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Contents

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

REGULATIONS

Commission Regulation (EC) No 1170/2008 of 26 November 2008 establishing the standard import values for determining the entry price of certain fruit and vegetables 1

Commission Regulation (EC) No 1171/2008 of 26 November 2008 fixing the allocation coefficient to be applied to applications for import licences lodged from 14 to 21 November 2008 under the Community tariff quota for maize opened by Regulation (EC) No 969/2006 3

★ **Commission Regulation (EC) No 1172/2008 of 25 November 2008 concerning the classification of certain goods in the Combined Nomenclature** 4

DIRECTIVES

★ **Commission Directive 2008/108/EC of 26 November 2008 amending Council Directive 91/414/EEC to include flutolanil, benfluralin, fluazinam, fuberidazole and mepiquat as active substances ⁽¹⁾** 6

⁽¹⁾ Text with EEA relevance

(Continued overleaf)

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

DECISIONS

Council

2008/885/EC:

- ★ **Council Decision of 20 November 2008 appointing 9 Romanian members and 11 Romanian alternate members of the Committee of the Regions** 14

Commission

2008/886/EC:

- ★ **Commission Decision of 12 November 2008 on a temporary derogation from the rules of origin laid down in Annex II to Council Regulation (EC) No 1528/2007 to take account of the special situation of Kenya with regard to tuna loins** (notified under document number C(2008) 6644) 16

III Acts adopted under the EU Treaty

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

- ★ **Council Decision 2008/887/CFSP of 25 September 2008 concerning the conclusion of an Agreement between the European Union and the Republic of Croatia on the participation of the Republic of Croatia in the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO** 19

Agreement between the European Union and the Republic of Croatia on the participation of the Republic of Croatia in the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO 20

2008/888/CFSP:

- ★ **Political and Security Committee Decision ATALANTA/1/2008 of 18 November 2008 on the appointment of an EU Force Commander for the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (Atalanta)** 24

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

I

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

REGULATIONS

COMMISSION REGULATION (EC) No 1170/2008

of 26 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 27 November 2008.

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

Done at Brussels, 26 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	AL	25,7
	MA	59,1
	TR	74,8
	ZZ	53,2
0707 00 05	EG	188,1
	JO	178,8
	MA	72,2
	TR	89,6
	ZZ	132,2
0709 90 70	MA	67,7
	TR	110,9
	ZZ	89,3
0805 20 10	MA	60,4
	TR	70,0
	ZZ	65,2
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	CN	54,3
	HR	32,7
	IL	76,8
	TR	61,9
	ZZ	56,4
0805 50 10	MA	64,0
	TR	74,9
	ZA	117,7
	ZZ	85,5
0808 10 80	CA	88,7
	CL	67,1
	MK	37,6
	US	109,3
	ZA	105,3
	ZZ	81,6
0808 20 50	CN	54,2
	TR	111,0
	ZZ	82,6

⁽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 1171/2008**of 26 November 2008****fixing the allocation coefficient to be applied to applications for import licences lodged from 14 to 21 November 2008 under the Community tariff quota for maize opened by Regulation (EC) No 969/2006**

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 969/2006 ⁽³⁾ has opened an annual import tariff quota of 242 074 tonnes of maize (serial number 09.4131).
- (2) Based on the notification made under Article 4(3) of Regulation (EC) No 969/2006, the applications lodged from 14 November 2008 at 13.00 until 21 November 2008 at 13.00 (Brussels time) in accordance with Article 4(1) of that Regulation, relate to quantities in

excess of those available. The extent to which import licences may be issued should therefore be determined and the allocation coefficient laid down to be applied to the quantities applied for.

- (3) Import licences should no longer be issued under Regulation (EC) No 969/2006 for the current quota period,

HAS ADOPTED THIS REGULATION:

Article 1

1. Each import licence application for maize under the quota referred to in Regulation (EC) No 969/2006 and lodged from 14 November 2008 at 13.00 until 21 November 2008 at 13.00 (Brussels time) shall give rise to the issue of a licence for the quantities applied for, multiplied by an allocation coefficient of 31,233959 %.

2. The issue of licences for the quantities applied for from 13.00 (Brussels time) on 21 November 2008 is hereby suspended for the current quota period.

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, 26 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 238, 1.9.2006, p. 13.

⁽³⁾ OJ L 176, 30.6.2006, p. 44.

COMMISSION REGULATION (EC) No 1172/2008**of 25 November 2008****concerning the classification of certain goods in the Combined Nomenclature**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific Community provisions, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column 1 of the table set out in the Annex should be classified under the CN codes indicated in column 2, by virtue of the reasons set out in column 3 of that table.
- (4) It is appropriate to provide that binding tariff information which has been issued by the customs authorities

of Member States in respect of the classification of goods in the Combined Nomenclature but which is not in accordance with this Regulation can, for a period of three months, continue to be invoked by the holder, under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽²⁾.

