA) States that are parties to the European Economic Area (EEA) Agreement, in accordance with the provisions of that Agreement, to the candidate countries benefiting from a pre-accession strategy and countries from the Western Balkans, in line with the conditions laid down in their respective agreements, and to the countries covered by the European Neighbourhood Policy (ENP), in accordance with the provisions of the May 2004 Strategy Paper and the Country Action Plans.
- (26) The European Year can help to improve the coordination between existing programmes and initiatives for fighting against poverty and social exclusion at Community level, including the OMC on Social Protection and Social Inclusion.
- (27) Consistency and complementarity with other Community action should be ensured, in particular with the PROGRESS programme, the Structural Funds and the European Agricultural Fund for Rural Development (EAFRD), action to combat discrimination and to promote gender equality and fundamental rights, and action in the areas of education and training, culture and intercultural dialogue, youth, citizenship, immigration and asylum, and research.
- (28) The European Year should continue the best practices derived from previous European Years, including the European Year of Equal Opportunities for All (2007) and the European Year of Intercultural Dialogue (2008).
- (29) This Decision establishes a financial envelope for the entire duration of the programme, which is to be the prime reference for the budgetary authority within the meaning of point 37 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽³⁾.
- (30) The measures necessary for the implementation of this Decision should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽⁴⁾.
- (31) Since the objectives of this Decision cannot be sufficiently achieved by the Member States due to the need, among other things, for multilateral partnerships and for the transnational exchange of information and the Community-wide dissemination of good practice, and can therefore, by reason of the scale of the action, be better achieved at Community level, the Community may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Decision does not go beyond what is necessary in order to achieve those objectives,

HAVE DECIDED AS FOLLOWS:

Article 1

The European Year

With a view to supporting Community action to combat social exclusion, the year 2010 shall be designated as the 'European Year for Combating Poverty and Social Exclusion' (hereinafter, the European Year).

Article 2

Objectives and guiding principles

1. The objectives and guiding principles of the European Year shall be as follows:

- (a) Recognition of rights — recognising the fundamental right of people in a situation of poverty and social exclusion to live in dignity and to play a full part in society. The European Year will increase public awareness of the situation of people experiencing poverty, particularly that of groups or persons in vulnerable situations, and will help to promote their effective access to social, economic and cultural rights as well as to sufficient resources and quality services. The European Year will also help to combat stereotypes and stigmatisation;

⁽¹⁾ OJ L 248, 16.9.2002, p. 1.

⁽²⁾ OJ L 357, 31.12.2002, p. 1.

⁽³⁾ OJ C 139, 14.6.2006, p. 1.

⁽⁴⁾ OJ L 184, 17.7.1999, p. 23.

- (b) Shared responsibility and participation — increasing public ownership of social inclusion policies and actions, emphasising both collective and individual responsibility in the fight against poverty and social exclusion, as well as the importance of promoting and supporting voluntary activities. The European Year will promote the involvement of public and private actors, *inter alia*, through proactive partnerships. It will foster awareness and commitment and create opportunities for contributions by all citizens, in particular people with direct or indirect experience of poverty;
- (c) Cohesion — promoting a more cohesive society by raising public awareness of the benefits for all of a society where poverty is eradicated, fair distribution is enabled and no one is marginalised. The European Year will foster a society that sustains and develops quality of life, including quality of skills and employment, social well-being, including the well-being of children, and equal opportunities for all. It will, moreover, ensure sustainable development and solidarity between and within generations and policy coherence with EU action worldwide;
- (d) Commitment and concrete action — reiterating the strong political commitment of the EU and the Member States to make a decisive impact on the eradication of poverty and social exclusion and promoting this commitment and actions at all levels of governance. Building upon the achievements and potential of the OMC on Social Protection and Social Inclusion, the European Year will strengthen the political commitment, by focusing political attention on and mobilising all interested parties, in the prevention of and fight against poverty and social exclusion and give further impetus to the Member States' and the European Union's action in this field.

2. When implementing these objectives, the Community and the Member States shall take into account the priorities listed in Part IV of the Annex.

