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⁽¹⁾ Text with EEA relevance

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⁽¹⁾ Text with EEA relevance

I

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

REGULATIONS

COUNCIL REGULATION (EC) No 1299/2008

of 9 December 2008

fixing for the 2009 fishing year the guide prices and Community producer prices for certain fishery products pursuant to Regulation (EC) No 104/2000

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products ⁽¹⁾, and in particular Article 18(3) and Article 26(1) thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) Article 18(1) and Article 26(1) of Regulation (EC) No 104/2000 provide that a guide price and a Community producer price should be fixed for each fishing year in order to determine price levels for intervention on the market for certain fisheries products.

(2) Article 18(1) of Regulation (EC) No 104/2000 requires the guide price to be fixed for each of the products and groups of products listed in Annexes I and II to that Regulation.

(3) On the basis of currently available data on the prices for the products concerned and the criteria referred to in Article 18(2) of Regulation (EC) No 104/2000, the guide prices should be increased, maintained or reduced for the 2009 fishing year depending on the species.

(4) Article 26(1) of Regulation (EC) No 104/2000 requires the Community producer price to be fixed for the products listed in Annex III to that Regulation. It is appropriate to establish the Community producer price

for one of those products and calculate the Community producer price for the others by means of the conversion factors established by Commission Regulation (EC) No 802/2006 of 30 May 2006 fixing the conversion factors applicable to fish of the genera *Thunnus* and *Euthynnus* ⁽²⁾.

(5) On the basis of the criteria laid down in the first and second indents of Article 18(2) and in Article 26(1) of Regulation (EC) No 104/2000, the Community producer price for the 2009 fishing year should be adjusted.

(6) Given the urgency of the matter, it is important to grant an exception to the six-week period mentioned in paragraph 1(3) of the Protocol on the role of national parliaments in the European Union annexed to the Treaty on European Union,

HAS ADOPTED THIS REGULATION:

Article 1

For the fishing year from 1 January to 31 December 2009, the guide prices as provided for in Article 18(1) of Regulation (EC) No 104/2000 shall be as set out in Annex I to this Regulation.

Article 2

For the fishing year from 1 January to 31 December 2009, the Community producer prices as provided for in Article 26(1) of Regulation (EC) No 104/2000 shall be as set out in Annex II to this Regulation.

Article 3

This Regulation shall enter into force on 1 January 2009.

⁽¹⁾ OJ L 17, 21.1.2000, p. 22.

⁽²⁾ OJ L 144, 31.5.2006, p. 15.

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

Done at Brussels, 9 December 2008.

For the Council
The President
D. BUSSEREAU

ANNEX I

Annexes	Species Products listed in Annexes I and II to Regulation (EC) No 104/2000	Commercial presentation	Guide price (EUR/tonne)
I	1. Herring of the species <i>Clupea harengus</i>	Whole fish	281
	2. Sardines of the species <i>Sardina pilchardus</i>	Whole fish	574
	3. Dogfish (<i>Squalus acanthias</i>)	Whole fish or gutted fish with head	1 112
	4. Spotted dogfish (<i>Scyliorhinus</i> spp.)	Whole fish or gutted fish with head	725
	5. Redfish (<i>Sebastes</i> spp.)	Whole fish	1 200
	6. Cod of the species <i>Gadus morhua</i>	Whole fish or gutted fish with head	1 655
	7. Saithe (<i>Pollachius virens</i>)	Whole fish or gutted fish with head	776
	8. Haddock (<i>Melanogrammus aeglefinus</i>)	Whole fish or gutted fish with head	1 038
	9. Whiting (<i>Merlangius merlangus</i>)	Whole fish or gutted fish with head	955
	10. Ling (<i>Molva</i> spp.)	Whole fish or gutted fish with head	1 214
	11. Mackerel of the species <i>Scomber scombrus</i>	Whole fish	323
	12. Mackerel of the species <i>Scomber japonicus</i>	Whole fish	291
	13. Anchovy (<i>Engraulis</i> spp.)	Whole fish	1 300
	14. Plaice (<i>Pleuronectes platessa</i>)	Whole fish or gutted fish with head from 1.1.2009 to 30.4.2009	1 079
		Whole fish or gutted fish with head from 1.5.2009 to 31.12.2009	1 499
	15. Hake of the species <i>Merluccius merluccius</i>	Whole fish or gutted fish with head	3 620
	16. Megrim (<i>Lepidorhombus</i> spp.)	Whole fish or gutted fish with head	2 528
	17. Dab (<i>Limanda limanda</i>)	Whole fish or gutted fish with head	854
	18. Common flounder (<i>Platichthys flesus</i>)	Whole fish or gutted fish with head	522
	19. Albacore or longfinned tunas (<i>Thunnus alalunga</i>)	Whole fish	2 197
		Gutted fish with head	2 415
	20. Cuttlefish (<i>Sepia officinalis</i> and <i>Rossia macrosoma</i>)	Whole	1 729
	21. Monkfish (<i>Lophius</i> spp.)	Whole fish or gutted fish with head	2 968
		Without head	6 107

Annexes	Species Products listed in Annexes I and II to Regulation (EC) No 104/2000	Commercial presentation	Guide price (EUR/tonne)
	22. Shrimp of the species <i>Crangon crangon</i>	Simply boiled in water	2 498
	23. Northern prawn (<i>Pandalus borealis</i>)	Simply boiled in water	6 539
		Fresh or chilled	1 622
	24. Edible crab (<i>Cancer pagurus</i>)	Whole	1 783
	25. Norway lobster (<i>Nephrops norvegicus</i>)	Whole	5 470
		Tails	4 364
	26. Sole (<i>Solea</i> spp.)	Whole fish or gutted fish with head	6 880
II	1. Greenland halibut (<i>Reinhardtius hippoglossoides</i>)	Frozen, in original packages containing the same products	1 955
	2. Hake of the genus <i>Merluccius</i> spp.	Frozen, whole, in original packages containing the same products	1 196
		Frozen, filleted, in original packages containing the same products	1 483
	3. Sea bream (<i>Dentex dentex</i> and <i>Pagellus</i> spp.)	Frozen, in lots or in original packages containing the same products	1 554
	4. Swordfish (<i>Xiphias gladius</i>)	Frozen, whole, in original packages containing the same products	3 998
	5. Cuttlefish (<i>Sepia officinalis</i>) (<i>Rossia macrosoma</i>) (<i>Sepiola rondeletti</i>)	Frozen, in original packages containing the same products	1 954
	6. Octopus (<i>Octopus</i> spp.)	Frozen, in original packages containing the same products	2 183
	7. Squid (<i>Loligo</i> spp.)	Frozen, in original packages containing the same products	1 203
	8. Squid (<i>Ommastrephes sagittatus</i>)	Frozen, in original packages containing the same products	961
	9. <i>Illex argentinus</i>	Frozen, in original packages containing the same products	869
	10. Prawn of the family <i>Penaeidae</i>		
	— Prawn of the species <i>Parapenaeus longirostris</i>	Frozen, in original packages containing the same products	4 032
	— Other species of the family <i>Penaeidae</i>	Frozen, in original packages containing the same products	7 897

ANNEX II

Species Products listed in Annex III to Regulation (EC) No 104/2000	Weight	Commercial specifications	Community producer price (EUR/tonne)
Yellowfin tuna (<i>Thunnus albacares</i>)	weighing more than 10 kg each	Whole	1 275
		Gilled and gutted	
		Other	
	weighing not more than 10 kg each	Whole	
		Gilled and gutted	
		Other	
Albacore (<i>Thunnus alalunga</i>)	weighing more than 10 kg each	Whole	
		Gilled and gutted	
		Other	
	weighing not more than 10 kg each	Whole	
		Gilled and gutted	
		Other	
Skipjack (<i>Katsuwonus pelamis</i>)		Whole	
		Gilled and gutted	
		Other	
Bluefin tuna (<i>Thunnus thynnus</i>)		Whole	
		Gilled and gutted	
		Other	
Other species of the genera <i>Thunnus</i> and <i>Euthynnus</i>		Whole	
		Gilled and gutted	
		Other	

COUNCIL REGULATION (EC) No 1300/2008**of 18 December 2008****establishing a multi-annual plan for the stock of herring distributed to the west of Scotland and the fisheries exploiting that stock**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas:

(1) Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the common fisheries policy ⁽²⁾ requires that, to achieve the objective provided for therein, the Community is to apply the precautionary approach in taking measures designed to protect and conserve living aquatic resources, to provide for their sustainable exploitation and to minimise the impact of fishing activities on marine ecosystems.

(2) Recent scientific advice from the International Council for the Exploration of the Sea (ICES) and the Scientific, Technical and Economic Committee for Fisheries (STECF) indicates that the stock of herring (*Clupea harengus*) in the waters to the west of Scotland is slightly overfished with respect to the objective of maximum sustainable yield.

(3) It is appropriate to establish a multi-annual plan with the objective of ensuring that the stock will be exploited in conformity with the principle of maximum sustainable yield and under sustainable economic, environmental and social conditions.

(4) For this purpose, the plan should aim at progressive implementation of an ecosystem-based approach to fisheries management, and should contribute to efficient fishing activities within an economically viable and competitive fisheries industry, providing a fair standard of living for those who depend on fishing herring distributed to the west of Scotland and taking the interests of consumers into account.

(5) Scientific advice from ICES and STECF indicates that the stock of herring in the waters to the west of Scotland, if exploited at a fishing mortality rate of 0,25 when the stock biomass level is equal or superior to 75 000 tonnes and of 0,2 when the stock biomass level is less than 75 000 tonnes but equal or superior to 50 000 tonnes, will be sustainable and this stock will provide a reasonably high yield.

(6) That advice should be followed by establishing an appropriate method for fixing the total allowable catches (TACs) for herring stock in the waters to the west of Scotland at a level consistent with an appropriate long-term fishing mortality and with respect to the biomass level of that fish stock.

(7) To ensure stability with respect to the fishing opportunities, it is appropriate to limit the variation in the TACs from one year to the next when the stock biomass level is equal or superior to 50 000 tonnes.

(8) In order to ensure compliance with the measures laid down in this Regulation, control measures are needed in addition to those laid down in Council Regulation (EC) No 1627/94 of 27 June 1994 laying down general provisions concerning special fishing permits ⁽³⁾, Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ⁽⁴⁾ and Commission Regulation (EEC) No 2807/83 of 22 September 1983 laying down detailed rules for recording information on Member States' catches of fish ⁽⁵⁾.

⁽¹⁾ Opinion of 4 December 2008 (not yet published in the Official Journal).

⁽²⁾ OJ L 358, 31.12.2002, p. 59.

⁽³⁾ OJ L 171, 6.7.1994, p. 7.

⁽⁴⁾ OJ L 261, 20.10.1993, p. 1.

⁽⁵⁾ OJ L 276, 10.10.1983, p. 1.

- (9) Rules should be established to qualify the multi-annual plan introduced by this Regulation as a recovery plan within the meaning of Article 5 of Regulation (EC) No 2371/2002 and for the purposes of Article 21(a)(i) of Council Regulation (EC) No 1198/2006 of 27 July 2006 on the European Fisheries Fund ⁽¹⁾, or as a management plan within the meaning of Article 6 of Regulation (EC) No 2371/2002 and for the purposes of Article 1(a)(iv) of Council Regulation (EC) No 1198/2006, taking into account the biomass stock level.
- (10) The establishment of total allowable catches, the revision of minimum fishing mortality rates and certain adjustments which have to be made to the management and recovery plans in the light of their effectiveness and operation constitute measures of prime importance for the dCommon fisheries policy. It is therefore appropriate that the Council should reserve the right to exercise implementing powers directly with respect to these specific matters,
- (b) 'total allowable catch (TAC)' means the quantity that can be taken and landed from the stock each year;
- (c) 'VMS' means a satellite-based Vessel Monitoring System, within the meaning of Commission Regulation (EC) No 2244/2003 of 18 December 2003 laying down detailed provisions regarding satellite-based Vessel Monitoring Systems ⁽³⁾;
- (d) 'appropriate age groups' means the ages from three to seven years (inclusive), or other age groups identified as appropriate by the Scientific, Technical and Economic Committee for Fisheries (STECF).

HAS ADOPTED THIS REGULATION:

CHAPTER I

SUBJECT MATTER AND DEFINITIONS

Article 1

Subject matter

This Regulation establishes a multi-annual plan for the fisheries exploiting the stock of herring (*Clupea harengus*) in international and Community waters of ICES zones Vb and VIb, and that part of ICES zone VIa which lies west of the meridian of longitude 7° W and north of the parallel of latitude 55° N, or east of the meridian of longitude 7° W and north of the parallel of latitude 56° N, excluding the Clyde (hereinafter together referred to as the area west of Scotland).

Article 2

Definitions

For the purposes of this Regulation, the definitions laid down in Article 3 of Regulation (EC) No 2371/2002 shall apply. In addition, the following definitions shall apply:

- (a) 'ICES zones' means the zones as defined in Council Regulation (EEC) No 3880/91 of 17 December 1991 on the submission of nominal catch statistics by Member States fishing in the North-East Atlantic ⁽²⁾;

⁽¹⁾ OJ L 223, 15.8.2006, p. 1.

⁽²⁾ OJ L 365, 31.12.1991, p. 1.

CHAPTER II

OBJECTIVE AND TARGETS

Article 3

Objective and targets

1. The multi-annual plan shall ensure the exploitation of the herring stock in the area west of Scotland on the basis of maximum sustainable yield.
2. The objective in paragraph 1 shall be attained by:
 - (a) maintaining the fishing mortality rate at 0,25 per year on appropriate age groups when the spawning stock biomass level is equal or superior to 75 000 tonnes;
 - (b) maintaining the fishing mortality rate at no more than 0,2 per year on appropriate age groups when the spawning stock biomass level is below 75 000 tonnes but equal or superior to 50 000 tonnes;
 - (c) providing for the closure of the fishery in the event that the spawning stock biomass level falls below 50 000 tonnes.
3. The objective set out in paragraph 1 shall be attained within an annual variation in the TAC limited to 20 % or 25 % depending on the situation of the stock.

⁽³⁾ OJ L 333, 20.12.2003, p. 17.

CHAPTER III

TOTAL ALLOWABLE CATCHES

Article 4

Setting of TACs

1. Each year, the Council, acting by qualified majority on the basis of a proposal from the Commission, shall fix for the following year the TAC applicable to the herring stock in the area west of Scotland, in accordance with paragraphs 2 to 6.

2. When STECF considers that the spawning stock biomass level will be equal or superior to 75 000 tonnes in the year for which the TAC is to be fixed, the TAC shall be set at a level which, according to the advice of STECF, will result in a fishing mortality rate of 0,25 per year. However, the annual variation in the TAC shall be limited to 20 %.

3. When the STECF considers that the spawning stock biomass level will be less than 75 000 tonnes but equal or superior to 50 000 tonnes in the year for which the TAC is to be fixed, the TAC shall be set at a level which, according to the advice of STECF, will result in a fishing mortality rate of 0,2 per year. However, the annual variation of the TAC shall be limited to:

(a) 20 % if the spawning stock biomass level is estimated to be equal or superior to 62 500 tonnes but less than 75 000 tonnes;

(b) 25 % if the spawning stock biomass level is estimated to be equal or superior to 50 000 tonnes but less than 62 500 tonnes.

4. When STECF considers that the spawning stock biomass level will be less than 50 000 tonnes in the year for which the TAC is to be fixed, the TAC shall be set at 0 tonnes.

5. For the purposes of the calculation to be carried out in accordance with paragraphs 2 and 3, STECF shall assume that the stock experiences a fishing mortality rate of 0,25 in the year prior to the year for which the TAC is to be fixed.

6. By way of derogation from paragraphs 2 or 3, if STECF considers that the herring stock in the area west of Scotland is failing properly to recover, the TAC shall be set at a level lower than that provided for in those paragraphs.

Article 5

Special fishing permit

1. In order to fish for herring in the area west of Scotland, vessels shall hold a special fishing permit issued in accordance with Article 7 of Regulation (EC) No 1627/94.

2. It shall be prohibited for any fishing vessel not holding a fishing permit as referred to in paragraph 1 to fish for, or retain on board, any quantity of herring while the vessel is engaged on a fishing trip that has included the presence of that vessel in the area west of Scotland.

3. Vessels to which the special fishing permit referred to in paragraph 1 has been issued shall not be permitted to fish outside the area west of Scotland during the same fishing trip.

4. Paragraph 3 shall not apply to vessels which transmit their catch report on a daily basis to the Fisheries Monitoring centre of the flag Member State, as referred to in Article 3(7) of Regulation (EEC) No 2847/93, for inclusion in its computerised database.

5. Each Member State shall establish and maintain a list of vessels holding the special permit referred to in paragraph 1 and make it available, on its official website, to the Commission and other Member States. The vessels to which the provisions of paragraph 4 apply shall be clearly identified on the list.

Article 6

Cross-checks

In addition to the obligations laid down in Article 19 of Regulation (EEC) No 2847/93, Member States shall carry out administrative cross-checks by comparing the landing declarations, the fishing areas and catches recorded in the logbook, catch reports submitted in accordance with Article 5(4) of this Regulation and VMS data. Such cross-checks shall be recorded and made available to the Commission on request.

CHAPTER IV

FOLLOW-UP

Article 7

Revision of minimum fishing mortality rates

Where the Commission, on the basis of advice from STECF, finds that the fishing mortality rates and associated spawning stock biomass levels, specified in Article 3(2), are not appropriate to achieve the objective specified in Article 3(1), the Council shall, on the basis of a Commission proposal, decide by qualified majority on a revision of those biomass levels and/or rates.

*Article 8***Evaluation and review of the multi-annual plan**

1. The Commission shall request, each year, advice from STECF and the Pelagic Regional Advisory Council on the achievement of the targets of the multi-annual plan. Where the advice indicates that the targets are not being met, the Council of the EU shall decide by qualified majority, on a proposal from the Commission, on additional and/or alternative measures to ensure that the targets are met.

2. At least every four years from 18 December 2008, the Commission shall review the geographical area of application, the biological reference levels and the performance and operation of the multi-annual plan. In the framework of this review, the Commission shall seek the advice of the STECF and of the Pelagic Regional Advisory Council. Where appropriate, the Council of the EU shall decide by qualified majority, on a proposal from the Commission, on appropriate adaptations to the multi-annual plan, as regards the geographical area of application referred to in Article 1, the biological reference levels referred to in Article 3 or the rules for setting TACs referred to in Article 4.

CHAPTER V

FINAL PROVISIONS*Article 9***European Fisheries Fund**

Where the spawning biomass of herring is assessed by STECF to be equal or superior to 75 000 tonnes, the multi-annual plan shall be deemed to be a management plan within the meaning of Article 6 of Regulation (EC) No 2371/2002 and for the purposes of Article 21(a)(iv) of Regulation (EC) No 1198/2006. In all other cases, the multi-annual plan shall be deemed to be a recovery plan within the meaning of Article 5 of Regulation (EC) No 2371/2002, and for the purposes of Article 21(a)(i) of Regulation (EC) No 1198/2006.

*Article 10***Entry into force**

This Regulation shall enter into force on the third 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, 18 December 2008.

For the Council

The President

M. BARNIER

COMMISSION REGULATION (EC) No 1301/2008**of 19 December 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 20 December 2008.

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

Done at Brussels, 19 December 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	CR	110,3
	MA	82,4
	TR	91,2
	ZZ	94,6
0707 00 05	JO	167,2
	MA	63,0
	TR	110,3
	ZZ	113,5
0709 90 70	MA	126,5
	TR	110,9
	ZZ	118,7
0805 10 20	AR	17,0
	BR	44,6
	CL	52,1
	EG	51,1
	MA	76,3
	TR	76,0
	UY	30,6
	ZA	44,5
	ZW	25,4
	ZZ	46,4
0805 20 10	MA	76,3
	TR	64,0
	ZZ	70,2
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	CN	50,3
	IL	73,9
	TR	66,7
	ZZ	63,6
0805 50 10	MA	64,0
	TR	58,5
	ZZ	61,3
0808 10 80	CA	82,7
	CN	85,8
	MK	30,3
	US	94,9
	ZA	118,0
	ZZ	82,3
0808 20 50	CN	48,4
	TR	42,4
	US	117,2
	ZZ	69,3

⁽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, EURATOM) No 1302/2008
of 17 December 2008
on the central exclusion database

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty establishing the European Atomic Energy Community,

Having regard to 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 particular Article 95 thereof,

Having regard to Council Regulation (EC) No 215/2008 of 18 February 2008 on the Financial Regulation applicable to the 10th European Development Fund ⁽²⁾, in particular to Article 98 thereof,

Whereas:

- (1) The Commission, which is responsible for executing the general budget of the European Union and any other funds managed by the Communities, is under an obligation to set up and operate a central data base, in compliance with Community rules on the protection of personal data, with the objectives to make efficient the exclusion mechanism provided for in the Financial Regulation and to protect the financial interests of the Communities. The database should in particular cover the execution of all Community funds independently from the applicable management mode.
- (2) The Financial Regulation places obligations on the institutions concerning the award of contracts and grants to third parties in the context of centralised management of Community funds. In particular, Articles 93 and 114(3) set out an obligation to exclude third parties from participation in procurement or grant award procedures where they are in one of the situations listed in Article 93(1). Articles 94 and 114(3) forbid the award of a contract or grant to third parties who, during a specific procurement or grant procedure, are in a

situation of conflict of interest or misrepresentation in supplying the information required by the institution as a condition of participation in the procurement or award procedure. Articles 96 and 114(4) further establish the possibility for the contracting authority to impose administrative and financial penalties on third parties, in particular in the form of exclusion from the benefit of any Community fund for a period to be determined by the institution concerned pursuant to Article 133a of Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down 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 ⁽³⁾.

- (3) Articles 74 and 75 of Commission Regulation (EC, Euratom) No 2343/2002 of 23 December 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽⁴⁾ requires these bodies to apply the abovementioned provisions.
- (4) Article 50 of Commission Regulation (EC) No 1653/2004 of 21 September 2004 on a standard financial regulation for the executive agencies pursuant to Council Regulation (EC) No 58/2003 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes ⁽⁵⁾ requires the executive agencies to apply the abovementioned provisions of the Financial Regulation for the implementation for their operating budget.
- (5) Given that executive agencies have the status of authorising officers by delegation of the Commission for the implementation of operational appropriations for which they apply the Financial Regulation, they should have access to the exclusion database in the same manner as Commission services.
- (6) The objectives and the purpose of the exclusion database should be defined in order to determine the use of the data.

⁽¹⁾ OJ L 248, 16.9.2002, p. 1.

⁽²⁾ OJ L 78, 19.3.2008, p. 1.

⁽³⁾ OJ L 357, 31.12.2002, p. 1.

⁽⁴⁾ OJ L 357, 31.12.2002, p. 72.

⁽⁵⁾ OJ L 297, 22.9.2004, p. 6.

- (7) The European Anti-Fraud Office (OLAF) should have access to the exclusion database for pursuing its regulatory investigation tasks and its intelligence and fraud-prevention activities exercised pursuant to Article 1(2) of 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) ⁽¹⁾ and Council Regulation (Euratom) No 1074/1999 of 25 May 1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF) ⁽²⁾.
- (8) The accounting officer of the Commission should ensure the administration of the exclusion database and have the right to modify data in the database. The relevant Commission service or the other institutions should be responsible for requesting the entry of exclusion warnings into the exclusion database.
- (9) Rules for access to the exclusion database should differentiate between Commission services, executive agencies and all institutions and Community bodies using an accounting system provided by the Commission (hereinafter ABAC) which enables direct access to the warnings, on the one hand, and the other institutions, implementing authorities and bodies that do not have such access, on the other hand. Therefore these institutions should have access through designated contact points and implementing authorities or bodies should have access via liaison points.
- (10) It should be possible to limit access to the exclusion database where implementing authorities or bodies manage funds with a very limited level of decentralisation, which renders access to the exclusion database inappropriate or where such access has to be denied for data protection reasons.
- (11) In order to clearly define their responsibilities, the tasks of the contact points and liaison points should be determined.
- (12) In order to reflect the fact that the database should be common to the institutions, the data flow should be channelled directly to the accounting officer of the Commission.
- (13) In order to protect the financial interests of the Communities between an exclusion decided pursuant to Article 93(1) of the Financial Regulation for a specific procurement or grant procedure and the determination of the duration of the exclusion by the institution, the latter should be able to request provisional registration of an exclusion warning.
- (14) In order to avoid outdated warnings, in particular those concerning entities which have been wound up, warnings indicating an exclusion pursuant to Article 93(1)(a) and (d) of the Financial Regulation should be automatically removed after five years.
- (15) Given that exclusions pursuant to Article 94 of the Financial Regulation concern specific procurement or grant procedures and not – as under Article 93(1) – a general exclusion situation, the registration period should be limited and removed automatically.
- (16) The procedure for requests based on information from implementing authorities or bodies, which applies to all management modes with the exception of centralised direct management, should be clearly spelled out.
- (17) The share of responsibility of the implementing authorities or bodies as regards the data communicated, through the liaison point on one side and through the accounting officer on the other side, to the Commission service responsible, including rectification, updating or removal of the data should be clearly laid down.
- (18) In order to provide for a clear set of rules in all cases where the implementing authority or body did not determine an exclusion duration pursuant to Article 133a(1) of the Implementing Rules, it should be stated that the decision on the exclusion duration should be prepared by the Commission service responsible and adopted by the Commission.
- (19) The information flow between authorised users of the exclusion database should be detailed; contact warning persons for each warning should be determined, who shall provide information on the warning concerned to authorised users of the exclusion database.
- (20) A specific provision should cover cases where proof provided by third parties is not consistent with data in the exclusion database, in order to ensure that data in the exclusion database are correct and up to date.
- (21) In order to allow an exchange of best practices between institutions and to address issues related to the use of the exclusion database, a suitable framework should be defined.

⁽¹⁾ OJ L 136, 31.5.1999, p. 1.

⁽²⁾ OJ L 136, 31.5.1999, p. 8.

- (22) The processing of personal data inherent to the operation of the exclusion database shall be made in accordance with the Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, applicable to Member States⁽¹⁾ and the Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data⁽²⁾, which are fully applicable.
- (23) The present Regulation has been drafted taking due consideration of the opinion of the European Data Protection Supervisor. Furthermore, Regulation (EC) No 45/2001 stipulates that such processing is subject to prior checking by the European Data Protection Supervisor following notification by the Commission Data Protection Officer.
- (24) For sake of clarity, data protection provisions should precise the rights of the persons whose data are or could be introduced into the exclusion database. Natural and legal persons should be informed of the introduction of data concerning them in the exclusion database.

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter

1. This Regulation establishes a central database (hereinafter 'the exclusion database') as referred to in Article 95 of Regulation (EC, Euratom) No 1605/2002 (hereinafter 'the Financial Regulation').
2. Data contained in the exclusion database may be used only for the purposes of applying Articles 93 to 96 and 114 of the Financial Regulation and Articles 133 to 134b of Regulation (EC, Euratom) No 2342/2002 as well as Articles 96 to 99 and 110 of Regulation (EC) No 215/2008.
3. OLAF may use the data for its investigations pursuant to Regulation (EC) No 1073/1999 and Council Regulation (Euratom) No 1074/1999 as well as for its intelligence and fraud prevention activities, including risk analyses.

⁽¹⁾ OJ L 281, 23.11.1995, p. 31.

⁽²⁾ OJ L 8, 12.1.2001, p. 1.

Article 2

Definitions

For the purpose of this Regulation, the following definitions shall apply:

1. 'institutions' mean European Parliament, Council, Commission, Court of Justice, Court of Auditors, European Economic and Social Committee, Committee of the Regions, Ombudsman, European Data-Protection Supervisor, executive agencies and bodies referred to in Article 185(1) of the Financial Regulation;
2. 'implementing authority or body' means authorities of the Member States and third countries, international organisations and other bodies participating in the implementation of the budget in accordance with Articles 53 and 54 of the Financial Regulation, with the exception of executive agencies and bodies referred to in Article 185(1) of that Regulation. Member States may assign tasks provided for in this Regulation to other national public authorities, which shall be assimilated to implementing authorities or bodies.
3. 'third parties' mean candidates, tenderers, contractors, suppliers, service providers and their respective subcontractors, as well as grant applicants, grant beneficiaries, including beneficiaries of direct aid, contractors of grant beneficiaries and entities receiving financial support from a beneficiary of a Community grant pursuant to Article 120 of the Financial Regulation.