- (5) The Customs Code Committee has not delivered an opinion within the time limit set by its chairman as regards product No 1 in the annexed table.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee as regards product No 2 in the annexed table,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN codes indicated in column 2 of that table.

Article 2

Binding tariff information issued by the customs authorities of Member States, which is not in accordance with this Regulation, can continue to be invoked for a period of three months under Article 12(6) of Regulation (EEC) No 2913/92.

Article 3

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, 25 November 2008.

For the Commission

László KOVÁCS

Member of the Commission

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ OJ L 302, 19.10.1992, p. 1.

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
1. A battery-operated apparatus consisting of a laser reading system for video reproducing and a colour monitor (so-called 'portable DVD player'). Its overall dimensions are 19 (L) × 14,2 (W) × 3,7 (H) cm and the weight is 800 grams. The monitor is of the liquid crystal device (LCD) type with a diagonal measurement of the screen of 21,6 cm (8,5 inches). The apparatus can be folded and its monitor rotated. The apparatus is equipped with built-in loudspeakers. It has the following interfaces: — memory card expansion slots, — a USB port, — composite video in and out, and — headphone jacks. It can read optical media (for example, CD, DVD) and semiconductor media (for example, USB flash memory) in various audio and video formats.	8528 59 90	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 3 to Section XVI and by the wording of CN codes 8528, 8528 59 and 8528 59 90. Since the apparatus is a composite machine in accordance with Note 3 to Section XVI, it is to be classified as if consisting only of that component which performs its principal function. Given the design and concept of the apparatus, its purpose is to display video. In view of the size of the screen, which facilitates viewing of video sequences for longer periods, the principal function of the apparatus is that of displaying video. The apparatus is therefore to be classified under CN code 8528 59 90 as a colour monitor.
2. A 'laptop style' battery-operated apparatus consisting of a laser reading system for video reproducing and a colour monitor with a TV tuner (so-called 'portable DVD player'). Its overall dimensions are 19,5 (L) × 14,9 (W) × 3,1 (H) cm and the weight is 800 grams. The monitor is of the liquid crystal device (LCD) type with a diagonal measurement of the screen of 17,8 cm (7 inches) and it can be folded. The product is equipped with: — built-in loudspeakers, and — DVB-T (Digital Video Broadcasting Terrestrial) and analogue video tuner. It has the following interfaces: — memory card expansion slots, — a USB port, — composite video in and out, and — headphone jacks. It can read optical media (for example, CD, DVD) and semiconductor media (for example, USB flash memory) in various audio and video formats. It can also be used as a digital radio-broadcast receiver or as a video game player.	8528 72 20	Classification is determined by General Rules 1, 3(b) and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 8528, 8528 72 and 8528 72 20. Due to the presence of a TV tuner, the essential character of the product is that of a reception apparatus for television with screen incorporating a radio-broadcast receiver and a video reproducing apparatus. The possible use of the apparatus as a game machine is secondary and is therefore not to be considered as an essential character of the apparatus. The apparatus is therefore to be classified under CN code 8528 72 20 as a reception apparatus for television incorporating a radio-broadcast receiver and a video reproducing apparatus.

DIRECTIVES

COMMISSION DIRECTIVE 2008/108/EC

of 26 November 2008

amending Council Directive 91/414/EEC to include flutolanil, benfluralin, fluazinam, fuberidazole and mepiquat as active substances

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

accordance with Article 10(1) of Regulation (EC) No 1490/2002. For flutolanil the rapporteur Member State was Finland and all relevant information was submitted on 13 June 2005. For benfluralin the rapporteur Member State was Belgium and all relevant information was submitted on 16 February 2006. For fluazinam the rapporteur Member State was Austria and all relevant information was submitted on 3 January 2006. For fuberidazole and mepiquat the rapporteur Member State was the United Kingdom and all relevant information was submitted on 5 April 2005.

(3) The assessment reports have been peer reviewed by the Member States and the EFSA and presented to the Commission on 3 March 2008 for flutolanil and benfluralin, on 26 March 2008 for fluazinam, on 14 November 2007 for fuberidazole and on 14 April 2008 for mepiquat in the format of the EFSA Scientific Reports ⁽⁴⁾. These reports have been reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health and finalised on 20 May 2008 in the format of the Commission review reports for flutolanil, benfluralin, fluazinam, fuberidazole and mepiquat.

(4) It has appeared from the various examinations made that plant protection products containing flutolanil, benfluralin, fluazinam, fuberidazole and mepiquat may be expected to satisfy, in general, the requirements laid down in Article 5(1)(a) and (b) of Directive

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.

⁽²⁾ OJ L 55, 29.2.2000, p. 25.

⁽³⁾ OJ L 224, 21.8.2002, p. 23.

⁽⁴⁾ EFSA Scientific Report (2008) 126. Conclusion regarding the peer review of the pesticide risk assessment of the active substance flutolanil (finalised 3 March 2008).

EFSA Scientific Report (2008) 127. Conclusion regarding the peer review of the pesticide risk assessment of the active substance benfluralin (finalised 3 March 2008).