Article 3

Content of actions

1. The actions at Community and national level designed to meet the objectives set out in Article 2 may, in particular, include the following:

- (a) meetings and events;
- (b) information, promotional and educational campaigns;
- (c) surveys and studies on a Community or nationwide scale, based on gender-disaggregated data collection where appropriate.

2. Details of the actions referred to in paragraph 1 are set out in the Annex.

3. All actions addressed to a wider public shall be easily accessible to all, including people experiencing poverty and people with disabilities.

Article 4

Gender mainstreaming

The European Year shall take account of the different risks and dimensions of poverty and social exclusion experienced by women and men. The Community and the Member States shall take account of gender mainstreaming in the implementation of the European Year.

Article 5

Cooperation and implementation at Community level

1. The measures necessary for the implementation of this Decision shall be adopted in accordance with the advisory procedure referred to in Article 7(2).

2. The Commission shall ensure that Community actions covered by this Decision are implemented in conformity with the Annex.

3. In particular, the Commission shall make the necessary arrangements to ensure the consistency and complementarity of the Community actions and initiatives referred to in Article 10 with a view to meeting the objectives set out in Article 2.

4. The Commission shall conduct a regular exchange of views with stakeholders including those working with people living in poverty, particularly at European level, on the design, implementation, follow-up and assessment of the European Year. It shall make all relevant information available to the public.

5. The Commission shall closely involve the Social Protection Committee in the preparation and implementation of the European Year and, where appropriate, inform or involve other relevant committees.

6. The Commission shall, as appropriate, cooperate with other EU institutions, bodies, offices and agencies.

Article 6

Cooperation and implementation at national level

1. Each Member State shall appoint a National Implementing Body to organise its participation in the European Year and ensure coordination at national level. That National Implementing Body shall be responsible for defining the National Programme and the priorities for the European Year and for selecting the individual actions to be proposed for Community funding. The national strategy and priorities for the European Year shall be set out in accordance with the objectives listed in Article 2.

2. The procedure for awarding Community funding for actions at national level is set out in Part II of the Annex.

3. In carrying out its tasks, in particular when drawing up the National Programme and whenever appropriate during the implementation of the European Year, the National Implementing Body shall closely consult and cooperate with a broad range of relevant stakeholders, including civil society organisations and organisations defending or representing the interests of those who experience poverty and social exclusion, the social partners, and regional and local authorities.

Article 7

Committee

1. The Commission shall be assisted by a committee (hereinafter referred to as the Committee).

2. Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

3. Each Member State's representative on the Committee shall be designated, where possible, from the National Implementing Body referred to in Article 6(1).

Article 8

Financial provisions

1. Actions on a Community scale, as set out in Part I of the Annex, may be subsidised up to 80 % or give rise to a procurement contract financed from the general budget of the European Union.

2. Actions at national, regional or local level may be co-financed from the general budget of the European Union up to a maximum of 50 % of the total eligible costs of the actions in accordance with the procedure set out in Part II of the Annex.

Article 9

Application and selection procedure

1. Decisions on the financing of actions pursuant to Article 8(1) shall be adopted by the Commission in accordance with the advisory procedure referred to in Article 7(2).

2. Requests for financial assistance for actions pursuant to Article 8(2) shall be submitted to the Commission by the National Implementing Bodies in accordance with the procedure set out in Part II of the Annex.

Article 10

Consistency and complementarity

1. The Commission, together with the participating countries, shall ensure that the measures provided for in this Decision are consistent with other Community, national, regional and local actions and initiatives.

2. They shall further ensure that the European Year fully complements the existing Community, national and regional initiatives and resources, where they can help to attain the objectives of the European Year.

Article 11

Participating countries

Participation in the European Year shall be open to:

- (a) Member States;
- (b) candidate countries benefiting from a pre-accession strategy, in accordance with the general principles and the general terms and conditions for the participation of those countries in Community Programmes laid down, respectively, by the Framework Agreement and by decisions of the Association Councils;
- (c) the countries of the western Balkans, in accordance with the arrangements to be established with those countries under the framework agreements on the general principles for their participation in Community programmes;
- (d) EFTA States that are parties to the EEA Agreement, in accordance with the provisions of that Agreement;
- (e) the ENP partner countries, in accordance with the general principles and the general terms and conditions for the participation of those countries in Community programmes laid down in the May 2004 Strategy Paper and the Country Action Plans. Any Community financial support for actions in ENP partner countries in this context shall be covered by the ENP Instrument, in accordance with the priorities and procedures established for the overall cooperation with those countries.