Article 3

Exclusion warning

Exclusion warnings shall contain the following data:

- (a) information identifying third parties, which are in one of the situations referred to in Article 93(1), 94, 96(1)(b) and 96(2)(a) of the Financial Regulation;
- (b) information concerning persons with powers of representation, decision-making or control over legal entities, when those persons have found themselves in one of the situations referred to in Article 93(1), 94, 96(1)(b) and 96(2)(a) of the Financial Regulation;
- (c) the grounds for exclusion of third parties referred to in point (a) or persons referred to in point (b) and, where appropriate, the type of conviction and the duration of the period of exclusion.

*Article 4***Administration of the exclusion database**

1. The Commission's accounting officer or his subordinate staff to whom certain tasks are delegated in application of Article 62 of the Financial Regulation (hereinafter 'the accounting officer of the Commission') shall ensure the administration of the exclusion database and make appropriate technical arrangements.

The accounting officer of the Commission shall enter, modify or remove exclusion warnings pursuant to requests by the institutions.

2. The accounting officer of the Commission shall adopt implementing measures concerning technical aspects and define associated supporting procedures, including in the field of security.

He shall notify those measures to the Commission services and the executive agencies and, where appropriate, the contact points of the other institutions designated in accordance with Article 6(1) or the liaison points designated in accordance with Article 7(2).

*Article 5***Access to the exclusion database**

1. Institutions, other than the Commission and executive agencies, shall have direct access to the data contained in the exclusion database via the accounting system provided by the Commission (ABAC) or through contact points.

2. Implementing authorities or bodies managing funds under shared management and national public-sector bodies of Member States managing funds under centralised indirect management shall have access to data contained in the exclusion database through liaison points.

3. Implementing authorities or bodies managing funds under centralised indirect, decentralised or joint management shall have access to the data contained in the exclusion database through liaison points when they certify to the Commission service responsible that they apply the adequate data protection measures as laid down in agreements concluded pursuant to the second subparagraph of Article 134a(4) of Regulation (EC, Euratom) No 2342/2002.

However, the implementing authorities or bodies shall not be given access to the exclusion database in either of the following cases:

(a) the Commission service responsible has not received the certification referred to in the first subparagraph;

(b) the Commission service responsible is in possession of evidence that the implementing authorities or bodies do not apply adequate data protection measures;

(c) the Commission service responsible considers that the access would be inappropriate in the cases of limited level of decentralisation comprising ex ante control by the Commission.

Where access to the data contained in the exclusion database is denied, the Commission service responsible shall take appropriate measures in order to ensure at least the same level of protection of the Communities' financial interests. In the framework of those measures, before the award of a grant or a contract, the Commission service responsible shall verify that the third party concerned is not subject to an exclusion warning.

4. Access to data contained in the exclusion database by Commission services and executive agencies is laid down in Commission Decision 2008/969/EC, Euratom ⁽¹⁾.

*Article 6***Contact points and authorised users within institutions**

1. Each institution, other than the Commission and the executive agencies, shall designate a contact point responsible as regards all issues related to the exclusion database and communicate the names of the persons in charge to the accounting officer of the Commission.

2. Contact points may provide access to the information contained in the exclusion database to authorised users, who shall be staff members of the institutions, for whom access to that database is indispensable for a proper exercise of their tasks. Each contact point shall keep a register of authorised users and give the Commission access to it upon request.

Authorised users may proceed to active online consultation of the exclusion database.

3. The institution shall provide for adequate security measures to prevent the information from being read or copied by unauthorised persons.

⁽¹⁾ See page 125 of this Official Journal.

*Article 7***Liaison points and authorised users within implementing authorities and bodies**

1. Liaison points shall be responsible for relations with the Commission as regards all issues related to the exclusion database.

2. Each Member State shall designate one liaison point for the funds it implements by shared management pursuant to Article 53(b) and the funds implemented by centralised indirect management by its national public-sector bodies pursuant to Article 54(2)(c) of the Financial Regulation. Exceptionally and for duly justified reasons, the Commission may approve more than one liaison point per Member State.

3. Each third country implementing funds by decentralised management pursuant to Article 53(b) of the Financial Regulation shall designate a liaison point at the request of the Commission service responsible.

Each implementing body implementing funds by joint management pursuant to Article 53(c) or by centralised indirect management pursuant to points (b), (c) or (d) of Article 54(2) of that Regulation, with the exception of national public-sector bodies, shall designate a liaison point at the request of the Commission service responsible.

However, the Commission service responsible shall not request designation of a liaison point where such a liaison point already exists.

When the Commission service responsible withdraws access of a liaison point to the exclusion database, it shall inform the accounting officer of the Commission accordingly.

4. Each Member State and each authority or body referred to in paragraph 3 shall communicate the names of the persons in charge of their respective liaison point to the accounting officer of the Commission. The accounting officer of the Commission shall publish the list of third countries and implementing bodies disposing of liaison points on the Commission's internal Internet site.

5. Liaison points shall provide the implementing authorities or bodies with access to the information contained in the exclusion database.

Implementing authorities and bodies may designate authorised users among their staff members. The number of such

authorised users shall be limited to persons for whom access to that database is indispensable for a proper exercise of their tasks. Each implementing authority or body shall keep a register of authorised users and give the Commission access to it upon request.

For the purpose of award of contracts connected with implementation of the budget or the European Development Fund, authorised users may proceed to active online consultation of the exclusion database. Where an online consultation is not possible, the authorised user may receive downloaded data. In the latter case, the data shall be updated at least on a monthly basis.

6. The authority or body having designated the liaison point or the authorised users shall provide for adequate security measures to prevent the information from being read or copied by unauthorised persons.

*Article 8***Requests from the institutions**

1. All requests for registration, rectification, updating or removal of exclusion warnings shall be addressed to the accounting officer of the Commission.

Only institutions may submit such requests. For that purpose, the Commission services and executive agencies responsible shall use the templates set out in the Annex to Decision 2008/969/EC, Euratom and the contact points of other institutions shall use the templates set out in Annex I to this Regulation.

2. In each request for registration of an exclusion warning, the Commission service or the executive agency responsible shall certify that the information communicated was established and transmitted in accordance with Regulation (EC) No 45/2001 and indicate a warning contact person assuming the responsibilities laid down in Article 12 of this Regulation.

When requesting the registration of an exclusion warning, the contact points shall certify that the information communicated was established and transmitted in accordance with Regulation (EC) No 45/2001. The contact points shall assume the responsibilities of a warning contact person.

3. Any institution shall request provisional registration of an exclusion warning pending a decision on the duration of the exclusion.

4. The Commission service responsible or another institution that has requested registration of an exclusion warning shall be responsible for requesting rectification, updating or removal of that warning.

Article 9

Requests based on information from implementing authorities or bodies

1. The liaison points shall communicate information received from implementing authorities or bodies on exclusion situations referred to in Article 93(1)(e) of the Financial Regulation to the accounting officer of the Commission who shall forward this information to the Commission service responsible for the programme, action or legislation and identified by the authorities or bodies. They shall also transmit the certification of the implementing authority or body that the information communicated by them was established and transmitted in accordance with the principles set out in Directive 95/46/EC.

For that purpose, the liaison points shall use the template set out in Annex II to this Regulation.

2. Upon receipt of information referred to in paragraph 1, the Commission service responsible shall request the accounting officer of the Commission to enter an exclusion warning into the exclusion database for the duration determined by the implementing authority or body up to the maximum duration laid down in Article 93(3) of the Financial Regulation.

Where no duration is determined, the Commission service responsible shall request a provisional registration in accordance with Article 10(2), pending a decision by the Commission. The Commission service responsible shall refer the case as soon as possible to the Commission for decision.

3. The implementing authority or body shall be responsible for the data communicated. It shall, without delay, inform the Commission service responsible, through the liaison point, whenever information transmitted needs to be rectified, updated or removed.

For that purpose, the implementing authorities or bodies and the liaison points shall use the template set out in Annex II.

Upon receipt of updated information, the Commission service responsible shall request the accounting officer of the Commission to rectify, update or remove the exclusion warning concerned.

Article 10

Duration of registration in the exclusion database

1. Warnings concerning exclusions pursuant to points (b), (c), (e) and (f) of Article 93(1) of the Financial Regulation

shall be registered for the period determined by the requesting institution and specified in the request.

2. An exclusion warning based on a request submitted in accordance with Article 8(3) shall be registered provisionally for a period of three months. The provisional registration may be renewed once upon request.

However, the provisional registration of an exclusion warning based on requests referred to in the second subparagraph of Article 9(2), may be, in exceptional cases, renewed for an additional period of three months.

3. Warnings concerning exclusions pursuant to points (a) or (d) of Article 93(1) of the Financial Regulation shall be registered for the period of five years.

4. Warnings concerning exclusions from the award of a contract or grant in a given procedure pursuant to Article 94(a) and (b) of the Financial Regulation shall be registered for a period of six months.

Article 11

Removal of exclusion warnings

Exclusion warnings shall be removed automatically after expiry of the duration set out in Article 10.

The institution which requested the registration, shall request the removal of an exclusion warning before the expiry of the duration, where the third party is no longer in an exclusion situation, in particular for the cases mentioned in paragraph 3 of Article 10 or for manifest errors discovered after the registration of the exclusion.

Article 12

Cooperation

1. The warning contact person referred to in Article 8(2) of this Regulation shall provide, in writing or by electronic means, all relevant information available to such an extent as to enable the requesting institution to take exclusion decisions pursuant to Article 93(1) of the Financial Regulation or to enable the implementing authority or body to take it into account for the award of contracts connected with implementation of the budget.

2. Where certificates or evidence obtained by an institution are not consistent with registered exclusion warnings, the institution concerned shall immediately inform the warning contact person. The warning contact person and where appropriate the liaison point concerned shall take appropriate action.

3. Where certificates or evidence obtained by an implementing authority or body are not consistent with registered exclusion warnings, the authority or body shall transmit the information, through its liaison point, to the warning contact person. The warning contact person and where appropriate the liaison point concerned shall take appropriate action.

4. The accounting officer of the Commission and the contact points of the other institutions shall regularly exchange best practices.

Issues related to the exclusion database shall be discussed in the framework of meetings between the implementing authority or body and the Commission service responsible.

Article 13

Data protection

1. In the calls for tender and calls for proposals and, in the absence of calls, before awarding contracts or grants, the institutions and implementing authorities or bodies shall inform third parties of the data concerning them that may be included in the exclusion database and of the entities to whom the data may be communicated. Where third parties are legal entities the institutions and implementing authorities or bodies shall also inform the persons who have powers of representation, decision-making or control over these legal entities.

2. The institution requesting registration of an exclusion warning shall be responsible for relations with the natural or legal person whose data are introduced into the exclusion database (hereinafter 'the data subject concerned').

The institution shall inform the data subject concerned of the request for activation, updating and removal of any exclusion warning directly concerning it and state the reasons thereof.

The institution shall also respond to requests from data subjects concerned to rectify inaccurate or incomplete personal data and to any other requests or questions from those subjects.

Requests or questions from data subjects concerned with regard to information provided by implementing authorities or bodies shall be treated by those authorities or bodies. The Commission service responsible shall refer such requests and questions to the liaison point concerned and inform the data subject concerned thereof.

3. Without prejudice to the information requirements set out in paragraph 2, a duly identified natural person may request information on whether data concerning him is registered in the exclusion database.

The accounting officer of the Commission shall inform him in writing or by electronic means, whether the person is registered in the exclusion database. If the person is registered, the accounting officer of the Commission shall attach the data stored in the exclusion database concerning that person. He shall inform the institution that requested the warning thereof.

4. Without prejudice to the information requirements set out in paragraph 2, a duly empowered representative of a legal person, may request information on whether that legal person is registered in the exclusion database.

The accounting officer of the Commission shall inform him in writing or by electronic means whether the legal person is registered in the exclusion database. If the person is registered, the accounting officer of the Commission shall attach the data stored in the exclusion database concerning that person. He shall inform the institution that requested the warning thereof.

5. Removed warnings shall be accessible for audit and investigation purposes only and shall not be visible for the users of the database.

However, personal data contained in exclusion warnings referring to natural persons shall remain accessible to such purposes only for five years after the removal of the warning.

Article 14

Transitional provisions

1. Information from implementing authorities or bodies shall exclusively concern judgments rendered after 1 January 2009.

2. Warnings registered pursuant to Article 95 of the Financial Regulation before the date of application of this Regulation and still active on that date shall constitute exclusion warnings and shall be directly inserted in the exclusion database.

3. Where a third party concerned was not informed of the registration of an exclusion warning referred to in paragraph 2, the Commission service or the institution that requested the registration shall inform the third party that its data were introduced into the exclusion database within one month from the date of application of this Regulation.

4. The Commission service responsible or other institution that requested registration of an exclusion warning referred to in paragraph 2 remain responsible for requesting modification or removal of that warning in accordance with this Regulation.

5. For exclusions decided by a Commission service or an executive agency pursuant to Article 93(1)(b) and (e) of the Financial Regulation before 1 May 2007, the duration of the exclusion period shall take into account the duration of criminal records under national law.

For such exclusion, a maximum duration of four years from the date of notification of the judgment shall apply. If that period

has elapsed, the Commission service or the executive agency responsible shall request removal of the warning.

Article 15

Entry into force

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

It shall apply from 1 January 2009.

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

Done at Brussels, 17 December 2008.

For the Commission

Dalia GRYBAUSKAITĖ

Member of the Commission

ANNEX I

Request for data entry into the exclusion database, its modification or removal by institutions other than the Commission and executive agencies

The request has to be sent in conformity with the procedure for classified information pursuant to the rules set by the institution. It has to be sent in a single closed envelope.

**European Commission
Directorate-General Budget
Accounting Officer of the Commission
BRE2 13/505
B-1049 BRUXELLES**

1/2

- RESTRICTED EU -

(Place, date)

Request for registration, removal or modification of data concerning a third party in the exclusion database

Requesting institution:

Name, first name of the person in charge of the contact point:

I request

☐ registration of an exclusion warning☐ removal of the warning ⁽¹⁾ whose introduction was requested by note dated☐ modification of the warning (including renewal of a provisional registration) ⁽²⁾ whose introduction was requested by note dated

concerning the following entity in the exclusion database:

Name (and, where the person is a natural person, given name) of the entity:

Legal form:

Name, given name of the person(s) with powers of representation:

.....

Address (if legal person, address of the headquarter): street/nr/postcode/place/country

.....

.....

1. For registration of the entity in the Legal Entities File of the Commission, I attach a recent supporting document proving the legal existence of the entity:☐ Extract from the trade register or equivalent;☐ Copy of the VAT registration document;☐ Copy of the statutes, extract from the Official Journal or equivalent;☐ Copy of the identity card or passport (if natural person);☐ Other (give details):⁽¹⁾ In this case do not fill in Sections 1 to 5.⁽²⁾ Fill in all sections, not only the one concerned by the modification request.

2. Indication of pertinent ground for exclusion pursuant to the Financial Regulation (FR):

- ☐ **Article 93(1)a FR** (*internal code NW5a2a*)
- ☐ **Article 93(1)b FR** (*internal code NW5a2b*)
- ☐ **Article 93(1)c FR** (*internal code NW5a30*)
- ☐ **Article 93(1)d FR** (*internal code NW5a2d*)
- ☐ **Article 93(1)e FR** (*internal code NW5a2e*) (*indicate below the type of conviction*)
- Fraud
 - Corruption
 - Involvement in a criminal organisation
 - Money laundering

Indicate the denomination of the court that rendered the judgment which has the force of res judicata:

.....

Indicate the date of the judgment which has the force of res judicata: DD/MM/YYYY: .../.../...

Indicate the duration of the period of exclusion from procurement procedures (where applicable): Exclusion until DD/MM/YYYY: .../.../....

- ☐ **Article 93(1)f FR** (= Article 96(1) FR) (*internal code NW5a40*)
- ☐ **Article 94 FR** (*internal code NW1d*)

3. Short description of the exclusion situation ⁽¹⁾:

.....

.....

4. Registration period:

- ☐ Registration until DD/MM/YYYY ⁽²⁾:
- ☐ Automatic removal of the registration pursuant to Regulation (EC, Euratom) No .../... on the central exclusion database ⁽³⁾.
- ☐ Provisional registration until DD/MM/YYYY (max. three months):

I certify that the information communicated was established and transmitted in accordance with the principles set out in Regulation (EC) No 45/2001 of the European Parliament and of the Council concerning the protection of personal data.

(Signature of **person in charge of the contact point of the institution** requesting introduction/removal/modification of the warning)

⁽¹⁾ To be filled in one of the working languages of the Commission.

⁽²⁾ The duration of an exclusion pursuant to Article 93(1) points b, c, e, f of the Financial Regulation has to be decided by the institution.

⁽³⁾ Only for exclusions pursuant to Article 93(1) points a and d and Article 94 of the Financial Regulation.

*ANNEX II***Communication of information by implementing authorities or bodies**

1/3

Liaison point

E-mail:

Fax:

Address:

NOTE TO MR/MRS

Accounting Officer of the Commission

Subject: Transmission of information by an implementing authority or body pursuant to Article 95 of the Financial Regulation

- ☐ Please find enclosed information on a third party which is in one of the situations referred to in Article 93(1) point (e) of the Financial Regulation and whose conduct has been detrimental to the Communities' financial interest.
- ☐ Please find enclosed information on a third party for which information was already submitted that needs to be amended. The present note replaces the information initially transmitted on (insert date and reference to initial note).
- ☐ The information transmitted on (insert date and reference to initial note) is withdrawn.

Date, signature:

Enclosure: Transmission of information on a third party pursuant to Article 95(2) of the Financial Regulation

2/3

- RESTREINT UE -

(Place, date)

Transmission of information on a third party pursuant to Article 95(2) of the Financial Regulation**Name and address of the implementing authority or body:**

.....

.....

Directorate-General responsible of the Commission: (choose one of the following DG)

- ☐ Regional Policy ☐ Agriculture and Rural Development ☐ Maritime Affairs and Fisheries
- ☐ Employment, Social Affairs and Equal Opportunities ☐ Justice, Freedom and Security
- ☐ Education and Culture ☐ EuropeAid ☐ Enlargement ☐ External relations
- ☐ Other
- ☐ Not known: (please explain why no DG is directly competent)

.....

.....

☐ I transmit information on a third party pursuant to Article 95(2) of the Financial Regulation ⁽¹⁾☐ I withdraw information on a third party ⁽²⁾ transmitted on

1. **Information on the entity** that has been the subject of a judgment which has the force of *res judicata* for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Communities' financial interest (Article 93(1) point e of the Financial Regulation):

Name (and, where the person is a natural person, given name) of the entity:

.....

Legal form:

Name, given name of the person(s) with powers of representation:

Address (if legal person, address of the headquarters): street/no./postcode/place/country

.....

.....

⁽¹⁾ In case of an amendment of information, all sections need to be filled in.

⁽²⁾ In this case only section 1 needs to be filled in, no enclosure needs to be added.

3/3

2. Type of conviction:

- ☐ **fraud** (as referred to in Article 1 of the Convention on the protection of the European Communities' financial interests drawn up by the Council Act of 26 July 1995 (OJ C 316, 27.11.1995, p. 48));
- ☐ **corruption** (as referred to in Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union, drawn up by the Council Act of 26 May 1997 (OJ C 195, 25.6.1997, p. 1));
- ☐ **involvement in a criminal organisation** (as defined in Article 2(1) of Joint Action 98/733/JHA of the Council (OJ L 351, 29.12.1998, p. 1));
- ☐ **money laundering** (as defined in Article 1 of Council Directive 91/308/EEC (OJ L 166, 28.6.1991, p. 77)).

3. Denomination of the court that rendered the judgment which has the force of *res judicata*:

.....

4. Date of the judgment which has the force of *res judicata*: DD/MM/YYYY: .../.../...

.....

5. Duration of the period of exclusion from procurement procedures (where applicable):

Exclusion until DD/MM/YYYY: .../.../....

I certify that the information communicated was established and transmitted in accordance with the principles set out in Directive 95/46/EC of the European Parliament and of the Council concerning the protection of personal data.

For (name of the implementing authority or body)

(Signature of the responsible person of the implementing authority or body from which the information originates.)

Enclosure: Copy of the judgment which has the force of *res judicata*

COMMISSION REGULATION (EC) No 1303/2008

of 18 December 2008

correcting Regulation (EC) No 983/2008 adopting the plan allocating to the Member States resources to be charged to the 2009 budget year for the supply of food from intervention stocks for the benefit of the most deprived persons in the Community

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Article 43(g) in conjunction with Article 4 thereof,

Whereas:

- (1) As a result of an administrative oversight, the wrong agencies have been listed in Annex III to Commission Regulation (EC) No 983/2008 ⁽²⁾, concerning intra-Community transfers of sugar, as the agencies authorised to receive sugar for Lithuania and Portugal respectively. A correction of these errors is necessary to ensure the proper implementation of the plan.
- (2) Regulation (EC) No 983/2008 should therefore be corrected accordingly. The correction should apply from the day of entry into force of that Regulation.
- (3) The measure provided for in this Regulation is in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

Article 1

In Annex III to Regulation (EC) No 983/2008, the fourth column, 'Recipient', is amended as follows:

1. In point 2, 'Ministério das Finanças, Direcção-Geral das Alfândegas e dos Impostos Especiais sobre o Consumo, Direcção de Serviços de Licenciamento, Portugal' is replaced by 'IFAP, Portugal'.
2. In point 4, 'NMA, Lietuva' is replaced by 'Lietuvos žemės ūkio ir maisto produktų rinkos reguliavimo agentūra, Lietuva'.

Article 2

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

It shall apply from 10 October 2008.

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

Done at Brussels, 18 December 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 268, 9.10.2008, p. 3.

COMMISSION REGULATION (EC) No 1304/2008**of 19 December 2008****amending Regulation (EC) No 1266/2007 as regards the conditions for exempting certain animals of susceptible species from the exit ban provided for in Council Directive 2000/75/EC****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2000/75/EC of 20 November 2000 laying down specific provisions for the control and eradication of bluetongue⁽¹⁾, and in particular Article 9(1)(c), Articles 11 and 12 and the third paragraph of Article 19 thereof,

Whereas:

(1) Commission Regulation (EC) No 1266/2007⁽²⁾ lays down rules for the control, monitoring, surveillance and restrictions on movements of animals, in relation to bluetongue, in and from the restricted zones.

(2) Article 8(1) of that Regulation provides that movements of animals, their semen, ova and embryos from a holding or semen collection or storage centre located in a restricted zone to another holding or semen collection or storage centre are to be exempted from the exit ban provided for in Directive 2000/75/EC, subject to the requirement that the animals, their semen, ova and embryos comply with certain conditions set out in that Article.

(3) Experience has shown that in a number of Member States the effectiveness of the measures provided for in Regulation (EC) No 1266/2007 to ensure the protection of animals against attacks by vectors might be undermined by a combination of factors. Those factors include the vector species, climate conditions and the type of husbandry of the susceptible ruminants.

(4) Therefore, as a transitional measure, Article 9a of Regulation (EC) No 1266/2007 as amended by Regulation

(EC) No 394/2008⁽³⁾ provides that, until 31 December 2008, Member States of destination may require that the movement of certain animals which are covered by the exemption provided for in Article 8(1) of Regulation (EC) No 1266/2007 be subjected to additional conditions, on the basis of a risk assessment taking into account the entomological and epidemiological conditions in which animals are being introduced.

(5) In the period following the adoption of that transitional measure, experience has shown that in a number of Member States the application of the measures to ensure the protection of animals against attacks by vectors is not effective. In addition, the European Food Safety Authority states, in its Opinion on bluetongue of 19 June 2008⁽⁴⁾, that no treatment protocols have been formally approved in the Community for effectively protecting animals against *Culicoides* attacks.

(6) In view of those circumstances and pending further scientific assessment, it is appropriate to extend the period of application of the transitional measure laid down in Article 9a of Regulation (EC) No 1266/2007.

(7) Regulation (EC) No 1266/2007 should therefore be amended accordingly.

(8) 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

In the introductory phrase of paragraph 1 of Article 9a of Regulation (EC) No 1266/2007, the date '31 December 2008' is replaced by '31 December 2009'.

⁽³⁾ OJ L 117, 1.5.2008, p. 22.

⁽⁴⁾ Opinion of the Scientific Panel on Animal Health and Welfare on a request from the European Commission (DG SANCO) on Bluetongue. The EFSA Journal (2008) 735, pp. 1-69.

⁽¹⁾ OJ L 327, 22.12.2000, p. 74.

⁽²⁾ OJ L 283, 27.10.2007, p. 37.

Article 2

This Regulation shall enter into force on the third 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, 19 December 2008.

For the Commission
Androulla VASSILIOU
Member of the Commission

COMMISSION REGULATION (EC) No 1305/2008

of 19 December 2008

approving minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Maroilles or Marolles (PDO))

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽¹⁾, and in particular the second sentence of Article 9(2) thereof,

Whereas:

- (1) In accordance with the first subparagraph of Article 9(1) and pursuant to Article 17(2) of Regulation (EC) No 510/2006, the Commission has examined the application from France for approval of an amendment to the specification for the protected designation of origin 'Maroilles or Marolles', registered by Commission Regulation (EC) No 1107/96 ⁽²⁾.
- (2) The purpose of this application is to amend the specifications by stipulating the conditions for using treatments and additives in the milk and for the manufacture of 'Maroilles or Marolles'. These practices ensure that the key characteristics of PDO products are maintained.

- (3) The Commission has examined the amendment in question and decided that it is justified. Since this concerns a minor amendment within the meaning of Article 9 of Regulation (EC) No 510/2006, the Commission may adopt it without following the procedure set out in Articles 5, 6 and 7 of that Regulation.

- (4) In accordance with Article 18(2) of Commission Regulation (EC) No 1898/2006 ⁽³⁾ and pursuant to Article 17(2) of Regulation (EC) No 510/2006, a summary of the specification should be published,

HAS ADOPTED THIS REGULATION:

Article 1

The specification for the protected designation of origin 'Maroilles or Marolles' is hereby amended in accordance with Annex I to this Regulation.

Article 2

A summary of the main points of the specification is given in Annex II to this Regulation.

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, 19 December 2008.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 93, 31.3.2006, p. 12.

⁽²⁾ OJ L 148, 21.6.1996, p. 1.

⁽³⁾ OJ L 369, 23.12.2006, p. 1.

ANNEX I

The specification for the protected designation of origin 'Maroilles or Marolles' is amended as follows:

'Method of production'

The following provisions are added to point 5 of the specifications regarding the production method:

'(...) Coagulation may be carried out only using rennet.

The milk may not be concentrated by partially removing the watery part before coagulation.

In addition to the raw dairy materials, the only ingredients or production aids or additives authorised in the milk during production are rennet, innocuous bacterial cultures, yeasts, moulds, calcium chloride and salt.

'(...) The dairy raw materials, partly finished products, curd and fresh cheese may not be conserved at a temperature below 0 °C.

'(...) Fresh cheese and cheese undergoing the maturing process may not be conserved under a modified atmosphere.'

ANNEX II

SUMMARY

Council Regulation (EC) No 510/2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs

'MAROILLES or MAROLLES'

EC No: FR-PDO-0117-0123/29.03.2006

PDO (X) **PGI ()**

This summary sets out the main elements of the product specification for information purposes.