EFSA Scientific Report (2008) 137. Conclusion regarding the peer review of the pesticide risk assessment of the active substance fluazinam (finalised 26 March 2008).

EFSA Scientific Report (2008) 118. Conclusion regarding the peer review of the pesticide risk assessment of the active substance fuberidazole (finalised 14 November 2007).

EFSA Scientific Report (2008) 146. Conclusion regarding the peer review of the pesticide risk assessment of the active substance mepiquat (finalised on 14 April 2008).

91/414/EEC, in particular with regard to the uses which were examined and detailed in the Commission review reports. It is therefore appropriate to include these active substances in Annex I, in order to ensure that in all Member States the authorisations of plant protection products containing these active substances can be granted in accordance with the provisions of that Directive.

- (5) Without prejudice to that conclusion, it is appropriate to obtain further information on certain specific points. Article 6(1) of Directive 91/414/EEC provides that inclusion of a substance in Annex I may be subject to conditions. Therefore it is appropriate to require that benfluralin should be subject to further testing for confirmation of the risk assessment for consumers and for aquatic organisms and that fluazinam should be subject to further testing for confirmation of the risk assessment for aquatic organisms and soil macro-organisms and such studies should be presented by the notifiers.
- (6) A reasonable period should be allowed to elapse before an active substance is included in Annex I in order to permit Member States and the interested parties to prepare themselves to meet the new requirements which will result from the inclusion.
- (7) Without prejudice to the obligations defined by Directive 91/414/EEC as a consequence of including an active substance in Annex I, Member States should be allowed a period of six months after inclusion to review existing authorisations of plant protection products containing flutolanil, benfluralin, fluazinam, fuberidazole and mepiquat to ensure that the requirements laid down by Directive 91/414/EEC, in particular in its Article 13 and the relevant conditions set out in Annex I, are satisfied. Member States should vary, replace or withdraw, as appropriate, existing authorisations, in accordance with the provisions of Directive 91/414/EEC. By way of derogation from the above deadline, a longer period should be provided for the submission and assessment of the complete Annex III dossier of each plant protection product for each intended use in accordance with the uniform principles laid down in Directive 91/414/EEC.
- (8) The experience gained from previous inclusions in Annex I to Directive 91/414/EEC of active substances assessed in the framework of Commission Regulation (EEC) No 3600/92⁽¹⁾ has shown that difficulties can arise in interpreting the duties of holders of existing authorisations in relation to access to data. In order to avoid further difficulties it therefore appears necessary to clarify the duties of the Member States, especially the duty to verify that the holder of an authorisation demonstrates access to a dossier satisfying the requirements of Annex II to that

Directive. However, this clarification does not impose any new obligations on Member States or holders of authorisations compared to the Directives which have been adopted until now amending Annex I.

- (9) It is therefore appropriate to amend Directive 91/414/EEC accordingly.
- (10) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DIRECTIVE:

Article 1

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

Article 2

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

They shall apply those provisions from 1 September 2009.

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

Article 3

1. Member States shall in accordance with Directive 91/414/EEC, where necessary, amend or withdraw existing authorisations for plant protection products containing flutolanil, benfluralin, fluazinam, fuberidazole and mepiquat as active substances by 31 August 2009.

By that date they shall in particular verify that the conditions in Annex I to that Directive relating to flutolanil, benfluralin, fluazinam, fuberidazole and mepiquat are met, with the exception of those identified in part B of the entry concerning that active substance, and that the holder of the authorisation has, or has access to, a dossier satisfying the requirements of Annex II to that Directive in accordance with the conditions of Article 13 of that Directive.

⁽¹⁾ OJ L 366, 15.12.1992, p. 10.

2. By way of derogation from paragraph 1, for each authorised plant protection product containing flutolanil, benfluralin, fluazinam, fuberidazole and mepiquat as either the only active substance or as one of several active substances all of which were listed in Annex I to Directive 91/414/EEC by 28 February 2009 at the latest, Member States shall re-evaluate the product in accordance with the uniform principles provided for in Annex VI to Directive 91/414/EEC, on the basis of a dossier satisfying the requirements of Annex III to that Directive and taking into account part B of the entry in Annex I to that Directive concerning flutolanil, benfluralin, fluazinam, fuberidazole and mepiquat respectively. On the basis of that evaluation, they shall determine whether the product satisfies the conditions set out in Article 4(1)(b), (c), (d) and (e) of Directive 91/414/EEC.

Following that determination Member States shall:

- (a) in the case of a product containing flutolanil, benfluralin, fluazinam, fuberidazole and mepiquat as the only active substance, where necessary, amend or withdraw the authorisation by 28 February 2013 at the latest; or

- (b) in the case of a product containing flutolanil, benfluralin, fluazinam, fuberidazole and mepiquat as one of several active substances, where necessary, amend or withdraw the authorisation by 28 February 2013 or by the date fixed for such an amendment or withdrawal in the respective Directive or Directives which added the relevant substance or substances to Annex I to Directive 91/414/EEC, whichever is the latest.