Article 12

Budget

1. The financial envelope for the implementation of the actions referred to in this Decision for the period 1 January 2009 to 31 December 2010 shall be EUR 17 000 000, of which EUR 6 500 000 shall be for the period until 31 December 2009.

2. Annual appropriations shall be authorised by the budgetary authority within the limits of the Financial Framework 2007-13.

Article 13

International cooperation

For the purpose of the European Year, the Commission may cooperate with relevant international organisations, in particular the Council of Europe, the International Labour Organisation and the United Nations.

Article 14

Protection of Community financial interests

The Commission shall ensure that, when actions financed under this Decision are implemented, the financial interests of the Community are protected by the application of preventive measures against fraud, corruption and any other illegal activities, by effective checks and by the recovery of the amounts unduly paid and, if irregularities are detected, by effective, proportionate and dissuasive penalties, in accordance with Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests ⁽¹⁾ and Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities ⁽²⁾, and with Regulation (EC) No 1073/1999 of the European Parliament and of the Council of 25 May 1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF) ⁽³⁾.

Article 15

Monitoring and evaluation

1. By 31 December 2011, the Commission shall submit a report to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the implementation, results and overall assessment of the actions provided for in this Decision.

2. The report shall also provide information on how the gender dimension has been mainstreamed in the activities of the European Year and how the European Year has been of benefit to groups or individuals in vulnerable situations.

Article 16

Entry into force

This Decision shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

Done at Strasbourg, 22 October 2008.

For the European Parliament

The President

H.-G. PÖTTERING

For the Council

The President

J.-P. JOUYET

⁽¹⁾ OJ L 312, 23.12.1995, p. 1.

⁽²⁾ OJ L 292, 15.11.1996, p. 2.

⁽³⁾ OJ L 136, 31.5.1999, p. 1.

ANNEX

Details of the actions referred to in Article 3 of this Decision**I. ACTIONS ON A COMMUNITY SCALE****1. Meetings and events**

Organisation of meetings and events at Community level, intended to raise awareness about issues related to the European Year and about poverty and social exclusion, as well as to provide for a forum for exchange of ideas. They will gather relevant stakeholders and will be planned together with people experiencing poverty and civil society organisations representing them. These meetings and events will facilitate the development of social empowerment measures and practices for all and help to address policy gaps, as well as to raise awareness among relevant actors and institutions regarding the multiple dimensions of poverty and social exclusion (especially among women and children), including factors such as access to employment, housing, social protection, family support, health and social services.

2. Information and promotional campaigns involving:

- the organisation of various solidarity initiatives for poverty alleviation and social inclusion to give all citizens the opportunity to contribute directly or through their organisations, even modestly and in whatever form. Media campaigns at Community and national level may support fundraising operations within the framework of the European Year,
- the development of a logo, available in a variety of formats, and slogans for the European Year, for use in connection with any action linked to the European Year,
- an information campaign at Community level with positioning at national and local level, based on both traditional and new communication channels and new technologies,
- the production of communication and media tools available throughout the Community to stimulate public interest,
- appropriate measures and initiatives for providing information, publicising the results and improving the visibility of Community programmes, actions and initiatives contributing to the objectives of the European Year,
- appropriate initiatives by educational institutions, non-governmental organisations and charities at Community and national level, to disseminate information on the European Year and on measures to fight poverty and social exclusion,
- the organisation of European competitions highlighting achievements and experiences in connection with the themes of the European Year,
- a strong link with organisations and sectors not usually engaged with issues of poverty and social exclusion (e.g. sport, art), including the use of testimonials and 'ambassadors',
- the establishment of an information website on Europa.