1. Responsible department in the Member State

Name: Institut national de l'origine et de la qualité (INAO)
Address: 51, rue d'Anjou, 75008 Paris
Tel. +33 (0)1 53 89 80 00
Fax: +33 (0)1 53 89 80 60
E-mail: info@inao.gouv.fr

2. Group

Name: Syndicat des fabricants et affineurs du fromage de Maroilles
Address: Uriane, BP 20, 148 avenue du Général-de-Gaulle, 02260 La Capelle
Tel. +33 (0)3 23 97 57 57
Fax: +33 (0)3 23 97 57 59
E-mail: sfam@uriane.com
Composition: Producers/processors (X) Other ()

3. Type of product

Class 1.3 — Cheeses

4. Specification

(summary of requirements under Article 4(2) of Regulation (EC) No 510/2006)

4.1. Name

'Maroilles or Marolles'

4.2. Description

Made from cow's milk, this is a soft cheese with a washed red to orange rind, 12,5 to 13 cm square in shape but with also three other smaller formats (Sorbais, Mignon and Quart); at least 45 % fat content.

Its texture is unctuous and rich, homogenous and it is cream in colour.

4.3. Geographical area

The geographical area extends over the following municipalities:

Department of Aisne:

Cantons completely covered by the geographical area: Aubenton, Hirson, La Capelle, Le Nouvion-en-Thiérache, Vervins.

Municipalities completely covered by the geographical area: Archon, Les Autels, Le Sourd, Brunehamel, Cuiry-lès-Iviers, Dagny-Lambercy, Dohis, Etreux, Flavigny-le-Grand-et-Beaurain, Grandrieux, Guise, Iron, Lavaqueresse, Lemé, Malzy, Marly-Gomont, Monceau-sur-Oise, Morgny-en-Tiérache, Oisy, Parfondeval, Proizy, Résigny, Romery, Villers-lès-Guise and Wiège-Faty.

North Department:

Cantons completely covered by the geographical area: Avesne-sur-Helpe-Nord, Avesne-sur-Helpe-Sud, Solre-le-Château, Trélon.

Municipalities completely covered by the geographical area: Aulnoye-Aymeries, Bachant, Bazuel, Beaufort, Berlaimont, Catillon-sur-Sambre, Damousies, Eclaibes, Ecuélin, Le Favril, Fontaine-au-Bois, La Groise, Hecq, Landrecies, Leval, Limont-Fontaine, Locquignol, Maroilles, Monceau-Saint-Waast, Noyelles-Sur-Sambre, Obrechies, Ors, Pommereuil, Pont-sur-Sambre, Preux-aux-Bois, Prisches, Quievelon, Rejet-de-Beaulieu, Saint-Rémy-Chaussée, Robersart, Sassegny and Wattignies-la-Victoire.

4.4. *Proof of origin*

Every processing plant and maturing plant fills in a 'declaration of aptitude' registered with the INAO which allows the INAO to identify all operators involved. All operators must keep at the INAO's disposal their registers and any documents required for checking the origin, quality and production conditions of the milk and cheese.

As part of the checks carried out on the specified features of the designation of origin, an analytical and organoleptic test is conducted to ensure that the products submitted for examination are of high quality and possess the requisite typical characteristics.

4.5. *Method of production*

The milk must be produced, and the cheese must be manufactured and matured, within the geographical area.

Cheese made exclusively from renneted cow's milk; the curd is separated and not washed; it is left to drain naturally; the cheese is dry salted; maturing is variable depending on the size, at least five weeks for the standard size, during which the rind is washed several times in salt water without using fungicides.

4.6. *Link*

The monks of the Abbaye of Maroilles, founded in the seventh century, perfected the production method for this cheese around 960. From the 11th century, the right to produce the cheese was extended to the neighbouring villages. The abbots improved the breed of cattle in line with the climate and cheese production. The designation was legally recognised on 17 July 1955.

This designation originates in the natural region of Thiérache, around the town of Maroilles and its abbey, with its cool and damp climate, and impermeable soil that produces such good grass that the cattle are exclusively grass-fed. The monks' know-how, passed on to the surrounding population, has allowed the Maroilles to develop harmoniously.

4.7. *Inspection body*

Name: Institut national de l'origine et de la qualité (INAO)
Address: 51, rue d'Anjou, 75008 Paris
Tel. +33 (0)1 53 89 80 00
Fax: +33 (0)1 53 89 80 60
E-mail: info@inao.gouv.fr

The Institut national de l'origine et de la qualité is a public administrative body with legal personality and reports to the Ministry of Agriculture.

It is responsible for monitoring the production conditions for products with a designation of origin.

Name: Directorate-General for Competition, Consumer Affairs and Fraud Prevention (DGCCRF)

Address: 59, boulevard Vincent Auriol, 75703 Paris Cedex 13

Tel. +33 (0)1 44 87 17 17

Fax: +33 (0)1 44 97 30 37

The DGCCRF is a department of the Ministry of the Economy, Industry and Employment.

4.8. *Labelling*

The product must bear the name of the designation of origin.

COMMISSION REGULATION (EC) No 1306/2008**of 17 December 2008****fixing the Community selling prices for the fishery products listed in Annex II to Council Regulation (EC) No 104/2000 for the 2009 fishing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products ⁽¹⁾, and in particular Article 25(1) and (6) thereof,

Whereas:

- (1) A Community selling price is to be fixed for each of the products listed in Annex II to Regulation (EC) No 104/2000 before the beginning of the fishing year, at a level at least equal to 70 % and not exceeding 90 % of the guide price.
- (2) Council Regulation (EC) No 1299/2008 ⁽²⁾ fixes the guide prices for the 2009 fishing year for all the products concerned.
- (3) Market prices vary considerably depending on the species and how the products are presented, particularly in the case of squid and hake.

(4) Conversion factors should therefore be fixed for the different species and presentations of frozen products landed in the Community in order to determine the price level that trigger the intervention measure provided for in Article 25(2) of Regulation (EC) No 104/2000.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fishery Products,

HAS ADOPTED THIS REGULATION:

Article 1

The Community selling prices, as referred to in Article 25(1) of Regulation (EC) No 104/2000, applicable during the 2009 fishing year for the products listed in Annex II to that Regulation and the presentations and conversion factors to which they relate are set out in the Annex to this Regulation.

Article 2

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

It shall apply from 1 January 2009.

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

Done at Brussels, 17 December 2008.

For the Commission

Joe BORG

Member of the Commission

⁽¹⁾ OJ L 17, 21.1.2000, p. 22.

⁽²⁾ See page 1 of this Official Journal.

ANNEX

Selling prices and conversion factors

Species	Presentation	Conversion factor	Intervention level	Selling price (EUR/tonne)
Greenland halibut (<i>Reinhardtius hippoglossoides</i>)	Whole or gutted, with or without head	1,0	0,85	1 662
Hake (<i>Merluccius</i> spp.)	Whole or gutted, with or without head	1,0	0,85	1 017
	Individual fillets			
	— with skin	1,0	0,85	1 261
	— skinless	1,1	0,85	1 387
Sea-bream (<i>Dentex dentex</i> and <i>Pagellus</i> spp.)	Whole or gutted, with or without head	1,0	0,85	1 321
Swordfish (<i>Xiphias gladius</i>)	Whole or gutted, with or without head	1,0	0,85	3 398
Shrimps and prawns <i>Penaeidae</i>	Frozen			
(a) <i>Parapenaeus Longirostris</i>		1,0	0,85	3 427
(b) Other <i>Penaeidae</i>		1,0	0,85	6 712
Cuttlefishes (<i>Sepia officinalis</i> , <i>Rossia macrosoma</i> and <i>Sepiola rondeletti</i>)	Frozen	1,0	0,85	1 661
Squid (<i>Loligo</i> spp.)				
(a) <i>Loligo patagonica</i>	— whole, not cleaned	1,00	0,85	1 023
	— cleaned	1,20	0,85	1 227
(b) <i>Loligo vulgaris</i>	— whole, not cleaned	2,50	0,85	2 556
	— cleaned	2,90	0,85	2 965
Octopus (<i>Octopus</i> spp.)	Frozen	1,00	0,85	1 856
<i>Illex argentinus</i>	— whole, not cleaned	1,00	0,80	695
	— tube	1,70	0,80	1 182

Forms of commercial presentation:

whole, not cleaned: product which has not undergone any treatment

cleaned: product which has at least been gutted

tube: squid body which has at least been gutted and had the head removed

COMMISSION REGULATION (EC) No 1307/2008**of 19 December 2008****fixing the reference prices for certain fishery products for the 2009 fishing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products ⁽¹⁾, and in particular Article 29(1) and (5) thereof,

Whereas:

- (1) Regulation (EC) No 104/2000 provides that reference prices valid for the Community may be fixed each year, by product category, for products that are the subject of a tariff suspension under Article 28(1). The same holds for products which, by virtue of being either the subject of a binding tariff reduction under the WTO or some other preferential arrangements, must comply with a reference price.
- (2) Pursuant to Article 29(3)(a) of Regulation (EC) No 104/2000, the reference price for the products listed in Annex I, Parts A and B to that Regulation, is to be the same as the withdrawal price fixed in accordance with Article 20(1) of that Regulation.
- (3) The Community withdrawal prices for the products concerned are fixed for the 2009 fishing year by Commission Regulation (EC) No 1309/2008 ⁽²⁾.

(4) Pursuant to Article 29(3)(d) of Regulation (EC) No 104/2000, the reference price for products other than those listed in Annexes I and II to that Regulation is to be established in particular on the basis of the weighted average of customs values recorded on the import markets or in the ports of import in the three years immediately preceding the date on which the reference price is fixed.

(5) There is no need to fix reference prices for those products falling under the criteria laid down in Article 29(1) of Regulation (EC) No 104/2000 which are imported from third countries in insignificant volumes.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fishery Products,

HAS ADOPTED THIS REGULATION:

Article 1

The reference prices for the 2009 fishing year of fishery products, as referred to in Article 29 of Regulation (EC) No 104/2000, are set out in the Annex to this Regulation.

Article 2

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

It shall apply from 1 January 2009.

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

Done at Brussels, 19 December 2008.

For the Commission

Joe BORG

Member of the Commission

⁽¹⁾ OJ L 17, 21.1.2000, p. 22.

⁽²⁾ See page 42 of this Official Journal.

ANNEX ⁽¹⁾

1. Reference prices for products referred to in Article 29(3)(a) of Council Regulation (EC) No 104/2000

Species	Size ⁽¹⁾	Reference price (EUR/tonne)			
		Gutted with head ⁽¹⁾		Whole fish ⁽¹⁾	
		Additional Taric code	Extra, A ⁽¹⁾	Additional Taric code	Extra, A ⁽¹⁾
Herring of the species <i>Clupea harengus</i> ex 0302 40 00	1		—	F011	132
	2		—	F012	202
	3		—	F013	191
	4a		—	F016	121
	4b		—	F017	121
	4c		—	F018	253
	5		—	F015	225
	6		—	F019	112
	7a		—	F025	112
	7b		—	F026	101
	8		—	F027	84
Redfish (<i>Sebastes</i> spp.) ex 0302 69 31 and ex 0302 69 33	1		—	F067	972
	2		—	F068	972
	3		—	F069	816
Cod of the species <i>Gadus morhua</i> ex 0302 50 10	1	F073	1 192	F083	861
	2	F074	1 192	F084	861
	3	F075	1 125	F085	662
	4	F076	894	F086	497
	5	F077	629	F087	364
Deepwater prawns (<i>Pandalus borealis</i>) ex 0306 23 10		Boiled in water		Fresh or refrigerated	
		Additional Taric code	Extra, A ⁽¹⁾	Additional Taric code	Extra, A ⁽¹⁾
	1	F317	5 035	F321	1 103
	2	F318	1 766	—	—

⁽¹⁾ The freshness, size and presentation categories are those laid down under Article 2 of Regulation (EC) No 104/2000.

⁽¹⁾ The additional code to be mentioned for all categories other than those explicitly referred to in points 1 and 2 of the Annex is 'F499: Other'.

2. Reference prices for fishery products referred to in Article 29(3)(d) of Council Regulation (EC) No 104/2000

Product	Additional Taric code	Presentation	Reference price (EUR/tonne)
1. Redfish (<i>Sebastes</i> spp.)			
ex 0303 79 35 ex 0303 79 37	F411	Whole: — with or without head	941
{ ex 0304 29 35 ex 0304 29 39	F412	Fillets: — with bones ('standard')	1 914
	F413	— without bones	2 137
	F414	— blocks in immediate packing weighing not more than 4 kg	2 239
2. Cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> and <i>Gadus macrocephalus</i>) and fish of the species <i>Boreogadus saida</i>			
ex 0303 52 10, ex 0303 52 30, ex 0303 52 90, ex 0303 79 41	F416	Whole, with or without head	1 095
{ ex 0304 29 29	F417	Fillets: — interleaved or in industrial blocks, with bones ('standard')	2 501
	F418	— interleaved or in industrial blocks, without bones	2 717
	F419	— individual or fully interleaved fillets, with skin	2 550
	F420	— individual or fully interleaved fillets, without skin	2 943
	F421	— blocks in immediate packing weighing not more than 4 kg	2 903
ex 0304 99 33	F422	Pieces and other meat, except minced blocks	1 463
3. Coalfish (<i>Pollachius virens</i>)			
ex 0304 29 31	{ F424 F425 F426 F427 F428	Fillets: — interleaved or in industrial blocks, with bones ('standard')	1 518
		— interleaved or in industrial blocks, without bones	1 722
		— individual or fully interleaved fillets, with skin	1 476
		— individual or fully interleaved fillets, without skin	1 646
		— blocks in immediate packing weighing not more than 4 kg	1 786
ex 0304 99 41	F429	Pieces and other meat, except minced blocks	986

Product	Additional Taric code	Presentation	Reference price (EUR/tonne)
4. Haddock (<i>Melanogrammus aeglefinus</i>) ex 0304 29 33		Fillets:	
	F431	— interleaved or in industrial blocks, with bones ('standard')	2 264
	F432	— interleaved or in industrial blocks, without bones	2 606
	F433	— individual or fully interleaved fillets, with skin	2 537
	F434	— individual or fully interleaved fillets, without skin	2 710
	F435	— blocks in immediate packing weighing not more than 4 kg	2 960
5. Alaska pollack (<i>Theragra chalcogramma</i>) ex 0304 29 85		Fillets:	
	F441	— interleaved or in industrial blocks, with bones ('standard')	1 147
	F442	— interleaved or in industrial blocks, without bones	1 324
6. Herring (<i>Clupea harengus</i> , <i>Clupea pallasii</i>) ex 0304 19 97 ex 0304 99 23		Herring flaps	
	F450	— exceeding 80 g. a piece	510
	F450	— exceeding 80 g. a piece	464

COMMISSION REGULATION (EC) No 1308/2008**of 19 December 2008****fixing the amount of private storage aid for certain fishery products in the 2009 fishing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products ⁽¹⁾,

Having regard to Commission Regulation (EC) No 2813/2000 of 21 December 2000 laying down detailed rules for the application of Council Regulation (EC) No 104/2000 as regards the grant of private storage aid for certain fishery products ⁽²⁾, and in particular Article 1 thereof,

Whereas:

- (1) The aid should not exceed the sum of technical and financial costs recorded in the Community during the fishing year preceding the year in question.
- (2) To discourage long-term storage, to shorten payment times and to reduce the burden of controls, private storage aid should be paid in one single instalment.

- (3) The measures provided for in this Regulation are in accordance with the Management Committee for Fishery Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the 2009 fishing year the amount of private storage aid, referred to in Article 25 of Regulation (EC) No 104/2000, for the products listed in Annex II to that Regulation shall be as follows:

— first month: EUR 216 per tonne,

— second month: EUR 0 per tonne.

Article 2

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

It shall apply from 1 January 2009.

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

Done at Brussels, 19 December 2008.

For the Commission

Joe BORG

Member of the Commission

⁽¹⁾ OJ L 17, 21.1.2000, p. 22.

⁽²⁾ OJ L 326, 22.12.2000, p. 30.

COMMISSION REGULATION (EC) No 1309/2008**of 19 December 2008****fixing the Community withdrawal and selling prices for the fishery products listed in Annex I to Council Regulation (EC) No 104/2000 for the 2009 fishing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products ⁽¹⁾, and in particular Article 20(3) and Article 22 thereof,

Whereas:

- (1) Regulation (EC) No 104/2000 provides that the Community withdrawal and selling prices for each of the products listed in Annex I thereto are to be fixed on the basis of the freshness, size or weight and presentation of the product by applying the conversion factor for the product category concerned to an amount not more than 90 % of the relevant guide price.
- (2) The withdrawal prices may be multiplied by adjustment factors in landing areas which are very distant from the main centres of consumption in the Community. The guide prices for the 2009 fishing year were fixed for all the products concerned by Council Regulation (EC) No 1299/2008 ⁽²⁾.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fishery Products,

HAS ADOPTED THIS REGULATION:

Article 1

The conversion factors used for calculating the Community withdrawal and selling prices, as referred to in Article 20 and 22 of Regulation (EC) No 104/2000, for the 2009 fishing year for the products listed in Annex I to that Regulation, are set out in Annex I to this Regulation.

Article 2

The Community withdrawal and selling prices applicable for the 2009 fishing year and the products to which they relate are set out in Annex II.

Article 3

The withdrawal prices applicable for the 2009 fishing year in landing areas which are very distant from the main centres of consumption in the Community and the products to which those prices relate are set out in Annex III.

Article 4

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

It shall apply from 1 January 2009.

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

Done at Brussels, 19 December 2008.

For the Commission

Joe BORG

Member of the Commission

⁽¹⁾ OJ L 17, 21.1.2000, p. 22.

⁽²⁾ See page 1 of this Official Journal.

ANNEX I

Conversion factors for the products listed in points A, B and C of Annex I to Regulation (EC) No 104/2000

Species	Size (*)	Conversion factors	
		Gutted fish, with head (*)	Whole fish (*)
		Extra, A (*)	Extra, A (*)
Herring of the species <i>Clupea harengus</i>	1	0,00	0,47
	2	0,00	0,72
	3	0,00	0,68
	4a	0,00	0,43
	4b	0,00	0,43
	4c	0,00	0,90
	5	0,00	0,80
	6	0,00	0,40
	7a	0,00	0,40
	7b	0,00	0,36
	8	0,00	0,30
Sardines of the species <i>Sardina pilchardus</i>	1	0,00	0,51
	2	0,00	0,64
	3	0,00	0,72
	4	0,00	0,47
Dogfish <i>Squalus acanthias</i>	1	0,60	0,60
	2	0,51	0,51
	3	0,28	0,28
Dogfish <i>Scyliorhinus spp.</i>	1	0,64	0,60
	2	0,64	0,56
	3	0,44	0,36
Redfish <i>Sebastes spp.</i>	1	0,00	0,81
	2	0,00	0,81
	3	0,00	0,68
Cod of the species <i>Gadus morhua</i>	1	0,72	0,52
	2	0,72	0,52
	3	0,68	0,40
	4	0,54	0,30
	5	0,38	0,22
Coalfish <i>Pollachius virens</i>	1	0,72	0,56
	2	0,72	0,56
	3	0,71	0,55
	4	0,61	0,30

Species	Size (*)	Conversion factors	
		Gutted fish, with head (*)	Whole fish (*)
		Extra, A (*)	Extra, A (*)
Haddock <i>Melanogrammus aeglefinus</i>	1	0,72	0,56
	2	0,72	0,56
	3	0,62	0,43
	4	0,52	0,36
Whiting <i>Merlangius merlangus</i>	1	0,66	0,50
	2	0,64	0,48
	3	0,60	0,44
	4	0,41	0,30
Ling <i>Molva spp.</i>	1	0,68	0,56
	2	0,66	0,54
	3	0,60	0,48
Mackerel of the species <i>Scomber scombrus</i>	1	0,00	0,72
	2	0,00	0,71
	3	0,00	0,69
Spanish mackerel of the species <i>Scomber japonicus</i>	1	0,00	0,77
	2	0,00	0,77
	3	0,00	0,63
	4	0,00	0,47
Anchovies <i>Engraulis spp.</i>	1	0,00	0,68
	2	0,00	0,72
	3	0,00	0,60
	4	0,00	0,25
Plaice <i>Pleuronectes platessa</i>	1	0,75	0,41
	2	0,75	0,41
	3	0,72	0,41
	4	0,52	0,34
Hake of the species <i>Merluccius merluccius</i>	1	0,90	0,71
	2	0,68	0,53
	3	0,68	0,52
	4	0,56	0,43
	5	0,52	0,41
Megrim <i>Lepidorhombus spp.</i>	1	0,68	0,64
	2	0,60	0,56
	3	0,54	0,49
	4	0,34	0,29

Species	Size (*)	Conversion factors	
		Gutted fish, with head (*)	Whole fish (*)
		Extra, A (*)	Extra, A (*)
Dab <i>Limanda limanda</i>	1	0,71	0,58
	2	0,54	0,42
Flounder <i>Platichthys flesus</i>	1	0,66	0,58
	2	0,50	0,42
Albacore or longfinned tuna <i>Thunnus alalunga</i>	1	0,90	0,81
	2	0,90	0,77
Cuttlefishes <i>Sepia officinalis</i> and <i>Rossia macrosoma</i>	1	0,00	0,64
	2	0,00	0,64
	3	0,00	0,40

(*) The freshness categories, sizes and presentations are those defined pursuant to Article 2 of Regulation (EC) No 104/2000.

Species	Size (*)	Conversion factor		
		Whole fish	Fish without head (*)	
		Gutted fish, with head (*)		
		Extra, A (*)	Extra, A (*)	
Monkfish <i>Lophius spp.</i>	1	0,61	0,77	
	2	0,78	0,72	
	3	0,78	0,68	
	4	0,65	0,60	
	5	0,36	0,43	
		All presentations		
		Extra, A (*)		
Shrimps of the species <i>Crangon crangon</i>	1	0,59		
	2	0,27		
		Cooked in water	Fresh or chilled	
		Extra, A (*)	Extra, A (*)	
Deep-water prawns <i>Pandalus borealis</i>	1	0,77	0,68	
	2	0,27	—	
		Whole (*)		
Edible crabs <i>Cancer pagurus</i>	1	0,72		
	2	0,54		

Species	Size (*)	Conversion factor		
		Whole fish	Fish without head (*)	
		Gutted fish, with head (*)		
		Extra, A (*)	Extra, A (*)	
		Whole (*)		Tails (*)
		E' (*)	Extra, A (*)	Extra, A (*)
Norway lobster <i>Nephrops norvegicus</i>	1	0,86	0,86	0,81
	2	0,86	0,59	0,68
	3	0,77	0,59	0,50
	4	0,50	0,41	0,41
		Gutted fish, with head (*)	Whole fish (*)	
		Extra, A (*)	Extra, A (*)	
Sole <i>Solea spp.</i>	1	0,75	0,58	
	2	0,75	0,58	
	3	0,71	0,54	
	4	0,58	0,42	
	5	0,50	0,33	

(*) The freshness categories, sizes and presentations are those defined pursuant to Article 2 of Regulation (EC) No 104/2000.

ANNEX II

Withdrawal and selling prices in the Community of the products listed in points A, B and C of Annex I to Regulation (EC) No 104/2000

Species	Size (*)	Withdrawal price (EUR/t)	
		Gutted fish, with head (*)	Whole fish (*)
		Extra, A (*)	Extra, A (*)
Herring of the species <i>Clupea harengus</i>	1	0	132
	2	0	202
	3	0	191
	4a	0	121
	4b	0	121
	4c	0	253
	5	0	225
	6	0	112
	7a	0	112
	7b	0	101
	8	0	84
Sardines of the species <i>Sardina pilchardus</i>	1	0	293
	2	0	367
	3	0	413
	4	0	270
Dogfish <i>Squalus acanthias</i>	1	667	667
	2	567	567
	3	311	311
Dogfish <i>Scyliorhinus spp.</i>	1	464	435
	2	464	406
	3	319	261
Redfish <i>Sebastes spp.</i>	1	0	972
	2	0	972
	3	0	816
Cod of the species <i>Gadus morhua</i>	1	1 192	861
	2	1 192	861
	3	1 125	662
	4	894	497
	5	629	364
Coalfish <i>Pollachius virens</i>	1	559	435
	2	559	435
	3	551	427
	4	473	233

Species	Size (*)	Withdrawal price (EUR/t)	
		Gutted fish, with head (*)	Whole fish (*)
		Extra, A (*)	Extra, A (*)
Haddock <i>Melanogrammus aeglefinus</i>	1	747	581
	2	747	581
	3	644	446
	4	540	374
Whiting <i>Merlangius merlangus</i>	1	630	478
	2	611	458
	3	573	420
	4	392	287
Ling <i>Molva spp.</i>	1	826	680
	2	801	656
	3	728	583
Mackerel of the species <i>Scomber scombrus</i>	1	0	233
	2	0	229
	3	0	223
Spanish mackerel of the species <i>Scomber japonicus</i>	1	0	224
	2	0	224
	3	0	183
	4	0	137
Anchovies <i>Engraulis spp.</i>	1	0	884
	2	0	936
	3	0	780
	4	0	325
Plaice <i>Pleuronectes platessa</i> — 1 January to 30 April 2009 — 1 May to 31 December 2009	1	809	442
	2	809	442
	3	777	442
	4	561	367
	1	1 124	615
	2	1 124	615
	3	1 079	615
	4	779	510
	1	3 258	2 570
	2	2 462	1 919
	3	2 462	1 882
	4	2 027	1 557
	5	1 882	1 484

Species	Size (*)	Withdrawal price (EUR/t)	
		Gutted fish, with head (*)	Whole fish (*)
		Extra, A (*)	Extra, A (*)
Megrims <i>Lepidorhombus spp.</i>	1	1 719	1 618
	2	1 517	1 416
	3	1 365	1 239
	4	860	733
Dab <i>Limanda limanda</i>	1	606	495
	2	461	359
Flounder <i>Platichthys flesus</i>	1	345	303
	2	261	219
Albacore or longfinned tuna <i>Thunnus alalunga</i>	1	2 174	1 780
	2	2 174	1 692
Cuttlefishes <i>Sepia officinalis</i> and <i>Rossia macrosoma</i>	1	0	1 107
	2	0	1 107
	3	0	692
		Whole fish	Fish without head (*)
		Gutted fish, with head (*)	
		Extra, A (*)	Extra, A (*)
Monkfish <i>Lophius spp.</i>	1	1 810	4 702
	2	2 315	4 397
	3	2 315	4 153
	4	1 929	3 664
	5	1 068	2 626
		All presentations	
		Extra, A (*)	
Shrimps of the species <i>Crangon crangon</i>	1	1 474	
	2	674	
		Cooked in water	Fresh or chilled
		Extra, A (*)	Extra, A (*)
Deep-water prawns <i>Pandalus borealis</i>	1	5 035	1 103
	2	1 766	—

(*) The freshness categories, sizes and presentations are those defined pursuant to Article 2 of Regulation (EC) No 104/2000.

Species	Size (*)	Selling prices (EUR/t)		
		Whole (*)		
Edible crabs <i>Cancer pagurus</i>	1	1 284		
	2	963		
		Whole (*)		Tails (*)
		E' (*)	Extra, A (*)	Extra, A (*)
Norway lobster <i>Nephrops norvegicus</i>	1	4 704	4 704	3 535
	2	4 704	3 227	2 968
	3	4 212	3 227	2 182
	4	2 735	2 243	1 789
		Gutted fish, with head (*)	Whole fish (*)	
		Extra, A (*)	Extra, A (*)	
Sole <i>Solea spp.</i>	1	5 160	3 990	
	2	5 160	3 990	
	3	4 885	3 715	
	4	3 990	2 890	
	5	3 440	2 270	

(*) The freshness categories, sizes and presentations are those defined pursuant to Article 2 of Regulation (EC) No 104/2000.