Article 4

This Directive shall enter into force on 1 March 2009.

Article 5

This Directive is addressed to the Member States.

Done at Brussels, 26 November 2008.

For the Commission

Androulla VASSILIOU

Member of the Commission

ANNEX

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

No	Common name, identification numbers	IUPAC name	Purity ⁽¹⁾	Entry into force	Expiration of inclusion	Specific provisions
'193	Flutolanil CAS No 66332-96-5 CIPAC No 524	α,α,α-trifluoro-3'-isopropoxy-o-toluanilide	≥ 975 g/kg	1 March 2009	28 February 2019	PART A Only uses as fungicide may be authorised. PART B In assessing applications to authorise plant protection products containing flutolanil for uses other than potato tuber treatment, Member States shall pay particular attention to the criteria in Article 4(1)(b), and shall ensure that any necessary data and information is provided before such an authorisation is granted. For the implementation of the uniform principles of Annex VI, the conclusions of the review report on flutolanil, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 20 May 2008 shall be taken into account. In this overall assessment Member States must pay particular attention to: — the protection of groundwater, when the active substance is applied in regions with vulnerable soil and/or climatic conditions. Conditions of authorisation should include risk mitigation measures, where appropriate.

No	Common name, identification numbers	IUPAC name	Purity ⁽¹⁾	Entry into force	Expiration of inclusion	Specific provisions
194	Benfluralin CAS No 1861-40-1 CIPAC No 285	N-butyl-N-ethyl- α,α,α-trifluoro-2,6- dinitro-p-toluidine	≥ 960 g/kg Impurities: — ethyl-butyl-nitro- samine: max. 0,1 mg/kg	1 March 2009	28 February 2019	PART A Only uses as herbicide may be authorised. PART B In assessing applications to authorise plant protection products containing benfluralin for uses other than lettuce and endive, Member States shall pay particular attention to the criteria in Article 4(1)(b), and shall ensure that any necessary data and information is provided before such an authorisation is granted. For the implementation of the uniform principles of Annex VI, the conclusions of the review report on benfluralin, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 20 May 2008 shall be taken into account. In this overall assessment Member States must pay particular attention to: — the protection of the operators' safety. Authorised conditions of use must prescribe the application of adequate personal protective equipment and risk mitigation measures to reduce the exposure, — the residues in food of plant and animal origin and evaluate the dietary exposure of consumers, — the protection of birds, mammals, surface waters and aquatic organisms. In relation to these identified risks, risk mitigation measures, such as buffer zones, should be applied where appropriate. The Member States concerned shall request the submission of further studies on rotational crops metabolism and to confirm the risk assessment for metabolite B12 and for aquatic organisms. They shall ensure that the notifiers at whose request benfluralin has been included in this Annex provide such studies to the Commission within two years from the entry into force of this Directive.

No	Common name, identification numbers	IUPAC name	Purity ⁽¹⁾	Entry into force	Expiration of inclusion	Specific provisions
195	Fluazinam CAS No 79622-59-6 CIPAC No 521	3-chloro-N-(3-chloro-5-trifluoromethyl-2-pyridyl)- α,α -trifluoro-2, 6-dinitro-p-toluidine	≥ 960 g/kg Impurities: 5-chloro-N-(3-chloro-5-trifluoromethyl-2-pyridyl)-α,α-trifluoro-4,6-dinitro-o-toluidine — not more than 2 g/kg	1 March 2009	28 February 2019	PART A Only uses as fungicide may be authorised. PART B In assessing applications to authorise plant protection products containing fluazinam for uses other than potatoes, Member States shall pay particular attention to the criteria in Article 4(1)(b), and shall ensure that any necessary data and information is provided before such an authorisation is granted. For the implementation of the uniform principles of Annex VI, the conclusions of the review report on fluazinam, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 20 May 2008 shall be taken into account. In this overall assessment Member States must pay particular attention to: — the protection of the operators' and workers' safety. Authorised conditions of use must prescribe the application of adequate personal protective equipment and risk mitigation measures to reduce the exposure, — the residues in food of plant and animal origin and evaluate the dietary exposure of consumers, — the protection of aquatic organisms. In relation to this identified risk, risk mitigation measures, such as buffer zones, should be applied where appropriate. The Member States concerned shall request the submission of further studies to confirm the risk assessment for aquatic organisms and soil macro-organisms. They shall ensure that the notifiers at whose request fluazinam has been included in this Annex provide such studies to the Commission within two years from the entry into force of this Directive.