3. Other actions

- Community-wide surveys and studies, based on gender-disaggregated data collection where appropriate, to assess and report on the preparation, effectiveness and immediate and long-term impact of the European Year. To facilitate the identification of innovative solutions, one such survey will also gauge public opinion on policy to prevent and combat poverty and social exclusion, including, where appropriate, social protection systems, and on the potential role of the Union in the fight against poverty and exclusion. That survey will be conducted in 2009 so that its results can be presented at the Opening Conference of the European Year,

- The promotion of studies on the link between severe poverty and fundamental rights,
- Cooperation with the private sector, broadcasters and other media as partners in spreading information about the European Year as well as in actions aiming for long-term dialogue on social issues,
- Technical assistance to facilitate the transfer of learning,
- An evaluation report on the effectiveness and impact of the European Year.

Specific links could be established with the organisation of events at European and international level, in particular, by creating synergies between the European Year and the activities developed around the annual UN International Day for the Eradication of Poverty on 17 October.

The Commission may make use of technical and/or administrative assistance for the mutual benefit of the Commission and the participating countries, for example by financing outside expertise on a specific subject.

4. Funding

Subject to the provisions of Articles 8 and 12 of this Decision, funding may be in the form of:

- the purchase of goods and services, in particular in the field of communications, by way of calls for tender,
- the purchase of consultancy services, by way of calls for tender,
- subsidies allocated to cover the expenses of special events at Community level to highlight and raise awareness of the European Year. Such funding will not exceed 80 % of the total expenditure incurred by the recipient.

II. CO-FINANCING OF ACTIONS AT NATIONAL LEVEL

These actions should take account of the need to provide funding opportunities that ensure access for organisations 'on the ground' and projects involving the most marginalised groups.

1. Actions at national, regional or local level may qualify for financing from the Community budget up to a maximum of 50 % of the total eligible costs per participating country. National co-funding should match the EU funding with at least 50 % from public or private sources. When selecting actions, National Implementing Bodies will be free to decide whether or not, and at what level, to request co-funding from the organisation responsible for implementing individual actions.
2. Following the adoption of this Decision, the Commission will prepare a Strategic Framework Document, which, alongside the objectives set out in Article 2 of this Decision, will establish the key priorities for the implementation of the European Year activities, including minimum standards in terms of participation in national bodies and actions.
3. In response to the Strategic Framework Document, each National Implementing Body will produce, after consulting civil society, a National Programme for implementing the European Year, in close coordination and consistent with the National Strategies on Social Protection and Social Inclusion.
4. Each National Implementing Body will submit a single application for Community funding. That grant application will describe the National Programme and priorities for the European Year, and the actions proposed for funding. The grant application will be accompanied by a detailed budget setting out the total costs of the actions proposed and the amount and sources of co-funding. Eligible costs may include personnel and administrative costs incurred by the National Implementing Body.
5. The release of global grants to participating countries will depend on the extent to which the objectives set out in Article 2 of this Decision and developed in the Strategic Framework Document are adequately met in the National Programme for implementing the European Year.

6. The Commission will evaluate the applications for Community funding submitted by the National Implementing Bodies, including by checking their compliance with the objectives referred to in Article 2 of this Decision. If necessary, the Commission shall request modifications to the applications.
7. Actions under point 1 above may include:
- (a) meetings and events connected with the objectives of the European Year, including national events to launch and promote the European Year, create a catalyst effect and provide open spaces for debate around concrete action to combat poverty and social exclusion;
 - (b) mutual learning seminars at national, regional and local level;
 - (c) other events connected with the preparation of Community-level initiatives (e.g. the yearly European Round Table on Poverty and Social Exclusion and the European Meeting of People Experiencing Poverty);
 - (d) information, educational and promotional campaigns and other actions in schools and measures with a strong multiplier effect to disseminate the principles and underlying values celebrated by the European Year at national, regional and local levels, including the organisation of awards and competitions;
 - (e) surveys and studies other than those mentioned in point 3 of Part I, to examine in greater depth the key issues of the European Year;
 - (f) training opportunities for civil servants, social partners, the media, non-governmental organisations' representatives and other actors to increase their knowledge of poverty and social exclusion phenomena, of European and national social inclusion policies and of the different policy tools available, to increase their capacity to deal with poverty-related issues, and to encourage them to play an active role in the fight against poverty and social exclusion;
 - (g) cooperation with the media;
 - (h) development of pilot regional and local action plans for social inclusion.