ANNEX III

Withdrawal prices in landing areas which are very distant from the main centres of consumption

Species	Landing area	Conversion Factor	Size (*)	Withdrawal price (in EUR/tonne)	
				Gutted fish, with head (*)	Whole fish (*)
				Extra, A (*)	Extra, A (*)
Herring of the species <i>Clupea harengus</i>	Coastal regions and islands of Ireland	0,90	1	0	119
			2	0	182
			3	0	172
			4a	0	109
	Coastal regions of Eastern England from Berwick to Dover Coastal regions of Scotland from Portpatrick to Eyemouth and the islands located West and North of those regions Coastal regions of County Down (Northern Ireland)	0,90	1	0	119
			2	0	182
			3	0	172
			4a	0	109
Mackerel of the species <i>Scomber scombrus</i>	Coastal regions and islands of Ireland	0,96	1	0	223
			2	0	220
			3	0	214
	Coastal regions and islands of Cornwall and Devon in the United Kingdom	0,95	1	0	221
			2	0	218
			3	0	212
Hake of the species <i>Merluccius merluccius</i>	Coastal regions from Troon (in South-Western Scotland) to Wick (in North-Eastern Scotland) and the Islands located West and North of those regions	0,75	1	2 444	1 928
			2	1 846	1 439
			3	1 846	1 412
			4	1 520	1 167
			5	1 412	1 113
Albacore or longfinned tuna <i>Thunnus alalunga</i>	Islands of the Azores and Madeira	0,48	1	1 043	854
			2	1 043	812
Sardines of the species <i>Sardina pilchardus</i>	Canary Islands	0,48	1	0	141
			2	0	176
			3	0	198
			4	0	129
	Coastal regions and islands of Cornwall and Devon in the United Kingdom	0,74	1	0	217
			2	0	272
			3	0	306
			4	0	200
	Atlantic coastal regions of Portugal	0,93	2	0	342
			3	0	335

(*) The freshness categories, sizes and presentations are those defined pursuant to Article 2 of Regulation (EC) No 104/2000.

COMMISSION REGULATION (EC) No 1310/2008

of 19 December 2008

fixing the standard values to be used in calculating the financial compensation and the advance pertaining thereto in respect of fishery products withdrawn from the market during the 2009 fishing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products ⁽¹⁾, and in particular Article 21(5) and (8) thereof,

Whereas:

- (1) Regulation (EC) No 104/2000 provides for financial compensation to be paid to producer organisations which withdraw on certain conditions, the products listed in Annex I, (A) and (B) to that Regulation. The amount of such financial compensation should be reduced by standard values in the case of products intended for purposes other than human consumption.
- (2) Commission Regulation (EC) No 2493/2001 of 19 December 2001 on the disposal of certain fishery products which have been withdrawn from the market ⁽²⁾ specifies the ways of disposing of the products withdrawn from the market. The value of such products should be fixed at a standard level for each of these modes of disposal, taking into account the average revenues which may be obtained from such disposal in the various Member States.
- (3) Under Article 7 of Commission Regulation (EC) No 2509/2000 of 15 November 2000 laying down detailed rules for the application of Council Regulation (EC) No 104/2000 as regards granting financial compensation for withdrawals of certain fishery products ⁽³⁾, special rules provide that, where a producer organisation or one of its members puts its products up for sale in a Member State other than the country in which it is

recognised, that body responsible for granting the financial compensation must be informed. This body is the one in the Member State in which the producer organisation is recognised. The standard value deductible should therefore be the value applied in that Member State.

- (4) The same method of calculation should be applied to advances on financial compensation as provided for in Article 6 of Regulation (EC) No 2509/2000.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fishery Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the 2009 fishing year, the standard values to be used in calculating financial compensation and associated advances for fishery products withdrawn from the market by producer organisations and intended for purposes other than human consumption, as referred to in Article 21(5) of Regulation (EC) No 104/2000, are set out in the Annex to this Regulation.

Article 2

The standard value to be deducted from financial compensation and associated advances shall be that applied in the Member State in which the producer organisation is recognised.

Article 3

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

It shall apply from 1 January 2009.

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

Done at Brussels, 19 December 2008.

For the Commission

Joe BORG

Member of the Commission

⁽¹⁾ OJ L 17, 21.1.2000, p. 22.

⁽²⁾ OJ L 337, 20.12.2001, p. 20.

⁽³⁾ OJ L 289, 16.11.2000, p. 11.

ANNEX

Standard values

Use of products withdrawn from the market	EUR/tonne
1. Use following processing into meal (animal feed):	
(a) Herring of the species <i>Clupea harengus</i> and mackerel of the species <i>Scomber scombrus</i> and <i>Scomber japonicus</i> :	
— Denmark and Sweden	60
— United Kingdom	50
— other Member States	15
— France	2
(b) Shrimps of the species <i>Crangon crangon</i> and deep-water prawns (<i>Pandalus borealis</i>):	
— Denmark and Sweden	0
— other Member States	10
(c) Other products:	
— Denmark	40
— Sweden, Portugal and Ireland	20
— United Kingdom	28
— other Member States	1
2. Use fresh or preserved (animal feed)	
(a) Sardines of the species <i>Sardina pilchardus</i> and anchovies (<i>Engraulis</i> spp.):	
— all Member States	8
(b) Other products:	
— Sweden	0
— France	30
— other Member States	30
3. Use as bait	
— France	60
— other Member States	20
4. Use for purposes other than animal feed	0

COMMISSION REGULATION (EC) No 1311/2008**of 19 December 2008****fixing the amount of the carry-over aid and the flat-rate aid for certain fishery products for the 2009 fishing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products ⁽¹⁾,

Having regard to Commission Regulation (EC) No 2814/2000 of 21 December 2000 laying down detailed rules for the application of Council Regulation (EC) No 104/2000 as regards the grant of carry-over aid for certain fishery products ⁽²⁾, and in particular Article 5 thereof,

Having regard to Commission Regulation (EC) No 939/2001 of 14 May 2001 laying down detailed rules for the application of Council Regulation (EC) No 104/2000 as regards the grant of flat-rate aid for certain fishery products ⁽³⁾, and in particular Article 5 thereof,

Whereas:

- (1) Regulation (EC) No 104/2000 provides that aid may be granted for quantities of certain fresh products withdrawn from the market and either processed to stabilise them and stored or preserved.
- (2) The purpose of that aid is to give suitable encouragement to producers' organisations to process or preserve

products withdrawn from the market so that their destruction can be avoided.

- (3) The aid level should not be such as to disturb the balance of the market for the products in question or distort competition.
- (4) The aid level should not exceed the technical and financial costs associated with the operations essential to stabilising and storage recorded in the Community during the fishing year preceding the year in question.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Fishery Products,

HAS ADOPTED THIS REGULATION:

Article 1

For the 2009 fishing year, the amounts of the carry-over aid referred to in Article 23 of Regulation (EC) No 104/2000, and the amounts of the flat-rate aid referred to in Article 24(4) of that Regulation, are set out in the Annex to this Regulation.

Article 2

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

It shall apply from 1 January 2009.

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

Done at Brussels, 19 December 2008.

For the Commission

Joe BORG

Member of the Commission

⁽¹⁾ OJ L 17, 21.1.2000, p. 22.

⁽²⁾ OJ L 326, 22.12.2000, p. 34.

⁽³⁾ OJ L 132, 15.5.2001, p. 10.

ANNEX

1. Amount of the carry-over aid for products listed in Annex I, (A) and (B) and for sole (*Solea* spp.) listed in Annex I, (C) to Regulation (EC) No 104/2000

Processing methods listed in Article 23 of Regulation (EC) No 104/2000	Aid (EUR/tonne)
1	2
I. Freezing and storage of whole products, gutted and with head, or cut-up products	
— Sardines of the species <i>Sardina pilchardus</i>	355
— Other species	288
II. Filleting, freezing and storage	386
III. Salting and/or drying and storage of whole products, gutted and with head, or cut-up or filleted products	277
IV. Marinating and storage	257

2. Amount of the carry-over aid for the other products listed in Annex I, (C) to Regulation (EC) No 104/2000

Processing and/or preservation methods listed in Article 23 of Regulation (EC) No 104/2000	Products	Aid (EUR/tonne)
1	2	3
I. Freezing and storage	Norway lobster (<i>Nephrops norvegicus</i>)	323
	Norway lobster tails (<i>Nephrops norvegicus</i>)	245
II. Removing the head, freezing and storage	Norway lobster (<i>Nephrops norvegicus</i>)	290
III. Cooking, freezing and storage	Norway lobster (<i>Nephrops norvegicus</i>)	323
	Edible crabs (<i>Cancer pagurus</i>)	245
IV. Pasteurisation and storage	Edible crabs (<i>Cancer pagurus</i>)	386
V. Live storage in fixed tanks or cages	Edible crabs (<i>Cancer pagurus</i>)	210

3. Amount of the flat-rate aid for products listed in Annex IV to Regulation (EC) No 104/2000

Processing methods	Aid (EUR/tonne)
I. Freezing and storage of whole products, gutted and with head, or cut-up products	288
II. Filleting, freezing and storage	386

COMMISSION REGULATION (EC) No 1312/2008**of 19 December 2008****fixing the conversion rates, the processing costs and the value of the by-products for the various stages of rice processing****(Codified version)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 on the common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Article 5, third paragraph, in conjunction with Article 4 thereof,

Whereas:

- (1) Regulation (EEC) No 467/67 of the Commission of 21 August 1967 fixing the conversion rates, the processing costs and the value of the by-products for the various stages of rice processing ⁽²⁾ has been substantially amended several times ⁽³⁾. In the interests of clarity and rationality the said Regulation should be codified.
- (2) Article 5, third paragraph, of Regulation (EC) No 1234/2007 provides that the Commission may fix the conversion rates, the processing costs and the value of the by-products to be taken into consideration, when applying the said Regulation, for the purpose of converting values or quantities relating to the various stages of the processing of rice (paddy, husked, semi-milled or milled).
- (3) To that end, account should be taken of the information obtained from the best equipped industries of the Community.
- (4) The measures provided for in this Regulation are in accordance with the Opinion of the Management Committee for the Common Organisation of Agricultural Markets,

Article 1

1. The conversion rate between husked rice and paddy rice shall be as follows:

Husked rice	Paddy rice
1	1,25

2. The conversion rate between husked rice and milled rice shall be as follows:

	Husked rice	Milled rice
Round-grained rice	1	0,775
Medium-grained or long-grained rice	1	0,69

3. The conversion rate between milled rice and semi-milled rice shall be as follows:

	Milled rice	Semi-milled rice
Round-grained rice	1	1,065
Medium-grained or long-grained rice	1	1,072

Article 2

1. The processing costs to be taken into consideration when paddy rice is converted into husked rice shall be EUR 47,13 per tonne of paddy rice.

2. The processing costs to be taken into consideration when husked rice is converted into milled rice shall be EUR 47,13 per tonne of husked rice.

3. The processing costs for converting semi-milled rice into milled rice shall not be taken into consideration.

Article 3

1. The value of the by-products obtained from processing paddy rice into husked rice shall be considered to be nil.

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ 204, 24.8.1967, p. 1.

⁽³⁾ See Annex I.

2. The value of the by-products obtained from processing husked rice into milled rice shall be:

(a) EUR 41,00 per tonne of husked round grain rice;

(b) EUR 52,00 per tonne of husked medium-grained or long-grained rice.

3. The value of the by-products obtained from processing semi-milled rice into milled rice shall be:

(a) EUR 12,62 per tonne of semi-milled round grain rice;

(b) EUR 14,05 per tonne of semi-milled medium-grained or long-grained rice.

Article 4

The conversion of the value of a quantity of husked rice into the value of the same quantity of rice at another stage of processing shall be effected on the basis of husked rice containing 3 % broken rice. If the husked rice contains more than 3 % broken rice, the conversion shall be effected after an adjustment made on the basis of a value of EUR 110 per tonne of broken rice.

The conversion of the value of a quantity of semi-milled rice or milled rice into the value of the same quantity of rice at another stage of processing shall be effected on the basis of semi-milled or milled rice containing no broken rice. If any semi-milled or milled rice contains broken rice, the conversion shall be effected after an adjustment made on the basis of a value of EUR 150 per tonne of broken rice.

The adjustments provided for in the first and second paragraphs shall not be effected when the prices of husked rice and the prices of semi-milled or milled rice taken into consideration for fixing the levies and export refunds are lower than:

— EUR 110 per tonne of husked rice,

— EUR 150 per tonne of semi-milled or milled rice.

Article 5

1. The conversion of the value of a quantity of husked rice into the value of the same quantity of paddy rice shall be effected by:

— dividing the value to be converted by the rate fixed in Article 1(1) for paddy rice, and

— reducing the amount thus obtained by the processing costs fixed in Article 2(1).

The conversion of the value of a quantity of paddy rice into the value of the same quantity of husked rice shall be effected by:

— increasing the value to be converted by the processing costs fixed in Article 2(1), and

— multiplying the amount thus obtained by the rate fixed in Article 1(1) for paddy rice.

2. The conversion of the value of a quantity of husked rice into the value of the same quantity of milled rice shall be effected by:

— increasing the value to be converted by the processing costs fixed in Article 2(2), and

— reducing the value to be converted by the value of the by-products fixed in Article 3(2), and

— dividing the amount thus obtained by the rate fixed in Article 1(2) for milled rice.

The conversion of the value of a quantity of milled rice into the value of the same quantity of husked rice shall be effected by:

— multiplying the value to be converted by the rate fixed in Article 1(2) for milled rice,

— reducing the amount thus obtained by the processing costs fixed in Article 2(2), and

— increasing the amount thus obtained by the value of the by-products fixed in Article 3(2).

3. The conversion of the value of a quantity of milled rice into the value of the same quantity of semi-milled rice shall be effected by:

— dividing the value to be converted by the rate fixed in Article 1(3) for semi-milled rice, and

— increasing the amount thus obtained by the value of the by-products fixed in Article 3(3).

The conversion of the value of a quantity of semi-milled rice into the value of the same quantity of milled rice shall be effected by:

- reducing the value to be converted by the value of the by-products fixed in Article 3(3), and
- multiplying the amount thus obtained by the rate fixed in Article 1(3) for semi-milled rice of the group in question.

Article 6

1. The conversion of a quantity of husked rice into a corresponding quantity of paddy rice or milled rice shall be effected by multiplying the quantity to be converted by the rate fixed in Article 1(1) for paddy rice, or by the rate fixed in Article 1(2) for milled rice, as the case may be.

The conversion of a quantity of paddy rice or milled rice into a corresponding quantity of husked rice shall be effected by dividing the quantity to be converted by the rate fixed in Article 1(1) for paddy rice or by the rate fixed in Article 1(2) for milled rice, as the case may be.

2. The conversion of a quantity of milled rice into a corresponding quantity of semi-milled rice shall be effected by multiplying the quantity to be converted by the rate fixed in Article 1(3) for semi-milled rice.

The conversion of a quantity of semi-milled rice into a corresponding quantity of milled rice shall be effected by dividing the quantity to be converted by the rate fixed in Article 1(3) for semi-milled rice.

Article 7

Regulation (EEC) No 467/67 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex II.

Article 8

This Regulation shall enter into force on the 20th 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, 19 December 2008.

For the Commission

The President

José Manuel BARROSO

ANNEX I

Repealed Regulation with list of its successive amendments

Regulation (EEC) No 467/67 of the Commission
(OJ 204, 24.8.1967, p. 1)

Regulation (EEC) No 1608/71 of the Commission
(OJ L 168, 27.7.1971, p. 17)

Regulation (EEC) No 1499/72 of the Commission
(OJ L 158, 14.7.1972, p. 22)

Regulation (EEC) No 1808/74 of the Commission
(OJ L 188, 12.7.1974, p. 34)

Regulation (EEC) No 1484/75 of the Commission
(OJ L 150, 11.6.1975, p. 7)

Commission Regulation (EEC) No 1572/77
(OJ L 174, 14.7.1977, p. 26)

Commission Regulation (EEC) No 1771/79
(OJ L 203, 11.8.1979, p. 6)

Commission Regulation (EEC) No 2119/80
(OJ L 206, 8.8.1980, p. 20)

Commission Regulation (EEC) No 2120/81
(OJ L 208, 28.7.1981, p. 7)

Commission Regulation (EEC) No 1871/82
(OJ L 206, 14.7.1982, p. 15)

Commission Regulation (EEC) No 1998/83
(OJ L 196, 20.7.1983, p. 16)

Commission Regulation (EEC) No 1548/84
(OJ L 148, 5.6.1984, p. 16)

Commission Regulation (EEC) No 2249/85
(OJ L 210, 7.8.1985, p. 13)

Commission Regulation (EEC) No 2325/88
(OJ L 202, 27.7.1988, p. 41)

Article 1 only

ANNEX II

Correlation table

Regulation No 467/67/EEC	This Regulation
Articles 1 to 4	Articles 1 to 4
Article 5(1)(a) and (b)	Article 5(1), first and second subparagraphs
Article 5(2)(a) and (b)	Article 5(2), first and second subparagraphs
Article 5(3)(a) and (b)	Article 5(3), first and second subparagraphs
Article 6	Article 6
—	Article 7
Article 7	Article 8
—	Annex I
—	Annex II

COMMISSION REGULATION (EC) No 1313/2008**of 19 December 2008****amending Regulation (EC) No 501/2008 laying down detailed rules for the application of Council Regulation (EC) No 3/2008 on information provision and promotion measures for agricultural products on the internal market and in third countries**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3/2008 of 17 December 2007 on information provision and promotion measures for agricultural products on the internal market and in third countries ⁽¹⁾, and in particular Articles 4, 5 and 15 thereof,

Whereas:

- (1) As amended by Council Regulation (EC) No 479/2008 of 29 April 2008 on the common organisation of the market in wine ⁽²⁾, Articles 2 and 3 of Regulation (EC) No 3/2008 provide for information campaigns on the new Community wine designations, responsible drinking patterns and harm linked to irresponsible alcohol consumption. Commission Regulation (EC) No 501/2008 ⁽³⁾ should therefore be amended accordingly.
- (2) Annex I to Regulation (EC) No 501/2008 lists the themes and products and sets out the guidelines for promotion on the internal market.
- (3) Annex II to Regulation (EC) No 501/2008 lists the products which may be covered by promotional

measures in third countries and the third country markets in which such measures may be carried out.

- (4) Annex III to Regulation (EC) No 501/2008 sets the indicative annual budgets for the various sectors.
- (5) In the light of the amendments made to Regulation (EC) No 3/2008, Annexes I, II and III to Regulation (EC) No 501/2008 should be amended accordingly.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I, II and III to Regulation (EC) No 501/2008 are hereby amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the seventh 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, 19 December 2008.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 3, 5.1.2008, p. 1.

⁽²⁾ OJ L 148, 6.6.2008, p. 1.

⁽³⁾ OJ L 147, 6.6.2008, p. 3.

ANNEX

Annexes I, II and III to Regulation (EC) No 501/2008 are amended as follows:

1. Annex I is amended as follows:

- (a) In part 'A. **LIST OF THEMES AND PRODUCTS**', the 11th indent is replaced by the following:

— 'Wines with a protected designation of origin or a protected geographical indication, wines with an indication of the wine grape variety'

- (b) In part 'B. **GUIDELINES**', the guidelines on 'QUALITY WINES PSR, TABLE WINES WITH A GEOGRAPHICAL INDICATION' are replaced by the following:

'WINES WITH A PROTECTED DESIGNATION OF ORIGIN OR A PROTECTED GEOGRAPHICAL INDICATION,
WINES WITH AN INDICATION OF THE WINE GRAPE VARIETY'

1. **Overview of the situation**

Wine production is ample while consumption is static or even in decline for certain types of wine, while supply from third countries is on the increase.

2. **Goals**

- To inform consumers about the variety, quality and production conditions of Community wines and the results of scientific studies
- To inform consumers about responsible drinking patterns and the risks of alcohol abuse

3. **Target groups**

- Distributors
- Consumers, excluding young people and adolescents referred to in Council Recommendation 2001/458/EC (*)
- Opinion leaders: journalists, gastronomic experts
- Educational establishments in the hotel and catering sector

4. **Main messages**

- Community legislation strictly regulates production, quality indications, labelling and marketing, so guaranteeing for consumers the quality and traceability of the wine on offer
- The attraction of being able to choose from a very wide selection of Community wines of different origins
- Information on Community wine cultivation and its links with regional and local conditions, customs and tastes
- Information on responsible drinking patterns and the harmful effects of alcohol

5. **Main channels**

- Information and public relations measures
- Training for distributors and caterers
- Contacts with the specialised press
- Other channels (Internet site, leaflets and brochures) to guide consumers in their choice
- Fairs and exhibitions: stands presenting products of several Member States

6. **Duration of the programmes**

Twelve to 36 months, giving priority to multiannual programmes that set objectives for each phase.

(*) OJ L 161, 16.6.2001, p. 38.'

2. In Annex II, the fifth and sixth indents in part 'A. **LIST OF PRODUCTS WHICH MAY BE COVERED BY PROMOTIONAL MEASURES**' are replaced by the following:

— Wines with a protected designation of origin or a protected geographical indication, wines with an indication of the wine grape variety

— Spirit drinks with a protected geographical indication'.

3. In Annex III, point 11 is replaced by the following:

'11. Wines with a protected designation of origin or a protected geographical indication, wines with an indication of the wine grape variety: EUR 12 million'.

COMMISSION REGULATION (EC) No 1314/2008**of 19 December 2008****amending for the 102nd time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freeze of funds and other financial resources in respect of the Taliban of Afghanistan ⁽¹⁾, and in particular Article 7(1), first indent, thereof,

Whereas:

- (1) Annex I to Regulation (EC) No 881/2002 lists the persons, groups and entities covered by the freezing of funds and economic resources under that Regulation.

- (2) On 26 September and on 2 December 2008, the Sanctions Committee of the United Nations Security Council decided to amend the list of persons, groups and entities to whom the freezing of funds and economic resources should apply, by removing two persons from the list. Annex I should therefore be amended accordingly.

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 881/2002 is hereby amended as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the third day after 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, 19 December 2008.

For the Commission

Eneko LANDÁBURU

Director-General for External Relations

⁽¹⁾ OJ L 139, 29.5.2002, p. 9.

ANNEX

Annex I to Regulation (EC) No 881/2002 is amended as follows:

The following entries shall be removed from the heading 'Natural persons':

- (1) Mohamad Nasir ABAS (*alias* (a) Abu Husna, (b) Addy Mulyono, (c) Malik, (d) Khairudin, (e) Sulaeman, (f) Maman, (g) Husna), Taman Raja Laut, Sabah, Malaysia; date of birth: 6 May 1969, place of birth: Singapore; nationality: Malaysian; passport No: A 8239388; national identification No: 690506-71-5515.
 - (2) Abdulkadir Hussein Mahamud (*alias* Abdulkadir Hussein Mahamud). Date of birth: (a) 12.10.1966, (b) 11.11.1966. Place of birth: Somalia. Other information: Florence, Italy.
-

COMMISSION REGULATION (EC) No 1315/2008**of 19 December 2008****on the issue of import licences for applications lodged during the first seven days of December 2008 under the tariff quotas opened by Regulation (EC) No 533/2007 for poultrymeat**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Whereas:

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,

Having regard to Commission Regulation (EC) No 533/2007 of 14 May 2007 opening and providing for the administration of tariff quotas in the poultrymeat sector ⁽³⁾, and in particular Article 5(6) thereof,

(1) Regulation (EC) No 533/2007 opened tariff quotas for imports of poultrymeat products.

(2) The applications for import licences lodged during the first seven days of December 2008 for the subperiod from 1 January to 31 March 2009 relate, for some quotas, to quantities exceeding those available. The extent to which import licences may be issued should therefore be determined by establishing the allocation coefficient to be applied to the quantities requested,

HAS ADOPTED THIS REGULATION:

Article 1

The quantities for which import licence applications have been lodged under Regulation (EC) No 533/2007 for the subperiod from 1 January to 31 March 2009 shall be multiplied by the allocation coefficients set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 20 December 2008.

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

Done at Brussels, 19 December 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 125, 15.5.2007, p. 9.

ANNEX

Group No	Order No	Allocation coefficient for import licence applications lodged for the subperiod from 1.1.2009-31.3.2009 (%)	Quantities not applied for, to be added to the subperiod from 1.4.2009-30.6.2009 (kg)
P1	09.4067	3,378444	—
P2	09.4068	8,673892	—
P3	09.4069	0,914921	—
P4	09.4070	81,100141	—

COMMISSION REGULATION (EC) No 1316/2008**of 19 December 2008****on the issue of import licences for applications lodged during the first seven days of December 2008 under the tariff quotas opened by Regulation (EC) No 539/2007 for certain products in the egg sector and for egg albumin**

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,

Having regard to Commission Regulation (EC) No 539/2007 of 15 May 2007 opening and providing for the administration of tariff quotas in the egg sector and for egg albumin ⁽³⁾, and in particular Article 5(6) thereof,

Whereas:

- (1) Regulation (EC) No 539/2007 opened tariff quotas for imports of egg products and egg albumin.
- (2) The applications for import licences lodged during the first seven days of December 2008 for the subperiod from 1 January to 31 March 2009 relate, for some

quotas, to quantities exceeding those available. The extent to which import licences may be issued should therefore be determined by establishing the allocation coefficient to be applied to the quantities requested.

- (3) The applications for import licences lodged during the first seven days of December 2008 for the subperiod from 1 January to 31 March 2009 do not, for some quotas, cover the total quantity available. The quantities for which applications have not been lodged should therefore be determined, and these should be added to the quantity fixed for the following quota subperiod,

HAS ADOPTED THIS REGULATION:

Article 1

1. The quantities for which import licence applications have been lodged under Regulation (EC) No 539/2007 for the subperiod from 1 January to 31 March 2009 shall be multiplied by the allocation coefficients set out in the Annex hereto.
2. The quantities for which import licence applications have not been lodged pursuant to Regulation (EC) No 539/2007, to be added to the subperiod from 1 April to 30 June 2009, are set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 20 December 2008.

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

Done at Brussels, 19 December 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 128, 16.5.2007, p. 19.

ANNEX

Group No	Order No	Allocation coefficient for import licence applications lodged for the subperiod from 1.1.2009-31.3.2009 (%)	Quantities not applied for, to be added to the subperiod from 1.4.2009-30.6.2009 (kg)
E1	09.4015	(¹)	108 000 000
E2	09.4401	60,637664	—
E3	09.4402	(²)	7 055 897

(¹) Not applicable: no licence application has been sent to the Commission.

(²) Not applicable: the applications do not cover the total quantity available.

COMMISSION REGULATION (EC) No 1317/2008**of 19 December 2008****on the issue of import licences for applications lodged during the first seven days of December 2008 under the tariff quota opened by Regulation (EC) No 1385/2007 for poultrymeat**

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,

Having regard to Commission Regulation (EC) No 1385/2007 of 26 November 2007 laying down detailed rules for the application of Council Regulation (EC) No 774/94 as regards opening and providing for the administration of certain Community tariff quotas for poultrymeat ⁽³⁾, and in particular Article 5(6) thereof,

Whereas:

- (1) The applications for import licences lodged during the first seven days of December 2008 for the subperiod from 1 January to 31 March 2009 relate, for some

quotas, to quantities exceeding those available. The extent to which import licences may be issued should therefore be determined by establishing the allocation coefficient to be applied to the quantities requested.

- (2) The applications for import licences lodged during the first seven days of December 2008 for the subperiod from 1 January to 31 March 2009 do not, for some quotas, cover the total quantity available. The quantities for which applications have not been lodged should therefore be determined, and these should be added to the quantity fixed for the following quota subperiod,

HAS ADOPTED THIS REGULATION:

Article 1

1. The quantities for which import licence applications have been lodged for the subperiod from 1 January to 31 March 2009 under Regulation (EC) No 1385/2007 shall be multiplied by the allocation coefficients set out in the Annex hereto.
2. The quantities for which applications have not been lodged, to be added to the quantity fixed for the subperiod from 1 April to 30 June 2009, are set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 20 December 2008.

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

Done at Brussels, 19 December 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 309, 27.11.2007, p. 47.

ANNEX

Group No	Order No	Allocation coefficient for import licence appli- cations lodged for the subperiod from 1.1.2009-31.3.2009 (%)	Quantities not applied for, to be added to the quantity for the subperiod from 1.4.2009-30.6.2009 (kg)
1	09.4410	0,707216	—
2	09.4411	(¹)	1 275 000
3	09.4412	0,765696	—
4	09.4420	1,386962	—
5	09.4421	6,802721	—
6	09.4422	1,592356	—

(¹) Not applicable: no licence application has been sent to the Commission.