No	Common name, identification numbers	IUPAC name	Purity ⁽¹⁾	Entry into force	Expiration of inclusion	Specific provisions
196	Fuberidazole CAS No 3878-19-1 CIPAC No 525	2-(2'-furyl)benzi- midazole	≥ 970 g/kg	1 March 2009	28 February 2019	PART A Only uses as fungicide may be authorised. PART B In assessing applications to authorise plant protection products containing fuberidazole for uses other than seed dressing, Member States shall pay particular attention to the criteria in Article 4(1)(b), and shall ensure that any necessary data and information is provided before such an authorisation is granted. For the implementation of the uniform principles of Annex VI, the conclusions of the review report on fuberidazole, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 20 May 2008 shall be taken into account. In this overall assessment Member States must pay particular attention to: — the operator safety and ensure that conditions of use prescribe the application of adequate personal protective equipment, — long-term risk to mammals and must ensure that the conditions of authorisation include, where appropriate, risk mitigation measures. In such case the use of adequate equipment ensuring a high degree of incorporation in soil and a minimisation of spillage during application should apply. Conditions of use shall include adequate risk mitigation measures, where appropriate.

No	Common name, identification numbers	IUPAC name	Purity ⁽¹⁾	Entry into force	Expiration of inclusion	Specific provisions
197	Mepiquat CAS No 15302-91-7 CIPAC No 440	1,1-dimethylpiperi- dinium chloride (mepiquat chloride)	≥ 990 g/kg	1 March 2009	28 February 2019	PART A Only uses as plant growth regulator may be authorised. PART B In assessing applications to authorise plant protection products containing mepiquat for uses other than in barley, Member States shall pay particular attention to the criteria in Article 4(1)(b), and shall ensure that any necessary data and information is provided before such an authorisation is granted. For the implementation of the uniform principles of Annex VI, the conclusions of the review report on mepiquat, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 20 May 2008 shall be taken into account. The Member States must pay particular attention to the residues in food of plant and animal origin and evaluate the dietary exposure of consumers.'

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

II

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

DECISIONS

COUNCIL

COUNCIL DECISION

of 20 November 2008

appointing 9 Romanian members and 11 Romanian alternate members of the Committee of the Regions

(2008/885/EC)

THE COUNCIL OF THE EUROPEAN UNION,

PENDIUC, Mr Nicușor Daniel CONSTANTINESCU, Mr Dumitru Teodor BANCUI, Mr Alexandru CORCODEL and Mr Dragoș BENEĂ,

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

HAS DECIDED AS FOLLOWS:

Having regard to the proposal of the Romanian Government,

Article 1

Whereas:

The following are hereby appointed to the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2010:

(1) On 24 January 2006, the Council adopted Decision 2006/116/EC appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2006 to 25 January 2010 ⁽¹⁾. On 1 January 2007, the Council adopted Decision 2007/6/EC appointing Bulgarian and Romanian members and alternate members of the Committee of the Regions ⁽²⁾.

(a) as members:

— Mr Mircea COSMA, președintele Consiliului Județean Prahova,

(2) Nine members' seats on the Committee of the Regions have become vacant following the expiry of the mandates of Mr Emil CALOTĂ, Mr Serghei Florin ANGHEL, Mr Doru Laurian BĂDULESCU, Mr Jenel COPILĂU, Mr János DEMETER, Mrs Ileana Viorica ION, Mr Gheorghe BACIU, Mr Adrieian VIDEANU and Mr Liviu Nicolae DRAGNEA.

— Mr Răducu George FILIPESCU, președintele Consiliului Județean Călărași,

— Mrs Edita Emöke LOKODI, președintele Consiliului Județean Mureș,

(3) Eleven alternate members' seats on the Committee of the Regions have become vacant following the expiry of the mandates of Mr Lucian FLAIȘER, Mr Corneliu BICHINEȚ, Mr Dan Mihai GROZA, Mr Ion OPRESCU, Mr Răducu George FILIPESCU, Mrs Edita Emöke LOKODI, Mr Tudor

— Mr Gheorghe BUNEA STANCU, președintele Consiliului Județean Brăila,

— Mr Ion PRIOTEASA, președintele Consiliului Județean Dolj,

⁽¹⁾ OJ L 56, 25.2.2006, p. 75.

⁽²⁾ OJ L 1, 4.1.2007, p. 13.

- Mr Tudor PENDIUC, primarul municipiului Pitești,
- Mr Gheorghe FALCĂ, primarul municipiului Arad,
- Mr Decebal ARNĂUTU, primarul orașului Târgu-Neamț,
- Mr Vasile SAVA, primarul orașului Țândărei;

(b) as alternate members:

- Mr Silvian CIUPERCĂ, președintele Consiliului Județean Ialomița,
- Mr Mircea Ioan MOLOȚ, președintele Consiliului Județean Hunedoara,
- Mr Árpád Szabolcs CSEHI, președintele Consiliului Județean Satu-Mare,
- Mr Liviu Nicolae DRAGNEA, președintele Consiliului Județean Teleorman,
- Mr Gheorghe FLUTUR, președintele Consiliului Județean Suceava,

- Mr Marian OPRIȘAN, președintele Consiliului Județean Vrancea,
- Mr Gheorghe NICHITA, primarul municipiului Iași,
- Mr George SCRIPCARU, primarul municipiului Brașov,
- Mr Péter FERENC, primarul orașului Sovata,
- Mrs Mariana MIRCEA, primarul orașului Cernavodă,
- Mr Adrian Ovidiu TEBAN, primarul orașului Cugir.