III. NON-FINANCIAL SUPPORT

The Community will grant non-financial support, including written authorisation to use the specific logo created for the European Year and other materials associated with the European Year, for initiatives undertaken by public or private organisations, insofar as the latter can provide assurances to the Commission — on the basis of specific criteria set out in the Strategic Framework Document — that the initiatives in question are or will be carried out during the period of the European Year and are likely to make a significant contribution to achieving one or more of its objectives.

Initiatives organised in third countries in association or cooperation with the European Year may also receive non-financial support from the Community and use the logo and other materials associated with the European Year.

IV. PRIORITIES FOR THE EUROPEAN YEAR ACTIVITIES

Taking into account the multidimensional nature of poverty and social exclusion and with a view to mainstreaming the prevention of and fight against poverty and exclusion within other policies, the European Year activities should aim to produce a clear added value and provide an effective complement to the OMC on Social Protection and Social Inclusion. These activities should therefore focus on a limited number of priority areas.

In line with the analysis carried out and the priorities identified in the Joint Report on Social Protection and Social Inclusion, the European Year should focus on the following themes:

- promoting multidimensional integrated strategies to prevent and reduce poverty, in particular severe poverty, and approaches which would be mainstreamed across all relevant policy areas,

- fighting child poverty including the intergenerational transmission of poverty as well as poverty within families, paying special attention to large families, single parents and families caring for a dependent person, as well as poverty experienced by children in institutions,
- promoting inclusive labour markets, addressing in-work poverty and the need to make work pay,
- eradicating disadvantages in education and training, including digital literacy training and promoting equal access for all to ICT, with particular focus on the specific needs of disabled people,
- tackling the gender and age dimensions of poverty,
- ensuring equal access to adequate resources and services, including decent accommodation, health and social protection,
- facilitating access to culture and leisure opportunities,
- overcoming discrimination and promoting the social inclusion of immigrants and ethnic minorities,
- promoting integrated approaches to active inclusion,
- addressing the needs of people with disabilities and their families, the homeless, as well as other groups or persons in vulnerable situations.

In planning the European Year activities in line with the above priorities, the participating countries will adapt them to the national, regional and local situations and challenges, including considerations of territorial cohesion.

In the light of the objectives set out in Article 2 of this Decision, the issue of participation should be mainstreamed throughout all the priorities.

Under Article 4 of this Decision, the Commission and the Member States are to take into account, in implementing the European Year activities, the different ways in which women and men experience poverty and social exclusion. They will also ensure that gender is mainstreamed throughout the European Year priorities with a view to promoting gender equality.

III

(Acts adopted under the EU Treaty)

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

POLITICAL AND SECURITY COMMITTEE DECISION EUPM/1/2008

of 24 October 2008

**concerning the appointment of the Head of Mission/Police Commissioner of the European Union
Police Mission (EUPM) in Bosnia and Herzegovina**

(2008/835/CFSP)

THE POLITICAL AND SECURITY COMMITTEE,

Having regard to the Treaty on European Union and in particular the third paragraph of Article 25 thereof,

Having regard to Joint Action 2007/749/CFSP of 19 November 2007 on the European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH) ⁽¹⁾, and in particular Article 10(1) thereof,

Whereas:

- (1) Under Article 10(1) of Joint Action 2007/749/CFSP, the Political and Security Committee (PSC) is authorised, in accordance with Article 25 of the Treaty, to take the relevant decisions, including the decision to appoint a Head of Mission/Police Commissioner.
- (2) The Secretary-General/High Representative has proposed to the PSC that Mr Stefan FELLER should be appointed as Head of Mission of the EUPM,

HAS ADOPTED THIS DECISION:

Article 1

Mr Stefan FELLER is hereby appointed Head of Mission/Police Commissioner of the European Union Police Mission (EUPM) in Bosnia and Herzegovina with effect from 1 November 2008.

Article 2

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

It shall apply until 31 December 2009.

Done at Brussels, 24 October 2008.

For the Political and Security Committee
The Chairman
C. ROGER

⁽¹⁾ OJ L 303, 21.11.2007, p. 40.

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.