COMMISSION REGULATION (EC) No 1318/2008**of 19 December 2008****on the issue of import licences for applications lodged during the first seven days of December 2008 under the tariff quota opened by Regulation (EC) No 536/2007 for poultrymeat and allocated to the United States of America**

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 536/2007 of 15 May 2007 opening and providing for the administration of a tariff quota for poultrymeat allocated to the United States of America ⁽²⁾, and in particular Article 5(5) thereof,

Whereas:

- (1) Regulation (EC) No 536/2007 opened a tariff quota for imports of poultrymeat products.

- (2) The applications for import licences lodged during the first seven days of December 2008 for the subperiod from 1 January to 31 March 2009 do not cover the quantities available. The quantities for which applications have not been lodged should therefore be determined, and these should be added to the quantity fixed for the following quota subperiod,

HAS ADOPTED THIS REGULATION:

Article 1

The quantities for which import licence applications pursuant to Regulation (EC) No 536/2007 under the quota with order number 09.4169 have not been lodged, to be added to the subperiod from 1 April to 30 June 2009, shall be 12 498 750 kg.

Article 2

This Regulation shall enter into force on 20 December 2008.

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

Done at Brussels, 19 December 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 128, 16.5.2007, p. 6.

COMMISSION REGULATION (EC) No 1319/2008**of 19 December 2008****on the issue of import licences for applications lodged during the first seven days of December 2008 under the tariff quota opened by Regulation (EC) No 1384/2007 for poultrymeat originating in Israel**

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,

Having regard to Commission Regulation (EC) No 1384/2007 of 26 November 2007 laying down detailed rules for the application of Council Regulation (EC) No 2398/96 as regards opening and providing for the administration of certain quotas for imports into the Community of poultrymeat products originating in Israel ⁽³⁾, and in particular Article 5(5) thereof,

Whereas:

The applications for import licences lodged during the first seven days of December 2008 for the subperiod from 1 January to 31 March 2009 do not cover the quantities available. The quantities for which applications have not been lodged should therefore be determined, and these should be added to the quantity fixed for the following quota subperiod,

HAS ADOPTED THIS REGULATION:

Article 1

The quantities for which applications have not been lodged, to be added to the quantity fixed for the subperiod from 1 April to 30 June 2009, are set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 20 December 2008.

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

Done at Brussels, 19 December 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 309, 27.11.2007, p. 40.

ANNEX

Group No	Order No	Allocation coefficient for import licence applications lodged for the subperiod from 1.1.2009-31.3.2009 (%)	Quantities not applied for, to be added to the quantity for the subperiod from 1.4.2009-30.6.2009 (kg)
IL1	09.4092	(¹)	392 000
IL2	09.4091	(¹)	140 000

(¹) Not applicable: no licence application has been sent to the Commission.

COMMISSION REGULATION (EC) No 1320/2008**of 19 December 2008****on the issue of import licences for applications lodged during the first seven days of December 2008 under the tariff quota opened by Regulation (EC) No 1383/2007 for poultrymeat originating in Turkey**

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 1383/2007 of 26 November 2007 laying down detailed rules for the application of Council Regulation (EC) No 779/98 as regards opening and providing for the administration of certain quotas for imports into the Community of poultrymeat products originating in Turkey ⁽²⁾, and in particular Article 5(5) thereof,

Whereas:

- (1) Regulation (EC) No 1383/2007 opened tariff quotas for imports of poultrymeat products.

- (2) The applications for import licences lodged during the first seven days of December 2008 for the subperiod from 1 January to 31 March 2009 do not cover the quantities available. The quantities for which applications have not been lodged should therefore be determined and these should be added to the quantity fixed for the following quota subperiod,

HAS ADOPTED THIS REGULATION:

Article 1

The quantities for which import licence applications pursuant to Regulation (EC) No 1383/2007 under the quota with order number 09.4103 have not been lodged, to be added to the subperiod from 1 April to 30 June 2009, shall be 250 000 kg.

Article 2

This Regulation shall enter into force on 20 December 2008.

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

Done at Brussels, 19 December 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 309, 27.11.2007, p. 34.

COMMISSION REGULATION (EC) No 1321/2008**of 19 December 2008****on the issuing of import licences for applications lodged during the first seven days of December 2008 under tariff quotas opened by Regulation (EC) No 616/2007 for poultry meat**

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,

Having regard to Commission Regulation (EC) No 616/2007 of 4 June 2007 opening and providing for the administration of Community tariff quotas for poultry meat originating in Brazil, Thailand and other third countries ⁽³⁾, and in particular Article 5(5) thereof,

Whereas:

- (1) Regulation (EC) No 616/2007 opened tariff quotas for imports of products in the poultry meat sector.
- (2) The applications for import licences lodged during the first seven days of December 2008 for the subperiod 1 January to 31 March 2009 relate, for some quotas, to quantities exceeding those available. The extent to which licences may be issued should therefore be determined and an allocation coefficient laid down to be applied to the quantities applied for.

HAS ADOPTED THIS REGULATION:

Article 1

The quantities for which import licence applications have been lodged pursuant to Regulation (EC) No 616/2007 for the subperiod 1 January to 31 March 2009 shall be multiplied by the allocation coefficients set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 20 December 2008.

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

Done at Brussels, 19 December 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 142, 5.6.2007, p. 3.

ANNEX

Group No	Order No	Allocation coefficient for import licence applications lodged for the subperiod 1.1.2009-31.3.2009 (%)	Quantities not applied for to be added to the subperiod 1.4.2009-30.6.2009 (kg)
1	09.4211	0,566899	—
4	09.4214	5,969534	—
7	09.4217	7,785879	—

DIRECTIVES

COMMISSION DIRECTIVE 2008/125/EC

of 19 December 2008

amending Council Directive 91/414/EEC to include aluminium phosphide, calcium phosphide, magnesium phosphide, cymoxanil, dodemorph, 2,5-dichlorobenzoic acid methylester, metamitron, sulcotrione, tebuconazole and triadimenol 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 aluminium phosphide, calcium phosphide, magnesium phosphide, cymoxanil, dodemorph, 2,5-dichlorobenzoic acid methylester, metamitron, sulcotrione, tebuconazole and triadimenol.
- (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 aluminium phosphide, calcium phosphide, magnesium phosphide, 2,5-dichlorobenzoic acid methylester and sulcotrione the rapporteur Member State was Germany and all relevant information was submitted on 19 June 2007 for aluminium phosphide, calcium phosphide, magnesium phosphide

and 2,5-dichlorobenzoic acid methylester and on 9 August 2006 for sulcotrione. For metamitron, and triadimenol the rapporteur Member State was the United Kingdom and all relevant information was submitted on 22 August 2007 and 29 May 2006 respectively. For cymoxanil, the rapporteur Member State was Austria and all relevant information was submitted on 15 June 2007. For dodemorph, the rapporteur Member State was the Netherlands and all relevant information was submitted on 9 February 2007. For tebuconazole the rapporteur Member State was Denmark and all relevant information was submitted on 5 March 2007.

- (3) The assessment reports have been peer reviewed by the Member States and the EFSA and presented to the Commission on 29 September 2008 for aluminium phosphide, calcium phosphide and metamitron, on 30 September 2008 for magnesium phosphide, on 17 September 2008 for cymoxanil and dodemorph, on 26 September 2008 for 2,5-dichlorobenzoic acid methylester, on 31 July 2008 for sulcotrione and on 25 September 2008 for tebuconazole and triadimenol in the format of the EFSA Scientific Reports ⁽⁴⁾. These reports have been reviewed by the Member States and

⁽⁴⁾ EFSA Scientific Report (2008) 182, Conclusion regarding the peer review of the pesticide risk assessment of the active substance aluminium phosphide (finalised 29 September 2008).

EFSA Scientific Report (2008) 183, Conclusion regarding the peer review of the pesticide risk assessment of the active substance calcium phosphide (finalised 29 September 2008).

EFSA Scientific Report (2008) 190, Conclusion regarding the peer review of the pesticide risk assessment of the active substance magnesium phosphide (finalised 30 September 2008).

EFSA Scientific Report (2008) 167, Conclusion regarding the peer review of the pesticide risk assessment of the active substance cymoxanil (finalised 17 September 2008).

EFSA Scientific Report (2008) 170, Conclusion regarding the peer review of the pesticide risk assessment of the active substance dodemorph (finalised 17 September 2008).

EFSA Scientific Report (2008) 180, Conclusion regarding the peer review of the pesticide risk assessment of the active substance 2,5-dichlorobenzoic acid methylester (finalised 26 September 2008).

EFSA Scientific Report (2008) 185, Conclusion regarding the peer review of the pesticide risk assessment of the active substance metamitron (finalised 29 September 2008).

EFSA Scientific Report (2008) 150, Conclusion regarding the peer review of the pesticide risk assessment of the active substance sulcotrione (finalised 31 July 2008).

EFSA Scientific Report (2008) 176, Conclusion regarding the peer review of the pesticide risk assessment of the active substance tebuconazole (finalised 25 September 2008).

EFSA Scientific Report (2008) 177, Conclusion regarding the peer review of the pesticide risk assessment of the active substance triadimenol (25 September 2008).

⁽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.

the Commission within the Standing Committee on the Food Chain and Animal Health and finalised on 28 October 2008 in the format of the Commission review reports for aluminium phosphide, calcium phosphide, magnesium phosphide, cymoxanil, dodemorph, 2,5-dichlorobenzoic acid methylester, metamitron, sulcotrione, tebuconazole and triadimenol.

- (4) It has appeared from the various examinations made that plant protection products containing aluminium phosphide, calcium phosphide, magnesium phosphide, cymoxanil, dodemorph, 2,5-dichlorobenzoic acid methylester, metamitron, sulcotrione, tebuconazole or triadimenol may be expected to satisfy, in general, the requirements laid down in Article 5(1)(a) and (b) of Directive 91/414/EEC, in particular with regard to the uses which were examined and detailed in the Commission review 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 for metamitron to require the notifier to submit further information as regards the impact of soil metabolite M3 on groundwater, on residues in rotational crops, on the long term risk to insectivorous birds and on the specific risk to birds and mammals that may be contaminated by the intake of water in field. Furthermore, for sulcotrione it is appropriate to require the notifier to submit further information as regards the degradation in soil and water of the cyclohexadione moiety and the long term risk to insectivorous birds. In addition, it is appropriate to require that tebuconazole should be subjected to further testing for the confirmation of the risk assessment for birds and mammals and such information should be presented by the notifier. Moreover, it is appropriate to require that tebuconazole and triadimenol be subjected to further testing of their potential endocrine disrupting properties, as soon as OECD test guidelines on endocrine disruption, or, alternatively, Community agreed test guidelines exist. Finally, it is appropriate to require that triadimenol should be subjected to further testing for confirmation of the chemical specification and the long risk to birds and mammals and that such information should be presented by the notifier.
- (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 aluminium phosphide, calcium phosphide, magnesium phosphide, cymoxanil, dodemorph, 2,5-dichlorobenzoic acid methylester, metamitron, sulcotrione, tebuconazole and triadimenol 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 Regulation (EEC) No 3600/92 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 28 February 2010 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 March 2010.

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 aluminium phosphide, calcium phosphide, magnesium phosphide, cymoxanil, dodemorph, 2,5-dichlorobenzoic acid methylester, metamitron, sulcotrione, tebuconazole and triadimenol as active substances by 28 February 2010.

By that date they shall in particular verify that the conditions in Annex I to that Directive relating to aluminium phosphide, calcium phosphide, magnesium phosphide, cymoxanil, dodemorph, 2,5-dichlorobenzoic acid methylester, metamitron, sulcotrione, tebuconazole and triadimenol 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.

2. By way of derogation from paragraph 1, for each authorised plant protection product containing aluminium phosphide, calcium phosphide, magnesium phosphide, cymoxanil, dodemorph, 2,5-dichlorobenzoic acid methylester, metamitron, sulcotrione, tebuconazole and triadimenol 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 31 August 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 aluminium phosphide, calcium phosphide, magnesium phosphide, cymoxanil, dodemorph, 2,5-dichlorobenzoic acid methylester, metamitron, sulcotrione, tebuconazole and triadimenol 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 aluminium phosphide, calcium phosphide, magnesium phosphide, cymoxanil, dodemorph, 2,5-dichlorobenzoic acid methylester, metamitron, sulcotrione, tebuconazole or triadimenol as the only active substance, where necessary, amend or withdraw the authorisation by 28 February 2014 at the latest; or
- (b) in the case of a product containing aluminium phosphide, calcium phosphide, magnesium phosphide, cymoxanil, dodemorph, 2,5-dichlorobenzoic acid methylester, metamitron, sulcotrione, tebuconazole or triadimenol as one of several active substances, where necessary, amend or withdraw the authorisation by 28 February 2014 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 September 2009.

Article 5

This Directive is addressed to the Member States.

Done at Brussels, 19 December 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/ECC:

No	Common Name, Identification Numbers	IUPAC Name	Purity ⁽¹⁾	Entry into force	Expiration of inclusion	Specific provisions
'266	Aluminium phosphide CAS No 20859-73-8 CIPAC No 227	Aluminium phosphide	≥ 830 g/kg	1 September 2009	31 August 2019	PART A Only uses as insecticide and rodenticide in the form of ready-to-use aluminium phosphide containing products may be authorised. As rodenticide only outdoor uses may be authorised. Authorisations should be limited to professional users. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on aluminium phosphide, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 28 October 2008 shall be taken into account. In this overall assessment Member States must pay particular attention to: — the protection of consumers and ensure that the spent ready-to-use aluminium phosphide containing products are removed from the food commodity in uses against storage pests and subsequently an adequate additional withholding period is applied; — the operator and worker safety and ensure that conditions of use prescribe the application of adequate personal and respiratory protective equipment; — the protection of operators and workers during fumigation for indoor uses; — the protection of workers at re-entry (after fumigation period) for indoor uses; — the protection of bystanders against leaking of gas for indoor uses; — the protection of birds and mammals. Conditions of authorisation should include risk mitigation measures, such as the closure of the burrows and the achievement of complete incorporation of granules in the soil, where appropriate; — the protection of aquatic organisms. Conditions of authorisation should include risk mitigation measures, such as buffer zones between treated areas and surface water bodies, where appropriate.

No	Common Name, Identification Numbers	IUPAC Name	Purity ⁽¹⁾	Entry into force	Expiration of inclusion	Specific provisions
267	Calcium phosphide CAS No 1305-99-3 CIPAC No 505	Calcium phosphide	≥ 160 g/kg	1 September 2009	31 August 2019	PART A Only outdoor uses as rodenticide in the form of ready-to-use calcium phosphide containing products may be authorised. Authorisations should be limited to professional users. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on calcium phosphide, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 28 October 2008 shall be taken into account. In this overall assessment Member States must pay particular attention to: — the operator and worker safety and ensure that conditions of use prescribe the application of adequate personal and respiratory protective equipment; — the protection of birds and mammals. Conditions of authorisation should include risk mitigation measures, such as the closure of the burrows and the achievement of complete incorporation of granules in the soil, where appropriate; — the protection of aquatic organisms. Conditions of authorisation should include risk mitigation measures, such as buffer zones between treated areas and surface water bodies, where appropriate.

No	Common Name, Identification Numbers	IUPAC Name	Purity ⁽¹⁾	Entry into force	Expiration of inclusion	Specific provisions
268	Magnesium phosphide CAS No 12057-74-8 CIPAC No 228	Magnesium phosphide	≥ 880 g/kg	1 September 2009	31 August 2019	PART A Only uses as insecticide and rodenticide in the form of ready-to-use magnesium phosphide containing products may be authorised. As rodenticide only outdoor uses may be authorised. Authorisations should be limited to professional users. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on magnesium phosphide, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 28 October 2008 shall be taken into account. In this overall assessment Member States must pay particular attention to: — the protection of consumers and ensure that the spent ready-to-use magnesium phosphide containing products are removed from the food commodity in uses against storage pests and subsequently an adequate additional withholding period is applied; — the operator safety and ensure that conditions of use prescribe the application of adequate personal and respiratory protective equipment; — the protection of operators and workers during fumigation for indoor uses; — the protection of workers at re-entry (after fumigation period) for indoor uses; — the protection of bystanders against leaking of gas for indoor uses; — the protection of birds and mammals. Conditions of authorisation should include risk mitigation measures, such as the closure of the burrows and the achievement of complete incorporation of granules in the soil, where appropriate; — the protection of aquatic organisms. Conditions of authorisation should include risk mitigation measures, such as buffer zones between treated areas and surface water bodies, where appropriate.

No	Common Name, Identification Numbers	IUPAC Name	Purity ⁽¹⁾	Entry into force	Expiration of inclusion	Specific provisions
269	Cymoxanil CAS No 57966-95-7 CIPAC No 419	1-[(E/Z)-2-cyano-2-methoxyiminoacetyl]-3-ethylurea	≥ 970 g/kg	1 September 2009	31 August 2019	PART A Only uses as fungicide may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on cymoxanil, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 28 October 2008 shall be taken into account. In this overall assessment Member States must pay particular attention to: — the operator and worker safety and ensure that conditions of use prescribe the application of adequate personal protective equipment; — the protection of the groundwater, when the active substance is applied in regions with vulnerable soil and/or climatic conditions; — the protection of aquatic organisms and must ensure that the conditions of authorisation include risk mitigation measures such as buffer zones, where appropriate.
270	Dodemorph CAS No 1593-77-7 CIPAC No 300	cis/trans-[4-cyclododecyl]-2,6-dimethylmorpholine	≥ 950 g/kg	1 September 2009	31 August 2019	PART A Only uses as fungicide on ornamentals in glasshouse may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on dodemorph, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 28 October 2008 shall be taken into account. In this overall assessment Member States must pay particular attention to: — the operator and worker safety and ensure that conditions of use prescribe the application of adequate personal protective equipment where appropriate; — the protection of the groundwater, when the active substance is applied in regions with vulnerable soil 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
271	2,5-Dichlorobenzoic acid methyl-ester CAS No 2905-69-3 CIPAC No 686	<i>methyl-2,5- dichlorobenzoate</i>	≥ 99.5 g/kg	1 September 2009	31 August 2019	PART A Only indoor uses as plant growth regulator and fungicide for grafting of grapevines may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on 2,5-Dichlorobenzoic acid methyl-ester, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 28 October 2008 shall be taken into account.
272	Metamitron CAS No 41394-05-2 CIPAC No 381	<i>4-amino-4,5-dihydro-3- methyl-6-phenyl-1,2,4- triazin-5-one</i>	≥ 960 g/kg	1 September 2009	31 August 2019	PART A Only uses as herbicide may be authorised. PART B In assessing applications to authorise plant protection products containing metamitron for uses other than on root crops, 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 metamitron, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 28 October 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 personal protective equipment where appropriate; — the protection of groundwater, when the active substance is applied in regions with vulnerable soil and/or climatic conditions; — the risk to birds and mammals, and non-target terrestrial plants. Conditions of authorisation shall include risk mitigation measures, where appropriate. The Member States concerned shall request the submission of further information on the impact of soil metabolite M3 on groundwater, on residues in rotational crops, on the long-term risk to insectivorous birds and the specific risk to birds and mammals that may be contaminated by the intake of water in field. They shall ensure that the notifiers at whose request metamitron has been included in this Annex provide such information to the Commission by 31 August 2011 at the latest.

No	Common Name, Identification Numbers	IUPAC Name	Purity ⁽¹⁾	Entry into force	Expiration of inclusion	Specific provisions
273	Sulcotrione CAS No 99105-77-8 CIPAC No 723	2-(2-chloro-4- mesylbenzoyl)cyclohexane- 1,3-dione	≥ 950 g/kg Impurities: — hydrogen cyanide: not more than 80 mg/kg — toluene: not more than 4 g/kg	1 September 2009	31 August 2019	PART A Only uses as herbicide may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on sulcotrione, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 28 October 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 where appropriate; — the risk to insectivorous birds, aquatic and terrestrial non-target plants, and non-target arthropods. Conditions of authorisation shall include risk mitigation measures, where appropriate. The Member States concerned shall request the submission of further information on the degradation in soil and water of the cyclohexadione moiety and the long-term risk to insectivorous birds. They shall ensure that the notifier at whose request sulcotrione has been included in this Annex provide such information to the Commission by 31 August 2011 at the latest.

No	Common Name, Identification Numbers	IUPAC Name	Purity ⁽¹⁾	Entry into force	Expiration of inclusion	Specific provisions
274	Tebuconazole CAS No 107534-96-3 CIPAC No 494	(RS)-1-p-chlorophenyl- 4,4-dimethyl-3-(1H- 1,2,4-triazol- 1-ylmethyl)-pentan-3-ol	≥ 905 g/kg	1 September 2009	31 August 2019	PART A Only uses as fungicide may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on tebuconazole, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 28 October 2008 shall be taken into account. In this overall assessment Member States must pay particular attention to: — the operator and worker safety and ensure that conditions of use prescribe the application of adequate personal protective equipment; — the dietary exposure of consumers to the tebuconazole (triazole) metabolites; — the protection of granivorous birds and mammals and herbivorous mammals and must ensure that the conditions of authorisation include, where appropriate, risk mitigation measures. — the protection of aquatic organisms and must ensure that conditions of authorisation include risk mitigation measures such as buffer zones, where appropriate. The Member States concerned shall request the submission of further information to confirm the risk assessment for birds and mammals. They shall ensure that the notifier at whose request tebuconazole has been included in this Annex provide such information to the Commission by 31 August 2011 at the latest. The Member States concerned shall ensure that the notifier submits to the Commission further information addressing the potential endocrine disrupting properties of tebuconazole within two years after the adoption of the OECD test guidelines on endocrine disruption or, alternatively, of Community agreed test guidelines.

No	Common Name, Identification Numbers	IUPAC Name	Purity ⁽¹⁾	Entry into force	Expiration of inclusion	Specific provisions
275	Triadimenol CAS No 55219-65-3 CIPAC No 398	(1RS,2RS;1RS,2SR)-1-(4-chlorophenoxy)-3,3-dimethyl-1-(1H-1,2,4-triazol-1-yl)butan-2-ol	≥ 920 g/kg isomer A (1RS,2SR), isomer B (1RS,2RS) Diastereomer A, RS + SR, range: 70 to 85 % Diastereomer B, RR + SS, range: 15 to 30 %	1 September 2009	31 August 2019	PART A Only uses as fungicide may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on triadimenol, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 28 October shall be taken into account. In this overall assessment Member States must pay particular attention to: — the presence of N-methylpyrrolidone in formulated products as regards operator, worker and bystander exposure; — the protection of birds and mammals. In relation to these identified risks risk mitigation measures, such as buffer zones, should be applied where appropriate The Member States concerned shall ensure that the notifier submits to the Commission — further information on the specification; — information to further address the risk assessment for birds and mammals. — information to further address the risk of endocrine disrupting effects on fish. They shall ensure that the notifier at whose request triadimenol has been included in this Annex provide such information to the Commission by 31 August 2011 at the latest. The Member States concerned shall ensure that the notifier submits to the Commission further information addressing the potential endocrine disrupting properties of triadimenol within two years after the adoption of the OECD test guidelines on endocrine disruption or, alternatively, of Community agreed test guidelines.'

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

COMMISSION DIRECTIVE 2008/127/EC**of 18 December 2008****amending Council Directive 91/414/EEC to include several 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 1112/2002 ⁽²⁾ and (EC) No 2229/2004 ⁽³⁾ lay down the detailed rules for the implementation of the fourth 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 the active substances listed in the Annex to this Directive.
- (2) By Regulation (EC) No 1095/2007 ⁽⁴⁾ a new Article 24b was inserted into Regulation (EC) No 2229/2004 to allow active substances for which there are clear indications that it may be expected that they do not have any harmful effects on human or animal health or on groundwater or any unacceptable influence on the environment, to be included in Annex I to Directive 91/414/EEC without detailed scientific advice from the European Food Safety Authority (EFSA) having been sought.
- (3) For the active substances listed in the Annex to this Directive the Commission examined in accordance with Article 24a of Regulation (EC) No 2229/2004 the effects on human, animal health, groundwater and the environment for a range of uses proposed by the notifiers, with the conclusion that those active substances satisfy the requirements of Article 24b of Regulation (EC) No 2229/2004.
- (4) In accordance with Article 25(1) of Regulation (EC) No 2229/2004 the Commission has submitted draft review reports for the active substances listed in the Annex to this Directive to the Standing Committee on the Food Chain and Animal Health, for examination. Those 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 28 October 2008 in the format of the Commission review reports. In accordance with Article 25a of Regulation (EC) No 2229/2004 the Commission is to request the EFSA to deliver its view on the draft review reports by 31 December 2010 at the latest.

- (5) It has appeared from the various examinations made that plant protection products containing the active substances listed in the Annex to this Directive may be expected to satisfy, in general, the requirements laid down in Article 5(1)(a) and (b) of Directive 91/414/EEC, in particular with regard to the uses which have been examined and detailed in the Commission review report. It is therefore appropriate to include in Annex I to that Directive the active substances listed in the Annex to this Directive, in order to ensure that in all Member States the authorisations of plant protection products containing this active substance can be granted in accordance with the provisions of that Directive.
- (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 the active substances listed in the Annex 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 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.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.

⁽²⁾ OJ L 168, 27.6.2002, p. 14.

⁽³⁾ OJ L 379, 24.12.2004, p. 13.

⁽⁴⁾ OJ L 246, 21.9.2007, p. 19.

- (8) The experience gained from previous inclusions in Annex I to Directive 91/414/EEC of active substances assessed in the framework of Regulation (EEC) No 3600/92 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 that 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 28 February 2010 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 March 2010.

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 the active substances listed in the Annex as active substances by 28 February 2010.

By that date they shall in particular verify that the conditions in Annex I to that Directive relating to the active substances listed

in the Annex are met, with the exception of those identified in part B of the entry concerning that active substance, and that the holders of the authorisations have, or have access to, dossiers satisfying the requirements of Annex II to that Directive in accordance with the conditions of Article 13 of that Directive.

2. By way of derogation from paragraph 1, for each authorised plant protection product containing one of the active substances listed in the Annex 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 31 August 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 the active substances listed in the Annex. 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 one of the active substances listed in the Annex as the only active substance, where necessary, amend or withdraw the authorisation by 31 August 2015 at the latest; or
- (b) in the case of a product containing one of the active substances listed in the Annex as one of several active substances, where necessary, amend or withdraw the authorisation by 31 August 2015 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 September 2009.

Article 5

This Directive is addressed to the Member States.

Done at Brussels, 18 December 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/EC:

No	Common Name, Identification Numbers	IUPAC Name	Purity ⁽¹⁾	Entry into force	Expiration of inclusion	Specific provisions
224	Acetic acid CAS No: 64-19-7 CIPAC No: not allocated	Acetic acid	≥ 980 g/kg	1 September 2009	31 August 2019	PART A Only uses as herbicide may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on acetic acid (SANCO/2602/2008) and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health shall be taken into account. Conditions of use shall include, where appropriate, risk mitigation measures.
225	Aluminium ammonium sulphate CAS No: 7784-26-1 CIPAC No: not allocated	Aluminium ammonium sulphate	≥ 960 g/kg	1 September 2009	31 August 2019	PART A Only uses as repellent may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on aluminium ammonium sulphate (SANCO/2985/2008) and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health shall be taken into account. Conditions of use shall include, where appropriate, risk mitigation measures.
226	Aluminium silicate CAS No: 1332-58-7 CIPAC No: not allocated	Not available Chemical name: Kaolin	≥ 999,8 g/kg	1 September 2009	31 August 2019	PART A Only uses as repellent may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on aluminium silicate (SANCO/2603/2008) and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health shall be taken into account. Conditions of use shall include, where appropriate, risk mitigation measures.