Article 2

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

Done at Brussels, 20 November 2008.

For the Council
The President
B. LAPORTE

COMMISSION

COMMISSION DECISION

of 12 November 2008

on a temporary derogation from the rules of origin laid down in Annex II to Council Regulation (EC) No 1528/2007 to take account of the special situation of Kenya with regard to tuna loins

(notified under document number C(2008) 6644)

(2008/886/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1528/2007 of 20 December 2007 applying the arrangements for products originating in certain states which are part of the African, Caribbean and Pacific (ACP) Group of States provided for in agreements establishing, or leading to the establishment of, Economic Partnership Agreements ⁽¹⁾, and in particular Article 36(4) of Annex II thereto,

Whereas:

(1) On 5 August 2008 Kenya requested, in accordance with Article 36 of Annex II to Regulation (EC) No 1528/2007, a derogation from the rules of origin set out in that Annex for a period of one year. On 19 August 2008 Kenya submitted additional information relating to its request. The request covers a total quantity of 2 000 tonnes of tuna loins of HS heading 1604. The request is made because catches and supply of originating raw tuna have decreased in the Indian Ocean.

(2) According to the information provided by Kenya catches of raw originating tuna are unusually low even compared to the normal seasonal variations and have led to a decrease in production of tuna loins. This abnormal situation makes it impossible for Kenya to comply with the rules of origin laid down in Annex II to Regulation (EC) No 1528/2007 during a certain period.

(3) In order to ensure that Kenya may continue its exports to the European Community, following the expiration of the ACP-EC Partnership Agreement ⁽²⁾, a new derogation should be granted.

(4) To ensure smooth transition from the ACP-EC Partnership Agreement to the Agreement establishing a framework for an Economic Partnership Agreement between the East African Community partner States, on the one part, and the European Community and its Member States, on the other part (EAC-EU Interim Partnership Agreement), a new derogation should be granted with retroactive effect from 1 January 2008.

(5) A temporary derogation from the rules of origin laid down in Annex II to Regulation (EC) No 1528/2007 would not cause serious injury to an established Community industry taking into account the imports concerned, provided that certain conditions relating to quantities, surveillance and duration are respected.

(6) It is therefore justified to grant a temporary derogation under Article 36(1)(a) of Annex II to Regulation (EC) No 1528/2007.

(7) Kenya will benefit from an automatic derogation from the rules of origin for tuna loins of HS heading 1604 pursuant to Article 41(8) of the Origin Protocol attached to the EAC-EU Interim Partnership Agreement, when that Agreement enters into force or is provisionally applied.

(8) In accordance with Article 4(2) of Regulation (EC) No 1528/2007 the rules of origin set out in Annex II to that Regulation and the derogations from them are to be superseded by the rules of the EAC-EU Interim Partnership Agreement, the entry into force or provisional application of which is expected to take place in 2008. The derogation should therefore apply until 31 December 2008, as requested by Kenya, unless the EAC-EU Interim Partnership Agreement enters into force or is applied provisionally before that date.

⁽¹⁾ OJ L 348, 31.12.2007, p. 1.

⁽²⁾ OJ L 317, 15.12.2000, p. 1.

(9) In accordance with Article 41(8) of the Origin Protocol attached to the EAC-EU Interim Partnership Agreement, the automatic derogation from the rules of origin is limited to an annual quota of 2 000 tonnes of tuna loins for the countries having initialled the EAC-EU Interim Partnership Agreement (Kenya, Uganda, Tanzania, Ruanda, Burundi). Kenya is the only country in the region that currently exports tuna loins to the Community. It is therefore appropriate to grant to Kenya a derogation under Article 36 of Annex II to Regulation (EC) No 1528/2007 in respect of 2 000 tonnes of tuna loins, quantity which does not exceed the full annual quota granted to the EAC region under the EAC-EU Interim Partnership Agreement.

(10) Accordingly a derogation should be granted to Kenya in respect of 2 000 tonnes of tuna loins for a period of one year.

(11) 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⁽¹⁾ lays down rules relating to the management of tariff quotas. In order to ensure efficient management carried out in close cooperation between the authorities of Kenya, the customs authorities of the Member States and the Commission, those rules should apply *mutatis mutandis* to the quantities imported under the derogation granted by this Decision.

(12) In order to allow efficient monitoring of the operation of the derogation, the authorities of Kenya should communicate regularly to the Commission details of the EUR.1 movement certificates issued.

(13) The measures provided for in this Decision are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS DECISION:

Article 1

By way of derogation from Annex II to Regulation (EC) No 1528/2007 and in accordance with Article 36(1)(a) of that Annex, tuna loins of HS Heading 1604 manufactured from non-originating materials shall be regarded as originating in Kenya in accordance with the terms set out in Articles 2 to 6 of this Decision.