No	Common Name, Identification Numbers	IUPAC Name	Purity (1)	Entry into force	Expiration of inclusion	Specific provisions
227	Ammonium acetate CAS No: 631-61-8 CIPAC No: not allocated	Ammonium acetate	≥ 970 g/kg Relevant impurity: Heavy metals as Pb maximum 10 ppm	1 September 2009	31 August 2019	PART A Only uses as attractant may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on ammonium acetate (SANCO/2986/2008) and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health shall be taken into account. Conditions of use shall include, where appropriate, risk mitigation measures.
228	Blood meal CAS No: not allocated CIPAC No: not allocated	Not available	≥ 990 g/kg	1 September 2009	31 August 2019	PART A Only uses as repellent may be authorised. Blood meal must be in compliance with Regulation (EC) No 1774/2002. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on blood meal (SANCO/2604/2008) and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health shall be taken into account. Conditions of use shall include, where appropriate, risk mitigation measures.
229	Calcium carbide CAS No: 75-20-7 CIPAC No: not allocated	Calcium carbide Calcium acetylide	≥ 765 g/kg Containing 0.08-0.52 g/kg Calcium Phosphide	1 September 2009	31 August 2019	PART A Only uses as repellent may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on calcium carbide (SANCO/2605/2008) and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health shall be taken into account. Conditions of use shall include, where appropriate, risk mitigation measures.

No	Common Name, Identification Numbers	IUPAC Name	Purity (1)	Entry into force	Expiration of inclusion	Specific provisions
230	Calcium carbonate CAS No: 471-34-1 CIPAC No: not allocated	Calcium carbonate	≥ 995 g/kg	1 September 2009	31 August 2019	PART A Only uses as repellent may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on calcium carbonate (SANCO/2606/2008) and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health shall be taken into account. Conditions of use shall include, where appropriate, risk mitigation measures.
231	Carbon dioxide CAS No: 124-38-9	Carbon dioxide	≥ 99,9 %	1 September 2009	31 August 2019	PART A Only uses as fumigant may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on carbon dioxide (SANCO/2987/2008) and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health shall be taken into account. Conditions of use shall include, where appropriate, risk mitigation measures.
232	Denathonium benzoate CAS No: 3734-33-6 CIPAC No: not allocated	Benzyl-diethyl-[[[2,6-xylyl-carbamoyl]methyl]ammonium] benzoate	≥ 995 g/kg	1 September 2009	31 August 2019	PART A Only uses as repellent may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on denathonium benzoate (SANCO/2607/2008) and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health shall be taken into account. Conditions of use shall include, where appropriate, risk mitigation measures.

No	Common Name, Identification Numbers	IUPAC Name	Purity (1)	Entry into force	Expiration of inclusion	Specific provisions
233	Ethylene CAS No: 74-85-1 CIPAC No: not allocated	Ethene	≥ 99 %	1 September 2009	31 August 2019	PART A Only uses as plant growth regulator may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on ethylene (SANCO/2608/2008) and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health shall be taken into account. Conditions of use shall include, where appropriate, risk mitigation measures.
234	Extract from tea tree CAS No: Tee Tree Oil 68647-73-4 Main components: terpinen-4-ol 562-74-3 γ-terpinene 99-85-4 α-terpinene 99-86-5 1,8-cineol 470-82-6 CIPAC No: not allocated	Tee Tree Oil is a complex mixture of chemical substances.	Main components: terpinen-4-ol ≥ 300 g/kg γ-terpinene ≥ 100 g/kg α-terpinene ≥ 50 g/kg 1,8-cineol trace	1 September 2009	31 August 2019	PART A Only uses as fungicide may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on extract from tea tree (SANCO/2609/2008) and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health shall be taken into account. Conditions of use shall include, where appropriate, risk mitigation measures.
235	Fat destillation residues CAS No: not allocated CIPAC No: not allocated	Not available	≥ 40 % of cleaved fatty acids Relevant impurity: Ni maximum 200 mg/kg	1 September 2009	31 August 2019	PART A Only uses as repellent may be authorised. Fat destillation residues of animal origin must be in compliance with Regulation (EC) No 1774/2002. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on fat destillation residues (SANCO/2610/2008) and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health shall be taken into account. Conditions of use shall include, where appropriate, risk mitigation measures.

No	Common Name, Identification Numbers	IUPAC Name	Purity (%)	Entry into force	Expiration of inclusion	Specific provisions
236	Fatty acids C ₇ to C ₂₀ CAS No: 112-05-0 (Pelargonic Acid) 67701-09-1 (Fatty acids C ₇ -C ₁₈ and C ₁₈ unsaturated potassium salts) 124-07-2 (Caprylic Acid) 334-48-5 (Capric Acid) 143-07-7 (Lauric Acid) 112-80-1 (Oleic Acid) 85566-26-3 (Fatty acids C ₈ -C ₁₀ Me esters) 111-11-5 (Methyl octanoate) 110-42-9 (Methyl decanoate) CIPAC No: not allocated	Nonanoic acid Caprylic Acid, Pelargonic Acid, Capric Acid, Lauric Acid, Oleic Acid (ISO in each case) Octanoic Acid, Nonanoic Acid, Decanoic Acid, Dodecanoic Acid, cis-9-Octadecenoic Acid (IUPAC in each case) Fatty acids, C ₇ -C ₁₀ , Me esters	≥ 889 g/kg (Pelargonic Acid) ≥ 838 g/kg fatty acids ≥ 99 % fatty acid methyl esters	1 September 2009	31 August 2019	PART A Only uses as insecticide, acaricide, and herbicide and plant growth regulator may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on fatty acids (SANCO/2610/2008) and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health shall be taken into account. Conditions of use shall include, where appropriate, risk mitigation measures.
237	Garlic extract CAS No: 8008-99-9 CIPAC No: not allocated	Food grade garlic juice concentrate	≥ 99,9 %	1 September 2009	31 August 2019	PART A Only uses as repellent, insecticide and nematocide may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on garlic extract (SANCO/2612/2008) and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health shall be taken into account. Conditions of use shall include, where appropriate, risk mitigation measures.

No	Common Name, Identification Numbers	IUPAC Name	Purity (1)	Entry into force	Expiration of inclusion	Specific provisions
238	Gibberellic acid CAS No: 77-06-5 CIPAC No: 307	(3S,3aS,4S,4aS,7-S,9aR,9bR,12S)-7,12-dihydroxy-3-methyl-6-methylene-2-oxopropyl-4a,7-methano-9b,3-propenol(1,2-b)furan-4-carboxylic acid Alt: (3S,3aR,4S,4aS,6-S,8aR,8bR,11S)-6,11-dihydroxy-3-methyl-12-methylene-2-oxo-4a,6-methano-3,8b-prop-1-enoperohydroindenol (1,2-b) furan-4-carboxylic acid	≥ 850 g/kg	1 September 2009	31 August 2019	PART A Only uses as plant growth regulator may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on gibberellic acid (SANCO/2613/2008) and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health shall be taken into account. Conditions of use shall include, where appropriate, risk mitigation measures.
239	Gibberellins CAS No: 468-44-0 GA7: 510-75-8 GA4+7 mixture: 8030-53-3 CIPAC No: not allocated	GA4: (3S,3aR,4S,4aR,7R,9aR,9bR,12S)-12-hydroxy-3-methyl-6-methylene-2-oxopropyl-4a,7-methano-3,9b-propenoazuleno[1,2-b]furan-4-carboxylic acid GA7: (3S,3aR,4S,4aR,7R,9aR,9bR,12S)-12-hydroxy-3-methyl-6-methylene-2-oxopropyl-4a,7-methano-9b,3-propenoazuleno[1,2-b]furan-4-carboxylic acid	Review report (SANCO/2614/2008).	1 September 2009	31 August 2019	PART A Only uses as plant growth regulator may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on gibberellins (SANCO/2614/2008) and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health shall be taken into account. Conditions of use shall include, where appropriate, risk mitigation measures.
240	Hydrolysed proteins Beet molasses urea hydrolysate Collagen protein hydrolysate CAS No: not allocated CIPAC No: not allocated	Not available	Beet molasses urea hydrolysate: minimum Crude Protein Equivalent: 360 g/kg (36 % w/w) Collagen protein hydrolysate: organic nitrogen content > 240 g/kg	1 September 2009	31 August 2019	PART A Only uses as attractant may be authorised. Hydrolysed proteins of animal origin must be in compliance with Regulation (EC) No 1774/2002 PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on hydrolysed proteins (SANCO/2615/2008) and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health shall be taken into account. Conditions of use shall include, where appropriate, risk mitigation measures.

No	Common Name, Identification Numbers	IUPAC Name	Purity (%)	Entry into force	Expiration of inclusion	Specific provisions
241	Iron sulphate Iron(II)sulphate anhydrous: CAS No: 7720-78-7 Iron(II)sulphate monohydrate: CAS No: 17375-41-6 Iron(II)sulphate heptahydrate: CAS No: 7782-63-0 CIPAC No: not allocated	Iron (II) sulfate	Iron(II)sulphate anhydrous ≥ 367,5 g/kg Iron(II)sulphate mono- hydrate ≥ 300 g/kg Iron(II)sulphate hepta- hydrate ≥ 180 g/kg	1 September 2009	31 August 2019	PART A Only uses as herbicide may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on iron sulphate (SANCO/2616/2008) and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health shall be taken into account. Conditions of use shall include, where appropriate, risk mitigation measures.
242	Kieselgur (Diatomaceous earth) CAS No: 61790-53-2 CIPAC No: 647	Kieselgur (diatomaceous earth)	920 ± 20 g SiO ₂ /kg DE Maximum 0,1 % of particles of Crystalline Silica (with diameter below 50 um.)	1 September 2009	31 August 2019	PART A Only uses as insecticide and acaricide may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on kieselgur (SANCO/2617/2008) and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health shall be taken into account. Conditions of use shall include, where appropriate, risk mitigation measures.

No	Common Name, Identification Numbers	IUPAC Name	Purity ⁽¹⁾	Entry into force	Expiration of inclusion	Specific provisions
243	Limestone CAS No: 1317-65-3 CIPAC No: not allocated	not available	≥ 980 g/kg	1 September 2009	31 August 2019	PART A Only uses as repellent may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on limestone (SANCO/2618/2008) and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health shall be taken into account. Conditions of use shall include, where appropriate, risk mitigation measures.
244	Methyl nonyl ketone CAS No: 112-12-9 CIPAC No: not allocated	Undecan-2-one	≥ 975g/kg	1 September 2009	31 August 2019	PART A Only uses as repellent may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on methylnonyl ketone (SANCO/2619/2008) and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health shall be taken into account. Conditions of use shall include, where appropriate, risk mitigation measures.

No	Common Name, Identification Numbers	IUPAC Name	Purity (!)	Entry into force	Expiration of inclusion	Specific provisions
245	Pepper CAS No: not allocated CIPAC No: not allocated	Black pepper — Piper nigrum	It is a complex mixture of chemical substances, the component piperine as marker should be minimum 4 %	1 September 2009	31 August 2019	PART A Only uses as repellent may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on pepper (SANCO/2620/2008) and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health shall be taken into account. Conditions of use shall include, where appropriate, risk mitigation measures.
246	Plant oils/citronella oil CAS No: 8000-29-1 CIPAC No: not allocated	Citronella Oil is a complex mixture of chemical substances. The main components are: Citronellal (3,7-dimethyl-6- octenal). Geraniol ((E)-3,7-dimethyl- 2,6-octadien-1-ol). Citronellol (3,7-dimethyl-6- octan-2-ol). Geranyl acetate (3,7- dimethyl-6-octen-1-yl acetate).	Relevant impurities methyl eugenol and methyl-isoeugenol maximum 0,1 %.	1 September 2009	31 August 2019	PART A Only uses as herbicide may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on citronella oil (SANCO/2621/2008) and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health shall be taken into account. Conditions of use shall include, where appropriate, risk mitigation measures.
247	Plant oils/clove oil CAS No: 94961-50-2 (clove oil) 97-53-0 (Eugenol — main component) CIPAC No: not allocated	Clove Oil is a complex mixture of chemical substances. The main component is eugenol.	≥ 800 g/kg	1 September 2009	31 August 2019	PART A Only uses as fungicide and bactericide may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on clove oil (SANCO/2622/2008) and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health shall be taken into account. Conditions of use shall include, where appropriate, risk mitigation measures.

No	Common Name, Identification Numbers	IUPAC Name	Purity (1)	Entry into force	Expiration of inclusion	Specific provisions
248	Plant oils/rape seed oil CAS No: 8002-13-9 CIPAC No: not allocated	Rape seed oil	Rape seed oil is a complex mixture of fatty acids	1 September 2009	31 August 2019	PART A Only uses as insecticide and acaricide may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on rape seed oil (SANCO/2623/2008) and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health shall be taken into account. Conditions of use shall include, where appropriate, risk mitigation measures.
249	Plant oils/spear mint oil CAS No: 8008-79-5 CIPAC No: not allocated	Spear mint oil	≥ 550 g/kg as L- Carvone	1 September 2009	31 August 2019	PART A Only uses as plant growth regulator may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on spearmint oil (SANCO/2624/2008) and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health shall be taken into account. Conditions of use shall include, where appropriate, risk mitigation measures.
250	Potassium hydrogen carbonate CAS No: 298-14-6 CIPAC No: not allocated	Potassium hydrogen carbonate	≥ 99,5 %	1 September 2009	31 August 2019	PART A Only uses as fungicide may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on potassium hydrogen carbonate (SANCO/2625/2008) and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health shall be taken into account. Conditions of use shall include, where appropriate, risk mitigation measures.

No	Common Name, Identification Numbers	IUPAC Name	Purity (1)	Entry into force	Expiration of inclusion	Specific provisions
251	Putrescin (1,4-Diaminobutane) CAS No: 110-60-1 CIPAC No: not allocated	Butane-1,4-diamine	≥ 990 g/kg	1 September 2009	31 August 2019	PART A Only uses as attractant may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on putrescin (SANCO/2626/2008) and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health shall be taken into account. Conditions of use shall include, where appropriate, risk mitigation measures.
252	Pyrethrins CAS No: (A) and (B): Pyrethrins: 8003-34-7 Extract A: extractives of Chrysanthemum cinerariaefolium: 89997-63-7 pyrethrin 1: CAS 121-21-1 pyrethrin 2: CAS 121-29-9 cinerin 1: CAS 25402-06-6 cinerin 2: CAS 121-20-0 jasmolin 1: CAS 4466-14-2 jasmolin 2: CAS 1172-63-0 Extract B: pyrethrin 1: CAS 121-21-1 pyrethrin 2: CAS 121-29-9 cinerin 1: CAS 25402-06-6 cinerin 2: CAS 121-20-0 jasmolin 1: CAS 4466-14-2 jasmolin 2: CAS 1172-63-0 CIPAC No 32	Pyrethrins are a complex mixture of chemical substances.	Extract A: ≥ 500 g/kg Pyrethrins Extract B: ≥ 480 g/kg Pyrethrins	1 September 2009	31 August 2019	PART A Only uses as insecticide may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on pyrethrins (SANCO/2627/2008) and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health shall be taken into account. Conditions of use shall include, where appropriate, risk mitigation measures.

No	Common Name, Identification Numbers	IUPAC Name	Purity (1)	Entry into force	Expiration of inclusion	Specific provisions
253	Quartz sand CAS No: 14808-60-7 CIPAC No: not allocated	Quartz, Quartz, Silicium- dioxid, Silica, Silicon dioxide, SiO ₂	≥ 915 g/kg Maximum 0,1 % of particles of Crystalline Silica (with diameter below 50 µm.)	1 September 2009	31 August 2019	PART A Only uses as repellent may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on quartz sand (SANCO/2628/2008) and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health shall be taken into account. Conditions of use shall include, where appropriate, risk mitigation measures.
254	Repellents by smell of animal or plant origin/fish oil CAS No: 100085-40-3 CIPAC No: not allocated	Fish Oil	≥ 99 %	1 September 2009	31 August 2019	PART A Only uses as repellent may be authorised. Fish oil must be in compliance with Regulation (EC) No 1774/2002 PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on fish oil (SANCO/2629/2008) and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health shall be taken into account. Conditions of use shall include, where appropriate, risk mitigation measures.
255	Repellents by smell of animal or plant origin/sheep fat CAS No: 98999-15-6 CIPAC No: not allocated	Sheep Fat	Pure sheep fat containing a maximum of 0,18 % w/w/water.	1 September 2009	31 August 2019	PART A Only uses as repellent may be authorised. Sheep fat must be in compliance with Regulation (EC) No 1774/2002 PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on sheep fat (SANCO/2630/2008) and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health shall be taken into account. Conditions of use shall include, where appropriate, risk mitigation measures.

No	Common Name, Identification Numbers	IUPAC Name	Purity (!)	Entry into force	Expiration of inclusion	Specific provisions
256	Repellents by smell of animal or plant origin/tall oil crude CAS No: 8002-26-4 CIPAC No: not allocated	Tall Oil Crude	Tall oil crude is a complex mixture of tall rosin and fatty acids	1 September 2009	31 August 2019	PART A Only uses as repellent may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on tall oil crude (SANCO/2631/2008) and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health shall be taken into account. Conditions of use shall include, where appropriate, risk mitigation measures.
257	Repellents by smell of animal or plant origin/tall oil pitch CAS No: 8016-81-7 CIPAC No: not allocated	Tall Oil Pitch	Complex mixture of esters of fatty acids, rosin and small amounts of dimers and trimers of resin acids and fatty acids.	1 September 2009	31 August 2019	PART A Only uses as repellent may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on tall oil pitch (SANCO/2632/2008) and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health shall be taken into account. Conditions of use shall include, where appropriate, risk mitigation measures.
258	Sea-algae extract (formerly sea algae extract and sea weeds) CAS No: not allocated CIPAC No: not allocated	See algae extract	See algae extract is a complex mixture. Main components as markers: mannitol, fucoidans and alginates. Review report SANCO/ 2634/2008	1 September 2009	31 August 2019	PART A Only uses as plant growth regulator may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on sea algae extract (SANCO/2634/ 2008) and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health shall be taken into account. Conditions of use shall include, where appropriate, risk mitigation measures.

No	Common Name, Identification Numbers	IUPAC Name	Purity (1)	Entry into force	Expiration of inclusion	Specific provisions
259	Sodium aluminium silicate CAS No: 1344-00-9 CIPAC No: not allocated	Sodium aluminium silicate: $\text{Na}_x[(\text{AlO}_2)_x(\text{SiO}_2)_y] \times z\text{H}_2\text{O}$	1 000 g/kg	1 September 2009	31 August 2019	PART A Only uses as repellent may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on sodium aluminium silicate (SANCO/2635/2008) and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health shall be taken into account. Conditions of use shall include, where appropriate, risk mitigation measures.
260	Sodium Hypochlorite CAS No: 7681-52-9 CIPAC No: not allocated	Sodium Hypochlorite	10 % (w/w) expressed as chlorine	1 September 2009	31 August 2019	PART A Only uses as disinfectant may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on sodium hypochlorite (SANCO/2988/2008) and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health shall be taken into account. Conditions of use shall include, where appropriate, risk mitigation measures.

No	Common Name, Identification Numbers	IUPAC Name	Purity (%)	Entry into force	Expiration of inclusion	Specific provisions
261	Straight Chain Lepidopteran Pheromones	Acetate group:	Review report (SANCO/2633/2008)	1 September 2009	31 August 2019	PART A Only uses as attractants may be authorised.
	(E)-5-decen-1-yl acetate CAS No: 38421-90-8 CIPAC No: not allocated	(E)-5-decen-1-yl acetate				PART B
	(E)-8-dodecen-1-yl acetate CAS No: 38363-29-0 CIPAC No: not allocated	(E)-8-dodecen-1-yl acetate				For the implementation of the uniform principles of Annex VI, the conclusions of the review report on straight chain lepidopteran pheromones (SANCO/2633/2008) and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health shall be taken into account.
	(E/Z)-8-dodecen-1-yl acetate CAS No: not available CIPAC No: not available	(E/Z)-8-dodecen-1-yl acetate as individual isomers				Conditions of use shall include, where appropriate, risk mitigation measures.
	(Z)-8-dodecen-1-yl acetate CAS No: 28079-04-1 CIPAC No: not allocated	(Z)-8-dodecen-1-yl acetate				
	(Z)-9-dodecen-1-yl acetate CAS No: 16974-11-1 CIPAC No: 422	(Z)-9-dodecen-1-yl acetate				
	(E,Z)-7,9-dodecadien-1-yl acetate CAS No: 54364-62-4 CIPAC No: not allocated	(E,Z)-7,9-dodecadien-1-yl acetate				
	(E)-11-tetradecen-1-yl acetate CAS No: 33189-72-9 CIPAC No: not allocated	(E)-11-tetradecen-1-yl acetate				
	(Z)-9-tetradecen-1-yl acetate CAS No: 16725-53-4 CIPAC No: not allocated	(Z)-9-tetradecen-1-yl acetate				

No	Common Name, Identification Numbers	IUPAC Name	Purity ⁽¹⁾	Entry into force	Expiration of inclusion	Specific provisions
	(Z)-11-tetradecen-1-yl acetate CAS No: 20711-10-8 CIPAC No: not allocated	(Z)-11-tetradecen-1-yl acetate				
	(Z, E)-9, 12-tetradecadien-1-yl acetate CAS No: 31654-77-0 CIPAC No: not allocated	(Z, E)-9, 12-tetradecadien-1-yl acetate				
	Z-11-hexadecen-1-yl acetate CAS No: 34010-21-4 CIPAC No: not allocated	Z-11-hexadecen-1-yl acetate				
	(Z, E)-7, 11-hexadecadien-1-yl acetate CAS No: 51606-94-4 CIPAC No: not allocated	Z, E)-7, 11-hexadecadien-1-yl acetate				
	(E, Z)-2, 13-octadecadien-1-yl acetate. CAS No: 86252-65-5 CIPAC No: not allocated	(E, Z)-2, 13-octadecadien-1-yl acetate.				
	Alcohol group: (E)-5-decen-1-ol CAS No: 56578-18-8 CIPAC No: not allocated	Alcohol group: (E)-5-decen-1-ol				
	(Z)-8-dodecen-1-ol CAS No: 40642-40-8 CIPAC No: not allocated	(Z)-8-dodecen-1-ol				
	(E,E)-8,10-dodecadien-1-ol CAS No: 33956-49-9 CIPAC No: not allocated	(E,E)-8,10-dodecadien-1-ol				
	tetradecan-1-ol CAS No: 112-72-1 CIPAC No: not allocated	tetradecan-1-ol				

No	Common Name, Identification Numbers	IUPAC Name	Purity ⁽¹⁾	Entry into force	Expiration of inclusion	Specific provisions
	(Z)-11-hexadecen-1-ol CAS No: 56683-54-6 CIPAC No: not allocated Aldehyde group: (Z)-7-tetradecenal CAS No: 65128-96-3 CIPAC No: not allocated (Z)-9-hexadecenal CAS No: 56219-04-6 CIPAC No: not allocated (Z)-11-hexadecenal CAS No: 53939-28-9 CIPAC No: not allocated (Z)-13-octadecenal CAS No: 58594-45-9 CIPAC No: not allocated Blends acetates: i) (Z)-8-dodecen-1-yl acetate CAS No: 28079-04-1 CIPAC No: not allocated and ii) Dodecyl acetate CAS No: 112-66-3 CIPAC No: not allocated; i) (Z)-9-dodecen-1-yl acetate CAS No: 16974-11-1 CIPAC No: 422 and	(Z)-11-hexadecen-1-ol Aldehyde group: (Z)-7-tetradecenal (Z)-9-hexadecenal (Z)-11-hexadecenal (Z)-13-octadecenal Blends acetates: i) (Z)-8-dodecen-1-yl acetate and ii) Dodecyl acetate; i) (Z)-9-dodecen-1-yl acetate and				

No	Common Name, Identification Numbers	IUPAC Name	Purity ⁽¹⁾	Entry into force	Expiration of inclusion	Specific provisions
	ii) Dodecyl acetate CAS No: 112-66-3 CIPAC No: 422; i) (E,Z)-7,9-dodecadien-1-yl acetate CAS No: 55774-32-8 CIPAC No: not allocated and ii) (E,E)-7,9-dodecadien-1-yl acetate CAS No: 54364-63-5 CIPAC No: not allocated; i) (Z,Z)-7,11-hexadecadien-1-yl acetate and ii) (Z,E)-7,11-hexadecadien-1-yl acetate CAS No: i) & ii) 53042-79-8 CAS No: i) 52207-99-5 CAS No: ii) 51606-94-4 CIPAC No: not allocated; Blends aldehydes: i) (Z)-9-hexadecenal CAS No: 56219-04-6 CIPAC No: not allocated and ii) (Z)-11-hexadecenal CAS No: 53939-28-9 CIPAC: not allocated and iii) (Z)-13-octadecenal CAS No: 58594-45-9 CIPAC No: not allocated;	ii) Dodecyl acetate; i) (E,Z)-7,9-dodecadien-1-yl acetate, and ii) (E,E)-7,9-dodecadien-1-yl acetate; i) (Z,Z)-7,11-hexadecadien-1-yl acetate and ii) (Z,E)-7,11-hexadecadien-1-yl acetate; Blends aldehydes: i) (Z)-9-hexadecenal and ii) (Z)-11-hexadecenal and iii) (Z)-13-octadecenal;				

No	Common Name, Identification Numbers	IUPAC Name	Purity (1)	Entry into force	Expiration of inclusion	Specific provisions
	Blends mixtures: i) (E)-5-decen-1-yl acetate CAS No: 38421-90-8 CIPAC No: not allocated and ii) (E)-5-decen-1-ol CAS No: 56578-18-8 CIPAC No: not allocated; i) (E/Z)-8-dodecen-1-yl acetate CAS No: as individual isomers CIPAC No: not allocated; and i) (E)-8-dodecen-1-yl acetate CAS No: (E) 38363-29-0 CIPAC No: not allocated and i) (Z)-8-dodecen-1-yl acetate CAS No: (Z) 28079-04-1 CIPAC No: not allocated and ii) (Z)-8-dodecen-1-ol CAS No: ii) 40642-40-8 CIPAC No: not allocated; i) (Z)-11-hexadecenal CAS No: 53939-28-9 CIPAC No: not allocated and ii) (Z)-11-hexadecen-1-yl acetate CAS No: 34010-21-4 CIPAC No: not allocated	Blends mixtures: i) (E)-5-decen-1-yl acetate and ii) (E)-5-decen-1-ol; i) (E/Z)-8-dodecen-1-yl acetate and i) (E)-8-dodecen-1-yl acetate and i) (Z)-8-dodecen-1-yl acetate and ii) (Z)-8-dodecen-1-ol; i) (Z)-11-hexadecenal and ii) (Z)-11-hexadecen-1-yl acetate				

No	Common Name, Identification Numbers	IUPAC Name	Purity ⁽¹⁾	Entry into force	Expiration of inclusion	Specific provisions
262	Trimethylamine hydrochloride CAS No: 593-81-7 CIPAC No: not allocated	Trimethylamine hydro- chloride	≥ 988 g/kg	1 September 2009	31 August 2019	PART A Only uses as attractant may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on trimethylamine hydrochloride (SANCO/2636/2008) and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health shall be taken into account. Conditions of use shall include, where appropriate, risk mitigation measures.
263	Urea CAS No: 57-13-6 CIPAC No: 8352	Urea	≥ 98 % w/w	1 September 2009	31 August 2019	PART A Only uses as attractant and fungicide may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on urea (SANCO/2637/2008) and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health shall be taken into account. Conditions of use shall include, where appropriate, risk mitigation measures.
264	Z-13-hexadecen-11-yn-1-yl acetate CAS No: 78617-58-0 CIPAC: not allocated	Z-13-hexadecen-11-yn-1-yl acetate	≥ 75 %	1 September 2009	31 August 2019	PART A Only uses as attractant may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on Z-13-hexadecen-11-yn-1-yl acetate (SANCO/2649/2008) and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health shall be taken into account. Conditions of use shall include, where appropriate, risk mitigation measures.

No	Common Name, Identification Numbers	IUPAC Name	Purity ⁽¹⁾	Entry into force	Expiration of inclusion	Specific provisions
265	Z,Z,Z,Z-7,13,16,19-docosatetraen-1-yl isobutyrate CAS No: 135459-81-3 CIPAC: not allocated	Z,Z,Z,Z-7,13,16,19-docosa- tetraen-1-yl isobutyrate	≥ 90 %	1 September 2009	31 August 2019	PART A Only uses as attractant may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on Z,Z,Z,Z-7,13,16,19-docosatetraen- 1-yl isobutyrate (SANCO/2650/2008) and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health shall be taken into account. Conditions of use shall include, where appropriate, risk mitigation measures.

⁽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

COMMISSION

COMMISSION DECISION

of 5 December 2008

on financial aid from the Community for the year 2009 for certain Community reference laboratories in the field of animal health and live animals

(notified under document number C(2008) 7667)

(Only the Spanish, Danish, German, English, French and Swedish texts are authentic)

(2008/965/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, and in particular Article 28(2) thereof,

Having regard to Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules ⁽²⁾, and in particular Article 32(7) thereof,

Whereas:

(1) Pursuant to Article 28(1) of Decision 90/424/EEC Community reference laboratories in the field of animal health and live animals may be granted Community aid.

(2) Commission Regulation (EC) No 1754/2006 of 28 November 2006 laying down detailed rules for the granting of Community financial assistance to Community reference laboratories for feed and food and the animal health sector ⁽³⁾ provides that the financial assistance from the Community is to be

granted if the approved work programmes are efficiently carried out and the beneficiaries supply all the necessary information within certain time limits.

(3) In accordance with Article 2 of Regulation (EC) No 1754/2006 the relationship between the Commission and Community reference laboratories is laid down in a partnership agreement which is supported by a multi-annual work programme.

(4) The Commission has assessed the work programmes and corresponding budget estimates submitted by the Community reference laboratories for the year 2009.

(5) Accordingly, Community financial assistance should be granted to the Community reference laboratories designated to carry out the functions and duties provided for in the following acts:

— Council Directive 92/35/EEC of 29 April 1992 laying down control rules and measures to combat African horse sickness ⁽⁴⁾,

— Council Directive 92/66/EEC of 14 July 1992 introducing Community measures for the control of Newcastle disease ⁽⁵⁾,

⁽¹⁾ OJ L 224, 18.8.1990, p. 19.

⁽²⁾ OJ L 165, 30.4.2004, p. 1, as corrected by OJ L 191, 28.5.2004, p. 1.

⁽³⁾ OJ L 331, 29.11.2006, p. 8.

⁽⁴⁾ OJ L 157, 10.6.1992, p. 19.

⁽⁵⁾ OJ L 260, 5.9.1992, p. 1.

- Council Directive 92/119/EEC of 17 December 1992 introducing general Community measures for the control of certain animals diseases and specific measures relating swine vesicular disease ⁽¹⁾,
 - Council Directive 93/53/EEC of 24 June 1993 introducing minimum Community measures for the control of certain fish diseases ⁽²⁾,
 - Council Directive 95/70/EC of 22 December 1995 introducing minimum Community measures for the control of certain diseases affecting bivalve molluscs ⁽³⁾,
 - Council Decision 2000/258/EC of 20 March 2000 designating a specific institute responsible for establishing the criteria necessary for standardising the serological tests to monitor the effectiveness of rabies vaccines ⁽⁴⁾,
 - Council Directive 2000/75/EC of 20 November 2000 laying down specific provisions for the control and eradication of bluetongue ⁽⁵⁾,
 - Council Directive 2001/89/EC of 23 October 2001 on Community measures for the control of classical swine fever ⁽⁶⁾,
 - Council Directive 2002/60/EC of 27 June 2002 laying down specific provisions for the control of African swine fever and amending Directive 92/119/EEC as regards Teschen disease and African swine fever ⁽⁷⁾,
 - Council Directive 2003/85/EC of 29 September 2003 on Community measures for the control of foot-and-mouth disease repealing Directive 85/511/EEC and Decisions 89/531/EEC and 91/665/EEC and amending Directive 92/46/EEC ⁽⁸⁾,
 - Council Decision 96/463/EC of 23 July 1996 designating the reference body responsible for collaborating in rendering uniform the testing methods and the assessment of the results for pure-bred breeding animals of the bovine species ⁽⁹⁾,
 - Regulation (EC) No 882/2004 for brucellosis,
 - Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian influenza and repealing Directive 92/40/EEC ⁽¹⁰⁾,
 - Council Directive 2006/88/EC of 24 October 2006 on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals ⁽¹¹⁾,
 - Commission Regulation (EC) No 180/2008 of 28 February 2008 concerning the Community reference laboratory for equine diseases other than African horse sickness and amending Annex VII to Regulation (EC) No 882/2004 of the European Parliament and of the Council ⁽¹²⁾,
 - Commission Regulation (EC) No 737/2008 of 28 July 2008 designating the Community reference laboratories for crustacean diseases, rabies and bovine tuberculosis, laying down additional responsibilities and tasks for the Community reference laboratories for rabies and bovine tuberculosis and amending Annex VII to Regulation (EC) No 882/2004 of the European Parliament and of the Council ⁽¹³⁾.
- (6) Financial assistance for the operation and organisation of workshops of Community reference laboratories should also be in conformity with the eligibility rules laid down in Regulation (EC) No 1754/2006.
- (7) In accordance with Articles 3(2)(a) and 13 of Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy ⁽¹⁴⁾, animal disease eradication and control programmes (veterinary measures) shall be financed from the European Agricultural Guarantee Fund (EAGF). Furthermore, Article 13, second paragraph of that Regulation foresees that in duly justified exceptional cases, for measures and programmes covered by Decision 90/424/EEC, expenditure relating to administrative and personnel costs incurred by Member States and beneficiaries of aid from the EAGF shall be borne by the Fund. For financial control purposes, Articles 9, 36 and 37 of Regulation (EC) No 1290/2005 are to apply.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

For African horse sickness, the Community grants financial assistance to the Laboratorio Central de Sanidad Animal de Algete, Algete (Madrid), Spain, to carry out the functions and duties set out in Annex III to Directive 92/35/EEC.

⁽¹⁾ OJ L 62, 15.3.1993, p. 69.

⁽²⁾ OJ L 175, 19.7.1993, p. 23.

⁽³⁾ OJ L 332, 30.12.1995, p. 33.

⁽⁴⁾ OJ L 79, 30.3.2000, p. 40.

⁽⁵⁾ OJ L 327, 22.12.2000, p. 74.

⁽⁶⁾ OJ L 316, 1.12.2001, p. 5.

⁽⁷⁾ OJ L 192, 20.7.2002, p. 27.

⁽⁸⁾ OJ L 306, 22.11.2003, p. 1.

⁽⁹⁾ OJ L 192, 2.8.1996, p. 19.

⁽¹⁰⁾ OJ L 10, 14.1.2006, p. 16.

⁽¹¹⁾ OJ L 328, 24.11.2006, p. 14.

⁽¹²⁾ OJ L 56, 29.2.2008, p. 4.

⁽¹³⁾ OJ L 201, 30.7.2008, p. 29.

⁽¹⁴⁾ OJ L 209, 11.8.2005, p. 1.

The Community's financial assistance shall be at the rate of 100 % of the eligible costs as defined in Regulation (EC) No 1754/2006 to be incurred by that laboratory for the work programme and shall amount to a maximum of EUR 101 000 for the period from 1 January to 31 December 2009, of which a maximum of EUR 35 000 shall be dedicated to the organisation of a technical workshop on African horse sickness.

Article 2

For Newcastle disease, the Community grants financial assistance to the Veterinary Laboratories Agency (VLA), New Haw, Weybridge, United Kingdom, to carry out the functions and duties set out in Annex V to Directive 92/66/EEC.

The Community's financial assistance shall be at the rate of 100 % of the eligible costs as defined in Regulation (EC) No 1754/2006 to be incurred by that laboratory for the work programme and shall amount to a maximum of EUR 88 000 for the period from 1 January to 31 December 2009.

Article 3

For swine vesicular disease, the Community grants financial assistance to the AFRC Institute for Animal Health, Pirbright Laboratory, Pirbright, United Kingdom, to carry out the functions and duties set out in Annex III to Directive 92/119/EEC.

The Community's financial assistance shall be at the rate of 100 % of the eligible costs as defined in Regulation (EC) No 1754/2006 to be incurred by that laboratory for the work programme and shall amount to a maximum of EUR 125 000 for the period from 1 January to 31 December 2009.

Article 4

For fish diseases, the Community grants financial assistance to the Technical University of Denmark, National Veterinary Institute, Department of Poultry, Fish and Fur Animals, Aarhus, Denmark, to carry out the functions and duties set out in Annex C to Directive 93/53/EEC.

The Community's financial assistance shall be at the rate of 100 % of the eligible costs as defined in Regulation (EC) No 1754/2006 to be incurred by that laboratory for the work programme and shall amount to a maximum of EUR 255 000 for the period from 1 January to 31 December 2009.

Article 5

For diseases of bivalve molluscs, the Community grants financial assistance to the IFREMER, La Tremblade, France, to carry out the functions and duties set out in Annex B to Directive 95/70/EC.

The Community's financial assistance shall be at the rate of 100 % of the eligible costs as defined in Regulation (EC) No 1754/2006 to be incurred by that institute for the work programme and shall amount to a maximum of EUR 105 000 for the period from 1 January to 31 December 2009.

Article 6

For rabies serology, the Community grants financial assistance to the AFSSA, Laboratoire d'études sur la rage et la pathologie des animaux sauvages, Nancy, France, to carry out the functions and duties set out in Annex II to Decision 2000/258/EC.

The Community's financial assistance shall be at the rate of 100 % of the eligible costs as defined in Regulation (EC) No 1754/2006 to be incurred by that laboratory for the work programme and shall amount to a maximum of EUR 205 000 for the period from 1 January to 31 December 2009.

Article 7

For bluetongue, the Community grants financial assistance to the AFRC Institute for Animal Health, Pirbright Laboratory, Pirbright, United Kingdom, to carry out the functions and duties set out in Annex II(B) to Directive 2000/75/EC.

The Community's financial assistance shall be at the rate of 100 % of the eligible costs as defined in Regulation (EC) No 1754/2006 to be incurred by that laboratory for the work programme and shall amount to a maximum of EUR 298 000 for the period from 1 January to 31 December 2009.

Article 8

For classical swine fever, the Community grants financial assistance to the Institut für Virologie der Tierärztlichen Hochschule Hannover, Hannover, Germany, to carry out the functions and duties set out in Annex IV to Directive 2001/89/EC.

The Community's financial assistance shall be at the rate of 100 % of the eligible costs as defined in Regulation (EC) No 1754/2006 to be incurred by that institute for the work programme and shall amount to a maximum of EUR 215 000 for the period from 1 January to 31 December 2009.

Article 9

For African swine fever, the Community grants financial assistance to the Centro de Investigación en Sanidad Animal, Valdeolmos, Madrid, Spain, to carry out the functions and duties set out in Annex V to Directive 2002/60/EC.

The Community's financial assistance shall be at the rate of 100 % of the eligible costs as defined in Regulation (EC) No 1754/2006 to be incurred by that research centre for the work programme and shall amount to a maximum of EUR 208 000 for the period from 1 January to 31 December 2009 of which a maximum of EUR 43 000 shall be dedicated to the organisation of a technical workshop on African swine fever.

By way of derogation from Article 13(1) of Regulation (EC) No 1754/2006, the laboratory referred to in the first paragraph shall be entitled to claim financial assistance for attendance by a maximum of 50 participants at one of its workshops referred to in the second paragraph of this Article.

Article 10

For foot-and-mouth disease, the Community grants financial assistance to the Institute for Animal Health, Pirbright Laboratory, of the Biotechnology and Biological Sciences Research Council (BBSRC), Pirbright, United Kingdom, to carry out the functions and duties set out in Annex XVI to Directive 2003/85/EC.

The Community's financial assistance shall be at the rate of 100 % of the eligible costs as defined in Regulation (EC) No 1754/2006 to be incurred by that laboratory for the work programme and shall amount to a maximum of EUR 300 000 for the period from 1 January to 31 December 2009.

Article 11

For collaborating in rendering uniform the testing methods and the assessment of the results for pure-bred breeding animals of the bovine species, the Community grants financial assistance to the INTERBULL Centre, Department of Animal Breeding and Genetics, Swedish University of Agricultural Sciences, Uppsala, Sweden, to carry out the functions and duties set out in Annex II to Decision 96/463/EC.

The Community's financial assistance shall be at the rate of 100 % of the eligible costs as defined in Regulation (EC) No 1754/2006 to be incurred by that centre for the work programme and shall amount to a maximum of EUR 91 000 for the period from 1 January to 31 December 2009.

Article 12

For brucellosis, the Community grants financial assistance to the AFSSA, Laboratoire d'études et de recherches en pathologie animale et zoonoses, Maisons-Alfort, France, to carry out the functions and duties set out in Article 32(2) of Regulation (EC) No 882/2004.

The Community's financial assistance shall be at the rate of 100 % of the eligible costs as defined in Regulation (EC) No 1754/2006 to be incurred by that laboratory for the work programme and shall amount to a maximum of EUR 269 000 for the period from 1 January to 31 December 2009, of which a maximum of EUR 28 000 shall be dedicated to the organisation of a technical workshop on brucellosis diagnostic techniques.

Article 13

For avian influenza, the Community grants financial assistance to the Veterinary Laboratories Agency (VLA), New Haw, Weybridge, United Kingdom, to carry out the functions and duties set out in Annex VII to Directive 2005/94/EC.

The Community's financial assistance shall be at the rate of 100 % of the eligible costs as defined in Regulation (EC) No 1754/2006 to be incurred by that laboratory for the work programme and shall amount to a maximum of EUR 400 000 for the period from 1 January to 31 December 2009.

Article 14

For crustacean diseases, the Community grants financial assistance to the Centre for Environment, Fisheries & Aquaculture Science (Cefas), Weymouth Laboratory, United Kingdom, to carry out the functions and duties set out in Part I Annex VI to Directive 2006/88/EC.

The Community's financial assistance shall be at the rate of 100 % of the eligible costs as defined in Regulation (EC) No 1754/2006 to be incurred by that laboratory for the work programme and shall amount to a maximum of EUR 95 000 for the period from 1 January to 31 December 2009.

Article 15

For equine diseases other than African Horse Sickness, the Community grants financial assistance to the AFSSA, Laboratoire d'études et de recherches en pathologie animale et zoonoses/Laboratoire d'études et de recherche en pathologie equine, France, to carry out the functions and duties set out in the Annex to Regulation (EC) No 180/2008.

The Community's financial assistance shall be at the rate of 100 % of the eligible costs as defined in Regulation (EC) No 1754/2006 to be incurred by that laboratory for the work programme and shall amount to a maximum of EUR 515 000 for the period from 1 January to 31 December 2009 of which a maximum of EUR 40 000 shall be dedicated to the organisation of a technical workshop on equine diseases.

Article 16

For rabies, the Community grants financial assistance to the AFSSA, Laboratoire d'études sur la rage et la pathologie des animaux sauvages, Nancy, France, to carry out the functions and duties set out in Annex I to Regulation (EC) No 737/2008.

The Community's financial assistance shall be at the rate of 100 % of the eligible costs as defined in Regulation (EC) No 1754/2006 to be incurred by that laboratory for the work programme and shall amount to a maximum of EUR 285 000 for the period from 1 January to 31 December 2009, of which a maximum of EUR 25 000 shall be dedicated to the organisation of a technical workshop on rabies.

Article 17

For tuberculosis, the Community grants financial assistance to the Laboratorio de Vigilancia Veterinaria (VISAVET) of the Facultad de Veterinaria, Universidad Complutense de Madrid, Madrid, Spain, to carry out the functions and duties set out in Annex II to Regulation (EC) No 737/2008.

The Community's financial assistance shall be at the rate of 100 % of the eligible costs as defined in Regulation (EC) No 1754/2006 to be incurred by that laboratory for the work programme and shall amount to a maximum of EUR 205 000 for the period from 1 January to 31 December 2009, of which a maximum of EUR 25 000 shall be dedicated to the organisation of a technical workshop on tuberculosis.

Article 18

This Decision is addressed to:

- for African horse sickness: Laboratorio Central de Sanidad Animal, Ministerio de Medio Ambiente y Medio Rural Y Marinos, Ctra. De Algete km 8, Valdeolmos, E-28110, Algete, Madrid; Sra Concepción Gómez Tejedor, Tel. (34) 916 29 03 00,
- for Newcastle disease: Veterinary Laboratories Agency (VLA), Weybridge, New Haw, Addlestone, Surrey KT15 3NB, United Kingdom; Mr Ian Brown, Tel. (44) 1932 35 73 39,
- for swine vesicular disease: AFRC Institute for Animal Health, Pirbright Laboratory, Pirbright, Woking, Surrey GU24 0NF, United Kingdom; Mr D. J. Paton, Tel. (44) 7900 16 20 31,
- for fish diseases: Danmarks Tekniske Universitet, Veterinærinstituttet, Afdeling for Fjerkræ, Fiske og Pelsdyr, Høngøvej 2, DK-8200 Århus, Danmark; Kristian Møller, Tel. (45) 72 34 61 89,
- for diseases of bivalve molluscs: Ifremer, B.P. 133 F-17390, La Tremblade; Mme Isabelle Arzul, Tel. (33) 546 76 26 47,
- for rabies serology: AFSSA, Laboratoire d'études sur la rage et la pathologie des animaux sauvages de l'AFSSA, site de Nancy, Domaine de Pixérécourt, BP 9, F-54220 Malzéville; Mme Florence Cliquet, Tel. (33) 383 29 89 50,
- for bluetongue: AFRC Institute for Animal Health, Pirbright Laboratory, Pirbright, Woking, Surrey GU24 0NF, United Kingdom; Mr D.J. Paton, Tel. (44) 7900 16 20 31,
- for classical swine fever: Institut für Virologie der Tierärztlichen Hochschule Hannover, Bischofsholer Damm 15, D-30173 Hannover; Herr Peter Joppe, Tel. (49-511) 953 80 20,
- for African swine fever: Centro de Investigación en Sanidad Animal, Valdeolmos, Ctra. De Algete a El Casar, E-28130 Valdeolmos, Madrid; Sra Marisa Arias, Tel. (34) 600 31 51 89,
- for foot-and-mouth disease: AFRC Institute for Animal Health, Pirbright Laboratory, Pirbright, Woking, Surrey

GU24 0NF, United Kingdom; Mr D.J. Paton, Tel. (44) 7900 16 20 31,

- for collaborating in rendering uniform the testing methods and the assessment of the results for pure-bred breeding animals of the bovine species: Interbull Centre, Institutionen för husdjusgenetik, Sveriges lantbruksuniversitet, Box: 7023; S-75007 Uppsala, Sweden; Mr João Walter Dürr, Tel. (46-18) 67 20 98,
- for brucellosis: Laboratoire d'études et de recherches en pathologie animale et zoonoses de l'AFSSA, 23, avenue du Général de Gaulle, F-94706 Maisons-Alfort, Cedex; Mr Bruno Garin-Bastuji, Tel. (33) 607 94 26 31,
- for avian influenza: Veterinary Laboratories Agency (VLA) Weybridge, New Haw, Addlestone, Surrey KT15 3NB, United Kingdom; Mr Ian Brown, Tel. (44) 1932 35 73 39,
- for crustacean diseases: Centre for Environment, Fisheries & Aquaculture Science (Cefas), Weymouth Laboratory, The Nothe, Barrack Road, Weymouth, Dorset DT4 8UB, United Kingdom; Mr David Grant Stentiford, Tel. (44) 1305 20 67 22,
- for equine diseases: Laboratoire d'études et de recherches en pathologie animale et zoonoses de l'AFSSA, 23 avenue du Général de Gaulle, F-94706 Maisons-Alfort, Cedex; Mr Stéphan Zientara, Tel. (33) 143 96 72 80,
- for rabies: Laboratoire d'études sur la rage et la pathologie des animaux sauvages de l'AFSSA, site de Nancy, Domaine de Pixérécourt, BP 9, F-54220 Malzéville, France; Mme Florence Cliquet, Tel. (33) 383 29 89 50,
- for tuberculosis: Visavet, Laboratorio de Vigilancia Veterinaria, Facultad de Veterinaria de la Universidad Complutense de Madrid, Avda. Puerta de Hierro, s/n. Ciudad Universitaria, E-28040, Madrid; Sra. Alicia Aranz, Tel. (34) 913 94 39 92.

Done at Brussels, 5 December 2008.

For the Commission
Androulla VASSILIOU
Member of the Commission

COMMISSION DECISION**of 12 December 2008****adopting, pursuant to Council Directive 92/43/EEC, an initial list of sites of Community importance for the Steppic biogeographical region***(notified under document number C(2008) 8066)**(2008/966/EC)*

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora ⁽¹⁾, and in particular the third subparagraph of Article 4(2) thereof,

Whereas:

(1) The Steppic biogeographical region referred to in Article 1(c)(iii) of Directive 92/43/EEC comprises parts of the territory of Romania as specified in the biogeographical map approved on 20 April 2005 by the Committee set up by Article 20 of that Directive, hereinafter 'the Habitats Committee'.

(2) It is necessary in the context of a process which was initiated in 1995 to make further progress in the actual establishment of the Natura 2000 network, which is an essential element of the protection of biodiversity in the Community.

(3) For the Steppic biogeographical region, lists of sites proposed as sites of Community importance within the meaning of Article 1 of Directive 92/43/EEC have been transmitted to the Commission in October 2007, in accordance with Article 4(1) of Directive 92/43/EEC, by Romania.

(4) The lists of proposed sites were accompanied by information on each site, supplied in the format established by Commission Decision 97/266/EC of 18 December 1996 concerning a site information format for proposed Natura 2000 sites ⁽²⁾.

(5) That information includes the most recent and definitive map of the site transmitted by the Member State concerned, name, location and extent of the site, and the data yielded by application of the criteria specified in Annex III to Directive 92/43/EEC.

(6) On the basis of the draft list drawn up by the Commission in agreement with the Member State concerned, which also identifies sites hosting priority natural habitat types or priority species, a list of sites selected as sites of Community importance should be adopted.

(7) Knowledge of the existence and distribution of the natural habitat types and species is constantly evolving, as a result of the surveillance in accordance with Article 11 of Directive 92/43/EEC. Therefore, the evaluation and selection of sites at Community level was done using the best available information at present.

(8) The Member State concerned has not proposed sufficient sites to meet the requirements of Directive 92/43/EEC for certain habitat types and species. For those habitat types and species it can therefore not be concluded that the network is complete. Taking into account the delay in receiving the information and reaching agreement with the Member State, it is necessary to adopt an initial list of sites, which will need to be revised in accordance with Article 4 of Directive 92/43/EEC.

(9) Given that knowledge on the existence and distribution of some of the natural habitat types of Annex I and species of Annex II to Directive 92/43/EEC remains incomplete, it should not be concluded that the network is either complete or incomplete. The initial list should be revised, if necessary, in accordance with Article 4 of Directive 92/43/EEC.

(10) The measures provided for in this Decision are in accordance with the opinion of the Habitats Committee,

⁽¹⁾ OJ L 206, 22.7.1992, p. 7.

⁽²⁾ OJ L 107, 24.4.1997, p. 1.

HAS ADOPTED THIS DECISION:

Article 1

The initial list of sites of Community importance for the Steppic biogeographical region in accordance with the third subparagraph of Article 4(2) of Directive 92/43/EEC is set out in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 12 December 2008.

For the Commission

Stavros DIMAS

Member of the Commission

ANNEX

Initial list of sites of Community importance for the Steppic biogeographical region

Each site of Community importance (SCI) is identified by the information supplied in the Natura 2000 format, including the corresponding map. This has been transmitted by the competent national authorities in accordance with the second subparagraph of Article 4(1) of Directive 92/43/EEC.

The table below gives the following information:

A: SCI code comprising nine characters, the first two being the ISO code for the Member State;

B: name of SCI;

C: * = presence on the SCI of at least one priority natural habitat type and/or species within the meaning of Article 1 of Directive 92/43/EEC;

D: surface area of SCI in hectares or length in km;

E: geographical coordinates of SCI (latitude and longitude).

All the information given in the Community list below is based on the data proposed, transmitted and validated by Romania.

A SCI code	B Name of SCI	C *	D		E Geographical coordinates of SCI	
			Area of SCI (ha)	Length of SCI (km)	Longitude	Latitude
ROSCI0005	Balta Albă — Amara — Jirlău — Lacul Sărat Căineni	*	6 411		E 27 17	N 45 13
ROSCI0006	Balta Mică a Brăilei		20 460		E 27 54	N 44 59
ROSCI0012	Brațul Măcin	*	10 303		E 28 7	N 45 0
ROSCI0022	Canarele Dunării	*	26 064		E 28 4	N 44 24
ROSCI0053	Dealul Alah Bair	*	187		E 28 13	N 44 30
ROSCI0060	Dealurile Agighiolului	*	1 479		E 28 48	N 45 2
ROSCI0065	Delta Dunării	*	457 813,5		E 28 55	N 44 54
ROSCI0067	Deniz Tepe	*	425		E 28 41	N 45 0
ROSCI0071	Dumbrăveni — Valea Urluia — Lacul Vederoasa	*	18 714		E 27 58	N 43 58
ROSCI0072	Dunele de nisip de la Hanul Conachi	*	217		E 27 34	N 45 34
ROSCI0083	Fântânița Murfatlar	*	637		E 28 23	N 44 9
ROSCI0103	Lunca Buzăului	*	3 991		E 26 52	N 45 8
ROSCI0105	Lunca Joasă a Prutului	*	5 656		E 28 8	N 45 45
ROSCI0114	Mlaștina Hergheliei — Obantul Mare și Peștera Movilei	*	251		E 28 34	N 43 50
ROSCI0123	Munții Măcinului	*	18 546		E 28 19	N 45 8
ROSCI0131	Oltenița — Mostiștea — Chiciu		11 930		E 27 7	N 44 12
ROSCI0133	Pădurea Bădeana	*	56		E 27 34	N 46 9
ROSCI0134	Pădurea Balta-Munteni		86		E 27 27	N 45 56
ROSCI0139	Pădurea Breana-Roșcani	*	151		E 27 59	N 45 55
ROSCI0149	Pădurea Eseschioi — Lacul Bugeac	*	3 258		E 27 26	N 44 4

A	B	C	D		E	
SCI code	Name of SCI	*	Area of SCI (ha)	Length of SCI (km)	Geographical coordinates of SCI	
					Longitude	Latitude
ROSCI0151	Pădurea Gârboavele	*	217		E 27 59	N 45 34
ROSCI0157	Pădurea Hagieni — Cotul Văii	*	3 652		E 28 21	N 43 47
ROSCI0162	Pădurea Merișor — Cotul Zătuanului		579		E 27 20	N 45 45
ROSCI0163	Pădurea Mogoș-Mățele	*	65		E 27 56	N 45 43
ROSCI0165	Pădurea Pogănești	*	176		E 28 1	N 45 58
ROSCI0169	Pădurea Seaca-Movileni	*	52		E 27 32	N 46 17
ROSCI0172	Pădurea și Valea Canarua Fetii — Iortmac	*	14 473		E 27 36	N 44 6
ROSCI0175	Pădurea Tălășmani		62		E 27 50	N 46 7
ROSCI0178	Pădurea Torcești		132		E 27 29	N 45 40
ROSCI0191	Peștera Limanu		12		E 28 31	N 43 48
ROSCI0201	Podișul Nord Dobrogean	*	87 229		E 28 30	N 44 58
ROSCI0213	Râul Prut		12 506		E 27 47	N 47 12
ROSCI0215	Recifii Jurasici Cheia	*	5 134		E 28 26	N 44 30
ROSCI0259	Valea Călmățuiului	*	17 363		E 27 2	N 45 0

COMMISSION DECISION

of 12 December 2008

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

*(notified under document number C(2008) 8077)***(Text with EEA relevance)**

(2008/967/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾, and in particular the fourth subparagraph of Article 8(2) thereof,

Whereas:

- (1) Article 8(2) of Directive 91/414/EEC provides that a Member State may, during a period of 12 years following the notification of that Directive, authorise the placing on the market of plant protection products containing active substances not listed in Annex I to that Directive that are already on the market two years after the date of notification, while those substances are gradually being examined within the framework of a programme of work.
- (2) Commission Regulations (EC) No 1112/2002 ⁽²⁾ and (EC) No 2229/2004 ⁽³⁾ lay down the detailed rules for the implementation of the fourth 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 carbon monoxide.
- (3) For carbon monoxide the effects on human health and the environment have been assessed in accordance with the provisions laid down in Regulations (EC) No 1112/2002 and (EC) No 2229/2004 for a range of uses proposed by the notifier. Moreover, those Regulations designate the rapporteur Member States which have to submit the relevant assessment reports and recommendations to the European Food Safety Authority (EFSA) in accordance with Article 20 of Regu-

lation (EC) No 2229/2004. For carbon monoxide the rapporteur Member State was Italy and all relevant information was submitted in November 2007.