⁽¹⁾ OJ L 253, 11.10.1993, p. 1.

Article 2

The derogation provided for in Article 1 shall apply to the products and the quantities set out in the Annex which are declared for free circulation into the Community from Kenya during the period from 1 January 2008 to 31 December 2008.

Article 3

The quantities set out in the Annex to this Decision shall be managed in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

Article 4

The customs authorities of Kenya shall take the necessary measures to carry out quantitative checks on exports of the products referred to in Article 1.

All the EUR.1 movement certificates they issue in relation to those products shall bear a reference to this Decision.

The competent authorities of Kenya shall forward to the Commission a quarterly statement of the quantities in respect of which EUR.1 movement certificates have been issued pursuant to this Decision and the serial numbers of those certificates.

Article 5

Box 7 of EUR.1 movement certificates issued under this Decision shall contain the following:

'Derogation — Decision 2008/886/EC'.

Article 6

This Decision shall apply from 1 January 2008.

It shall apply until the rules of origin set out in Annex II to Regulation (EC) No 1528/2007 are superseded by those annexed to any agreement with Kenya when that agreement is either provisionally applied, or enters into force, whichever is the earlier, but in any event this Decision shall not apply after 31 December 2008.

Article 7

This Decision is addressed to the Member States.

Done at Brussels, 12 November 2008.

For the Commission

László KOVÁCS

Member of the Commission

ANNEX

KENYA

Order No	CN code	Description of goods	Period	Quantities
09.1667	1604 14 16	Tuna loins	1.1.2008 to 31.12.2008	2 000 tonnes

III

(Acts adopted under the EU Treaty)

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

COUNCIL DECISION 2008/887/CFSP

of 25 September 2008

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

THE COUNCIL OF THE EUROPEAN UNION,

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) Article 13(4) of 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 Republic of Croatia on the participation of the Republic of Croatia in the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO.

(4) The Agreement should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Union and the Republic of Croatia on the participation of the Republic of Croatia 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 Brussels, 25 September 2008.

For the Council
The President
B. HORTEFEUX

⁽¹⁾ OJ L 42, 16.2.2008, p. 92.

AGREEMENT**between the European Union and the Republic of Croatia on the participation of the Republic of Croatia in the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO**

THE EUROPEAN UNION (EU),

on the one part, and

THE REPUBLIC OF CROATIA,

on the other part,

hereinafter referred to as 'the Parties',

TAKING INTO ACCOUNT:

- 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 ⁽¹⁾,
- the invitation to the Republic of Croatia to participate in European Union Rule of Law Mission in Kosovo, EULEX KOSOVO (hereinafter EULEX KOSOVO),
- the Political and Security Committee Decision of 7 February 2008 to confirm the invitation to the Republic of Croatia to participate in EULEX KOSOVO on the basis of common cost exemption,
- 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 Republic of Croatia in EULEX KOSOVO,
- the decision by the Republic of Croatia of 2 July 2008 to participate in EULEX KOSOVO,
- the Political and Security Committee Decision of 4 July 2008 on the acceptance of the Republic of Croatia's contribution to EULEX KOSOVO,

HAVE AGREED AS FOLLOWS:

Article 1

Participation in the operation

1. The Republic of Croatia shall associate itself with Joint Action 2008/124/CFSP of 4 February 2008 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 required implementing arrangements.

2. The contribution of the Republic of Croatia to EULEX KOSOVO is without prejudice to the decision-making autonomy of the European Union.

3. The Republic of Croatia shall ensure that its personnel participating in EULEX KOSOVO undertake their mission in conformity with:

- Joint Action 2008/124/CFSP and possible subsequent amendments,
- the Operation Plan,
- implementing measures.

4. Personnel seconded to EULEX KOSOVO by the Republic of Croatia shall carry out their duties and conduct themselves solely with the interest of EULEX KOSOVO in mind.

⁽¹⁾ OJ L 42, 16.2.2008, p. 92.

5. The Republic of Croatia shall inform in due time the Civilian Operation Commander and the Head of Mission of EULEX KOSOVO (hereinafter Head of Mission) of any change to its contribution to EULEX KOSOVO.

6. Personnel seconded to EULEX KOSOVO shall undergo a medical examination and vaccination, and shall be certified medically fit for duty by a competent authority from the Republic of Croatia. Personnel seconded to EULEX KOSOVO shall produce a copy of this certification.

Article 2

Status of personnel

1. The status of the personnel contributed to EULEX KOSOVO by the Republic of Croatia shall be governed by the provisions on the status of mission, in accordance with the terms of Article 10(1) of Joint Action 2008/124/CFSP.

2. Without prejudice to the provisions on the status of mission referred to in paragraph 1 of this Article, the Republic of Croatia shall exercise jurisdiction over its personnel participating in EULEX KOSOVO.

3. The Republic of Croatia shall be responsible for answering any claims, from or concerning any of its personnel, linked to the participation in EULEX KOSOVO. The Republic of Croatia shall be responsible for bringing any action, in particular legal or disciplinary, against any of its personnel, in accordance with its laws and regulations.

4. The Republic of Croatia 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. A model for such a declaration is annexed to this Agreement.

5. The European Union Member States undertake to make a declaration as regards the waiver of claims, for the participation of the Republic of Croatia in EULEX KOSOVO, and to do so when signing this Agreement. A model for such a declaration is annexed to this Agreement.

Article 3

Classified information

1. The Republic of Croatia shall take appropriate measures to ensure that EU classified information is protected in accordance with the security regulations of the Council of the European Union, contained in Council Decision 2001/264/EC ⁽¹⁾, and in accordance with further guidance issued by competent authorities, including the Head of Mission.

⁽¹⁾ OJ L 101, 11.4.2001, p. 1.

2. The provisions of the Agreement between the European Union and the Republic of Croatia on security procedures for the exchange of classified information signed on 10 April 2006 ⁽²⁾ shall apply in the context of EULEX KOSOVO.

Article 4

Chain of command

1. All personnel participating in EULEX KOSOVO shall remain under the full command of their national authorities.

2. National authorities shall transfer operational control to the Civilian Operations Commander, who shall exercise command and control at the strategic level.

3. The Head of Mission shall assume responsibility and exercise command and control of EULEX KOSOVO at theatre level.

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

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

6. The Head of Mission shall be responsible for disciplinary control over the personnel of EULEX KOSOVO. Where required, disciplinary action shall be taken by the national authority concerned.

7. A National Contingent Leader (hereinafter NCL) shall be appointed by the Republic of Croatia 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.

8. The decision to end the operation shall be taken by the European Union, following consultation with the Republic of Croatia, provided that the Republic of Croatia is still contributing to EULEX KOSOVO at the date of termination of the operation.

⁽²⁾ OJ L 116, 29.4.2006, p. 73.

*Article 5***Financial aspects**

1. The Republic of Croatia shall assume all the costs associated with its participation in the operation, apart from the costs which are subject to common funding, as set out in the operational budget of the operation.

2. In case of death, injury, loss or damage to the local population or legal persons where the operation is conducted, the Republic of Croatia shall, when its liability has been established, pay compensation under the conditions foreseen in the provisions on the status of mission, as referred to in Article 2(1).

*Article 6***Arrangements to implement this Agreement**

Any necessary technical and administrative arrangements made 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 Republic of Croatia.

*Article 7***Non-compliance**

Should one of the Parties fail to comply with its obligations laid down in this Agreement, the other Party shall have the right to terminate this Agreement by giving a one month's written notice through diplomatic channels.

*Article 8***Dispute settlement**

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

*Article 9***Entry into force**

1. This Agreement shall enter into force on the first day of the first month after the Parties have notified each other through diplomatic channels of the completion of the internal procedures necessary for this purpose.

2. This Agreement shall be provisionally applied from the date of signature.

3. This Agreement shall remain in force for the duration of the Republic of Croatia's contribution to the operation.

Done at *Brussels*, on *24 November 2008* in two originals in the English language.

For the European Union



For the Republic of Croatia



ANNEX

DECLARATIONS

Referred to in Article 2(4) and (5)

Declaration by the EU Member States

'The EU Member States applying 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 Republic of Croatia 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 Republic of Croatia 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 Republic of Croatia, 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 Republic of Croatia using those assets.'

Declaration by the Republic of Croatia

'As a participant to the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO, established by EU Joint Action 2008/124/CFSP of 4 February 2008, the Republic of Croatia 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.'

POLITICAL AND SECURITY COMMITTEE DECISION ATALANTA/1/2008**of 18 November 2008****on the appointment of an EU Force Commander for the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (Atalanta)**

(2008/888/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 Council Joint Action 2008/851/CFSP of 10 November 2008 on the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast ⁽¹⁾ (Atalanta), and in particular Article 6 thereof,

Whereas:

- (1) Pursuant to Article 6 of Joint Action 2008/851/CFSP, the Council authorised the Political and Security Committee (PSC) to take decisions concerning the appointment of the EU Force Commander.
- (2) The EU Operation Commander has recommended the appointment of Commodore Antonios PAPAIOANNOU as the new EU Force Commander for the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast.
- (3) The EU Military Committee has supported this recommendation.

- (4) In conformity with Article 6 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark does not participate in the elaboration and implementation of decisions and actions of the European Union which have defence implications,

HAS DECIDED AS FOLLOWS:

Article 1

Commodore Antonios PAPAIOANNOU is hereby appointed EU Force Commander for the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast.

Article 2

This Decision shall take effect on 18 November 2008.

Done at Brussels, 18 November 2008.

For the Political and Security Committee
The Chairman
C. ROGER

⁽¹⁾ OJ L 301, 12.11.2008, p. 33.

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.