- (4) The Commission examined carbon monoxide in accordance with Article 24a of Regulation (EC) No 2229/2004. A draft review report for that substance was reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health and finalised on 26 September 2008 in the format of the Commission review report.
- (5) During the examination of this active substance by the Committee, taking into account comments received from Member States, it was concluded that there are clear indications that it may be expected that it has harmful effects on human health and in particular the crucial missing data does not allow to set a reliable and acceptable operator exposure level (AOEL) and such value is necessary to conduct the risk assessment. Moreover, other concerns which were identified by the rapporteur Member States in its assessment report are included in the review report for the substance.
- (6) The Commission invited the notifier to submit its comments on the results of the examination of carbon monoxide and on its intention or not to further support the substance. The notifier submitted its comments which have been carefully examined. However, despite the arguments put forwards by the notifier, the concerns identified could not be eliminated, and assessments made on the basis of the information submitted have not demonstrated that it may be expected that, under the proposed conditions of use, plant protection products containing carbon monoxide satisfy in general the requirements laid down in Article 5(1)(a) and (b) of Directive 91/414/EEC.
- (7) Carbon monoxide should therefore not be included in Annex I to Directive 91/414/EEC.
- (8) Measures should be taken to ensure that authorisations granted for plant protection products containing carbon monoxide are withdrawn within a fixed period of time and are not renewed and that no new authorisations for such products are granted.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.

⁽²⁾ OJ L 168, 27.6.2002, p. 14.

⁽³⁾ OJ L 379, 24.12.2004, p. 13.

- (9) Any period of grace granted by a Member State for the disposal, storage, placing on the market and use of existing stocks of plant protection products containing carbon monoxide should be limited to 12 months in order to allow existing stocks to be used in one further growing season, which ensures that plant protection products containing carbon monoxide remain available for 18 months from the adoption of this Decision.
- (10) This Decision does not prejudice the submission of an application for carbon monoxide in accordance with Article 6(2) of Directive 91/414/EEC and Commission Regulation (EC) No 33/2008 of 17 January 2008 laying down detailed rules for the application of Council Directive 91/414/EEC as regards a regular and an accelerated procedure for the assessment of active substances which were part of the programme of work referred to in Article 8(2) of that Directive but have not been included into its Annex I⁽¹⁾, in view of a possible inclusion in its Annex I.
- (11) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

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

Article 2

Member States shall ensure that:

- (a) authorisations for plant protection products containing carbon monoxide are withdrawn by 12 June 2009;
- (b) no authorisations for plant protection products containing carbon monoxide are granted or renewed from the date of publication of this Decision.

Article 3

Any period of grace granted by Member States in accordance with the provisions of Article 4(6) of Directive 91/414/EEC, shall be as short as possible and shall expire on 12 June 2010 at the latest.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 12 December 2008.

For the Commission

Androulla VASSILIOU

Member of the Commission

⁽¹⁾ OJ L 15, 18.1.2008, p. 5.

COMMISSION DECISION

of 12 December 2008

authorising the placing on the market of arachidonic acid-rich oil from *Mortierella alpina* as a novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council

(notified under document number C(2008) 8080)

(Only the English text is authentic)

(2008/968/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 258/97 of the European Parliament and of the Council of 27 January 1997 concerning novel foods and novel food ingredients ⁽¹⁾, and in particular Article 7 thereof,

Whereas:

(1) On 18 June 1999 the company Abbott Laboratories (now Suntory Limited, Japan) made a request to the competent authorities of the Netherlands to place arachidonic acid-rich oil from *Mortierella alpina* on the market as a novel food ingredient.

(2) On 19 October 2005 the competent food assessment body of the Netherlands issued its initial assessment report. In that report it came to the conclusion that arachidonic acid-rich oil from *Mortierella alpina* can safely be used in infant formulae and formulae for premature infants.

(3) The Commission forwarded the initial assessment report to all Member States on 17 November 2005.

(4) Within the 60-day period laid down in Article 6(4) of Regulation (EC) No 258/97 reasoned objections to the marketing of the product were raised in accordance with that provision.

(5) Therefore the European Food Safety Authority (EFSA) was consulted on 26 June 2007.

(6) On 10 July 2008 EFSA adopted the 'Opinion of the Scientific Panel on Dietetic Products, Nutrition and Allergies on a request from the Commission related to the safety of "fungal oil from *Mortierella alpina*".'

(7) In the opinion the EFSA came to the conclusion that the fungal oil from *Mortierella alpina* is a safe source of arachidonic acid to be used in infant formulae and follow-on formulae.

(8) Annex I and Annex II to Commission Directive 2006/141/EC of 22 December 2006 on infant formulae and follow-on formulae and amending Directive 1999/21/EC ⁽²⁾ specify the rules for the addition of long chain (20 and 22 carbon atoms) polyunsaturated fatty acids and in particular of arachidonic acid to infant formulae and follow-on formulae.

(9) On the basis of the scientific assessment, it is established that fungal oil from *Mortierella alpina* complies with the criteria laid down in Article 3(1) of Regulation (EC) No 258/97.

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

HAS ADOPTED THIS DECISION:

Article 1

Fungal oil from *Mortierella alpina* as specified in the Annex may be placed on the market in the Community as a novel food ingredient to be used in infant formulae and follow-on formulae as defined in Article 2 of Directive 2006/141/EC and in formulae for premature infants.

The addition of fungal oil from *Mortierella alpina* to infant formulae and follow-on formulae shall be limited by its content of arachidonic acid according to the rules specified in Annex I, 5.7 and in Annex II, 4.7 to Directive 2006/141/EC. Its use in formulae for premature infants shall be in accordance with the provisions of Council Directive 89/398/EEC ⁽³⁾ of 3 May 1989 on the approximation of the laws of the Member States relating to foodstuffs intended for particular nutritional uses.

⁽¹⁾ OJ L 43, 14.2.1997, p. 1.

⁽²⁾ OJ L 401, 30.12.2006, p. 1.

⁽³⁾ OJ L 186, 30.6.1989, p. 27.

Article 2

The designation of the novel food ingredient authorised by this Decision on the labelling of the foodstuff containing it shall be 'oil from *Mortierella alpina*'.

Article 3

This Decision is addressed to Beverage & Food Company, Suntory Limited, 2-4-1 Shibakoen Minato-ku, Tokyo, Japan.

Done at Brussels, 12 December 2008.

For the Commission
Androulla VASSILIOU
Member of the Commission

ANNEX**SPECIFICATIONS OF ARACHIDONIC ACID-RICH OIL FROM MORTIERELLA ALPINA****Description**

The clear yellow arachidonic acid-rich oil is obtained by fermentation of the fungus *Mortierella alpina* using soy flour and soy oil as substrates.

Specifications of arachidonic acid-rich oil from *Mortierella alpina*

Arachidonic acid	≥ 40 %
Peroxide value	≤ 5 meq/kg
Acid value	≤ 0,2 mg KOH/g
Anisidin value	≤ 20
Free fatty acids	≤ 0,2 %
Unsaponifiable matter	≤ 1 %
Colour (Lovibond 50,8 mm cell) yellow	≤ 50
Colour (Lovibond 50,8 mm cell) red	≤ 10

COMMISSION DECISION**of 16 December 2008****on the Early Warning System for the use of authorising officers of the Commission and the executive agencies**

(2008/969/EC, Euratom)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Euratom) No 1605/2002 on the Financial Regulation, and following the recommendations of the European Data Protection Supervisor ⁽³⁾.

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty establishing the European Atomic Energy Community,

Having regard to 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⁾,Having regard to Council Regulation (EC) No 215/2008 of 18 February 2008 on the Financial Regulation applicable to the 10th European Development Fund ⁽²⁾,

Whereas:

- (1) The Commission, which is responsible for executing the general budget of the European Union and any other funds managed by the Communities with due regard to the principle of sound financial management, is under an obligation to counter fraud and any other illegal activities affecting the financial interests of the Communities.
- (2) The current Commission Decision on the Early Warning System (EWS) should be replaced by the present decision following the amendments of Articles 93 to 96 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 (the Financial Regulation) and of the corresponding provisions of Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC,

- (3) Commission Regulation (EC, Euratom) No 1302/2008 of 17 December 2008 on the central exclusion database ⁽⁴⁾ establishes a database containing the relevant details of third parties who are in a situation of exclusion as regards grant and procurement procedures and gives the institutions, including those listed in Article 1(2) of the Financial Regulation, executive agencies, Community bodies covered by Article 185 of the Financial Regulation as well as authorities of the Member States and third countries, international organisations and other bodies participating in the implementation of the budget, access to this database.

- (4) The purpose of the EWS is to ensure, within the Commission and its executive agencies, the circulation of restricted information concerning third parties who could represent a threat to the Communities' financial interests and reputation or to any other fund administered by the Communities.

- (5) Given that executive agencies have the status of authorising officers by delegation of the Commission for the implementation of operational appropriations, they should have access to the EWS in the same manner as Commission services for the management of the administrative and operational appropriations.

- (6) The European Anti-Fraud Office (OLAF) should have access to the EWS for pursuing its regulatory investigation tasks and its intelligence and fraud prevention activities exercised pursuant to Article 1(2) of 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) ⁽⁵⁾ and Council Regulation (Euratom) No 1074/1999 of 25 May 1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF) ⁽⁶⁾.

⁽¹⁾ OJ L 248, 16.9.2002, p. 1.⁽²⁾ OJ L 78, 19.3.2008, p. 1.⁽³⁾ Opinion of the European Data Protection Supervisor on a notification for Prior Checking received from the Data Protection Officer of the Commission on the Early Warning System, Case 2005/120, 6.12.2006.⁽⁴⁾ See page 12 of this Official Journal.⁽⁵⁾ OJ L 136, 31.5.1999, p. 1.⁽⁶⁾ OJ L 136, 31.5.1999, p. 8.

- (7) The accounting officer should ensure the administration of the EWS. The authorising officer responsible, OLAF and the Internal Audit Service (IAS) should be responsible for requesting entry, modification or removal of warnings. In order to preserve an adequate level of control, such requests should be made at an appropriate hierarchical level.
- (8) Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data⁽¹⁾ stipulates that the processing of personal data by the Commission must respect the lawful processing requirements and the requirements relating to the transfer of data laid down therein, and that such processing is subject to prior checking by the European Data Protection Supervisor following notification by the Commission Data Protection Officer.
- (9) Data protection provisions should lay down the rights of the persons whose data is or could be introduced in the EWS in line with the opinion of the European Data Protection Supervisor. As regards data introduced in the EWS, the right to be informed should differentiate between third parties who are natural persons benefiting from more extensive data protection rights and the ones of legal persons.
- (10) Certain data protection rights are subject to exceptions laid down in Article 20 of Regulation (EC) No 45/2001, which have to be considered case by case and applied on a temporary basis. Application of these exceptions should lay solely with the service responsible for requesting data entry, modification, including rectification or removal of relevant data.
- (11) Given that exclusions pursuant to Article 94 of the Financial Regulation concern specific procurement/grant procedures, these warnings should not fall under level W5 but under a new category, namely W1d, whereas W5 warnings should indicate exclusively exclusion situations concerning all procurement/grant procedures.
- (12) In order to protect the financial interests of the Communities, the AOD responsible shall, pending a decision of the Commission on the application of Article 96 of the Financial Regulation, request provisional registration of an exclusion warning if the conduct of the third party also constitutes grave professional misconduct within the

meaning of point (c) of Article 93(1) of the Financial Regulation in order to ensure that contracts or grants are not awarded to the third party during the ongoing penalty procedure.

- (13) The Commission must comply with various Council regulations implementing Common Positions adopted on the basis of Article 15 of the Treaty on European Union (Common Foreign and Security Policy — CFSP), under which it is forbidden to make available any funds and economic resources, directly or indirectly, to, or for the benefit of, designated natural or legal persons, groups or entities,

HAS DECIDED AS FOLLOWS:

SECTION 1

GENERAL PROVISIONS

Article 1

Subject matter

This Decision establishes the Early Warning System of the Commission (hereinafter: 'the EWS') as regards the implementation of the general budget of the European Union and any other fund managed by the Communities.

Article 2

Definitions

For the purposes of this Decision, the following definitions shall apply:

— 'third parties' mean candidates, tenderers, contractors, suppliers, service providers and their respective subcontractors as well as grant applicants, grant beneficiaries, contractors of grant beneficiaries and entities receiving financial support from a beneficiary of a Community grant pursuant to Article 120 of the Financial Regulation,

— 'AOD responsible' means authorising officer by delegation of the Commission within the meaning of Article 59 of the Financial Regulation responsible in accordance with the internal rules for the implementation of the general budget of European Communities (hereinafter 'the budget'), including directors of executive agencies, and authorising officer by subdelegation within the meaning of Article 59 of the Financial Regulation exercising the function of director.

⁽¹⁾ OJ L 8, 12.1.2001, p. 1.

*Article 3***EWS warnings**

1. EWS warnings shall contain the following data:

- (a) information identifying third parties which represent a threat to the Communities' financial interests and reputation or to any other fund administered by the Communities because they committed or are suspected to have committed fraud or serious administrative errors, or are subject to attachment orders or to significant recovery orders, or are excluded in accordance with the Financial Regulation or the CFSP-related financial restrictions;
- (b) information concerning persons with powers of representation, decision-making or control over legal entities which are third parties, when those persons represent themselves a threat to the Communities' financial interests and reputation or to any other fund administered by the Communities for the reasons listed under (a);
- (c) the type of warning and the grounds for which third parties referred to in point (a) or persons referred to in point (b) represent such a threat and, if appropriate, its duration and the warning contact person for that warning.

2. Without prejudice to Articles 1(2) and 1(3) of Regulation (EC, Euratom) No 1302/2008, data contained in the EWS may be used only for the purposes of the implementation of the budget or of any other fund administered by the Communities, including grant and procurement procedures as well as payments to third parties.

European Anti-Fraud Office (OLAF) may use the data for its investigations pursuant to Regulation (EC) No 1073/1999 and Regulation (Euratom) No 1074/1999 as well as for its intelligence and fraud prevention activities, including risk analyses.

*Article 4***Administration of the EWS**

1. The Commission's accounting officer or his subordinate staff to whom he delegated certain tasks pursuant to Article 62 of the Financial Regulation (hereinafter 'the accounting officer') shall ensure the administration of the EWS and make appropriate technical arrangements.

The accounting officer shall enter, modify or remove EWS warnings pursuant to requests by the AOD responsible, OLAF and the Internal Audit Service (IAS).

2. The accounting officer shall adopt implementing measures concerning technical aspects and define associated supporting procedures, including in the field of security.

He shall notify those measures to the Commission services and the executive agencies.

*Article 5***Requests for registration, modification or removal of warnings**

1. All requests for registration of warnings, their modification or removal shall be addressed to the accounting officer.

Only the AOD responsible, the Director General or a director of OLAF or the IAS may submit such requests. For that purpose, they shall use the template set out in the Annex.

2. The service which has established that a third party is in one of the situations described in Article 9 shall send a request for an EWS warning to the accounting officer, with copy to the EWS officer referred to in Article 7, even if the third party is already subject to an EWS warning.

3. In accordance with the procedure described in paragraph 2, the service that requested an EWS warning shall notify to the accounting officer, using the template set out in the Annex:

- (a) any change of the information contained in the EWS warning concerned;
- (b) the removal of that EWS warning once the reason for the warning no longer applies.

However, a change of the warning contact person can be sent by registered note.

4. The service that requested registration of an EWS warning is also responsible for coordinating actions to be taken as regards budget implementation in consequence of such warning in accordance with Articles 15 to 22.

5. Activation of a warning for a person with powers of representation, decision-making or control over given legal person requires an additional request, distinct from that aimed at the legal person concerned.

*Article 6***Access to and the use of the EWS**

1. The Commission services and executive agencies shall have direct access to the data contained in the EWS via the accounting system provided by the Commission (ABAC).

The Commission service or executive agency responsible for a local system may use that system to access the data contained in the EWS, provided that data-consistency between the local system and the ABAC accounting system is guaranteed.

2. The AOD responsible or his staff shall verify whether there is a warning in the EWS concerning third parties at the following stages:

- (a) in the case of individual budgetary commitments, before such commitment is entered;
- (b) in the case of global budgetary commitments, before registering any individual legal commitment to the global commitment;
- (c) in the case of provisional budgetary commitments, before concluding the legal commitment giving rise to an entitlement to subsequent payments.

Where the commitments referred to in point (c) cover the payment of staff and the reimbursement of travel expenditure related to participation in meetings and competitions, the obligation of prior verification of EWS registrations shall not apply.

In the case of procurement or grant award procedures the AOD responsible or his staff shall verify whether there is a warning in the EWS at the latest before the award decision.

However, where the awarding authority limits the number of candidates invited to submit a tender or negotiate in a restricted procedure, competitive dialogue or negotiated procedure following publication of a contract notice, such verifications shall be carried out before the selection of candidates has been completed.

As regards subcontractors submitted for prior approval, the AOD responsible or his staff may, on the basis of his risk analysis, decide not to verify whether there is a warning in the EWS.

3. The AOD responsible or his staff shall verify according to paragraph 2 whether there is a warning in the EWS concerning a person with power of representation, decision-making or control over the third party concerned, in the following situations:

- (a) where the AOD responsible or his staff deems that such verification is necessary on the basis of his risk analysis;
- (b) where the documents requested by the AOD responsible or his staff as evidence that the third party concerned is not in one of the situations described in Article 93(1) of the Financial Regulation, relate to such persons.

4. The specific warning contact person referred to in point (c) of Article 3(1) shall make available all relevant information to the AOD responsible or his staff upon request. As regards exclusion warnings, Article 12 of Regulation (EC, Euratom) No 1302/2008 applies.

5. Paragraphs 2 to 4 shall also apply to imprest accounts for expenditure exceeding EUR 300. In that case, the imprest administrator shall verify whether there is a warning in the EWS, on the basis of information he has been granted, prior to the conclusion of any legal commitment with a third party.

*Article 7***EWS officers**

1. The Director General of OLAF or the IAS and each authorising officer by delegation shall designate at least one official or temporary staff member under his supervision as EWS officer.

He shall notify the list of designated persons and any change thereof to the accounting officer.

2. The EWS officer may consult the list of all third parties, or persons with powers of representation, decision-making or control over third parties, for which an EWS warning is registered. As regards matters concerning the EWS he shall ensure the connection between the service and the accounting officer. He shall also assist the service in the transmission of information on EWS warnings requested by the service and as regards the actions to be taken as consequences of such warnings.

3. The accounting officer shall regularly publish an updated list of all EWS officers on the internal website of the Directorate-General for Budget.

Article 8

Data protection and rights of data subjects

1. In the calls for tender and calls for proposals and, in the absence of calls, before awarding contracts or grants, the AOD responsible or his staff shall inform third parties of the data concerning them that may be included in the EWS and of the entities to which the data may be communicated. Where third parties are legal entities, the AOD responsible or his staff shall also inform the persons who have powers of representation, decision-making or control within these entities.

2. The service that requested the registration of an EWS warning shall be responsible for the relations with the natural or legal person whose data are introduced into the EWS (hereinafter 'the data subject concerned'):

- (a) it shall inform the data subject concerned of the request for activation, updating and removal of any exclusion warning W5a directly concerning it and state the reasons thereof;
- (b) it shall respond to requests from data subjects concerned to rectify inaccurate or incomplete personal data and to any other requests or questions from those subjects.

However, the service that requested the registration of the warning may decide that restrictions laid down in Article 20(1) of Regulation (EC) No 45/2001 apply.

3. Without prejudice to the information requirements set out in paragraph 2, a duly identified natural person may request from the accounting officer information on whether he is registered in the EWS.

Subject to the decision of the service that requested the registration of the EWS warning on whether restrictions laid down in Article 20(1) of Regulation (EC) No 45/2001 apply, the accounting officer shall inform the person in writing or by electronic means whether he is registered in the EWS.

If the person is registered, the accounting officer shall attach the data stored in the EWS concerning that person. He shall inform the service that requested registration of the warning concerned thereof.

4. Removed warnings shall be accessible for audit and investigation purposes only and shall not be visible for the users of the EWS.

However, personal data contained in warnings referring to natural persons shall remain accessible to such purposes only for five years after the removal of the warning.

SECTION 2

INFORMATION ENTERED IN THE EWS

Article 9

Categories of warning

Depending on the nature or the seriousness of the facts brought to the knowledge of the service requesting registration, EWS warnings shall be divided into the following five categories:

- 1. W1, where information gives sufficient reason to believe that findings of fraud or serious administrative errors are likely to be recorded or where precautionary measures should be taken following the exclusion of a third party pursuant to Article 94 of the Financial Regulation;
- 2. W2, where a third party is subject to findings of serious administrative errors or fraud;
- 3. W3, where a third party is subject either to pending legal proceedings entailing the notification of an attachment order, or to judicial proceedings for serious administrative errors or fraud;
- 4. W4, where third parties are subject to recovery orders issued by the Commission exceeding a certain amount and on which payment is significantly overdue;
- 5. W5, where a third party is excluded in accordance with the Financial Regulation or Council regulations imposing CFSP-related financial restrictions.

Article 10

W1 warnings

1. OLAF shall request the activation of a W1a warning where its investigations at an early stage give sufficient reason to believe that findings of serious administrative errors or fraud are likely to be recorded in relation to third parties, especially those who are benefiting or have benefited from Community funds. OLAF shall inform the EWS officer of the service concerned of such requests.

2. OLAF and IAS shall request the activation of a W1b warning where their investigations give sufficient reason to believe that final findings of serious administrative errors or fraud are likely to be recorded in relation to third parties, especially those who are benefiting or have benefited from Community funds. They shall inform the EWS officer of the service concerned of such requests.

3. The AOD responsible shall request the activation of a W1c warning where investigations of the Court of Auditors, his Internal Audit Capability (IAC) or any other audit or investigation made under his responsibility or brought to his attention give sufficient reason to believe that final findings of serious administrative errors or fraud are likely to be recorded in relation to third parties, especially those who are benefiting or have benefited from Community funds under his responsibility.

4. The AOD responsible shall request the activation of a W1d warning where he excludes a candidate, tenderer or an applicant from the award of a contract or grant in a given procedure in accordance with points (a) or (b) of Article 94 of the Financial Regulation.

Exclusion warnings registered pursuant to Article 10(4) of Regulation (EC, Euratom) No 1302/2008 shall be considered as W1d warnings for the purposes of the EWS.

5. A W1 warning shall remain active for a maximum of six months. It shall be automatically removed. If the EWS warning needs to remain and cannot be replaced with another type of warning within this period, a new request shall be made.

Article 11

W2 warnings

1. OLAF and IAS shall request the activation of a W2a warning where their investigations lead to findings of serious administrative errors or fraud involving third parties, especially those who are benefiting or have benefited from Community funds.

2. The AOD responsible shall request the activation of a W2b warning where the European Court of Auditors, his IAC or any other audit or investigation made under his responsibility or brought to his attention have issued written findings of serious administrative errors or fraud in relation to third parties, especially those who are benefiting or have benefited from Community funds under his responsibility.

3. A W2 warning shall remain active for a maximum of six months. It shall be automatically removed. If the EWS warning needs to remain and cannot be replaced with another type of warning within this period, a new request shall be made.

Article 12

W3 warnings

1. The accounting officer shall enter a W3a warning upon receiving notification by the Secretariat General of an attachment order relating to a third party.

2. The AOD responsible shall request the activation of a W3b warning where third parties, especially those who are benefiting or have benefited from Community funds under his responsibility, are known to be the subject of judicial proceedings for serious administrative errors or fraud.

However, where investigations conducted by OLAF lead to such judicial proceedings or OLAF offers assistance or follows up those proceedings, OLAF shall request the activation of the corresponding W3b warning.

3. A W3 warning shall remain active until a judgment having the force of *res judicata* is rendered or the case has been otherwise settled.

Article 13

W4 warnings

1. The accounting officer shall enter a W4 warning in relation to third parties who are the subject of recovery orders issued by the Commission exceeding a certain amount and on which payment is significantly overdue.

2. The accounting officer shall establish internal guidelines as to the thresholds determining the relevant amounts and the time limit for registration under W4 warnings.

3. Any W4 warning shall remain active as long as the debt is outstanding. The accounting officer shall remove the warning when the debt has been settled.

Article 14

W5 warnings

1. Exclusion warnings registered pursuant to paragraphs 1, 2 and 3 of Article 10 of Regulation (EC, Euratom) No 1302/2008 shall be considered as W5a warnings for the purpose of the EWS.

2. A W5b warning shall be registered at the request of the Commission service responsible for the legislation concerned with regard to natural or legal persons, groups or entities listed in accordance with a Council regulation imposing CFSP-related financial restrictions as long as the designation of the person, group or entity concerned remains valid. The warning shall mention the references of the regulation imposing the restrictions or of the relevant implementing act.

3. Registrations of exclusion warnings are subject to the following rules:

- (a) Whenever the AOD responsible envisages to exclude a third party in application of points (a), (b), (c), (d) and (e) of Article 93(1) of the Financial Regulation, he shall give the third party concerned the opportunity to express its views in writing. The third party shall be given at least 14 calendar days to do so. Before excluding the third party in application of point (c) of Article 93(1), the AOD responsible shall consult the Legal Service and the Directorate-General for Budget.

Pending a possible decision by the Commission on the duration of the exclusion, the AOD responsible shall request, in accordance with Article 9(2) of Regulation (EC, Euratom) No 1302/2008, provisional registration of an exclusion warning and refer the case as soon as possible to the Commission. In order to protect the Communities' financial interests, the AOD responsible may request provisional registration of an exclusion warning W5a already before having given the third party concerned the opportunity to express its views. Alternatively, he may request registration of a W2 warning.

- (b) Whenever the AOD responsible envisages launching the procedure pursuant to Article 96 of the Financial Regulation, he shall give the third party concerned the opportunity to express its views in writing. The third party shall be given at least 14 calendar days to do so.

After having consulted the Legal Service and the Directorate-General for Budget and pending a possible decision by the Commission on the administrative penalty, the AOD responsible shall request, in accordance with Article 9(2) of Regulation (EC, Euratom) No 1302/2008, provisional registration of an exclusion warning W5a if the conduct of the third party also constitutes grave professional misconduct within the meaning of point (c) of Article 93(1) of the Financial Regulation.

- (c) Any request for definitive registration of a W5a warning in accordance with points (b), (c), (e) or (f) of Article 93(1) of the Financial Regulation shall specify the duration of the exclusion decided by the Commission.

SECTION 3

CONSEQUENCES OF EWS WARNINGS AS REGARDS BUDGET IMPLEMENTATION

Article 15

Effect of EWS warnings on budget transactions

1. The accounting officer shall suspend any payment to a beneficiary for whom a W2, W3, W4 or W5 warning has been registered. He shall notify the AOD responsible and

request him to state the reasons why payment should be made despite the existence of EWS warnings of categories W2, W3b and W5a.

2. Except for W5b warnings and W3a warnings following preventive attachment orders, payments proved to be actually due after the verifications made by the AOD responsible when suspending the time limit for payments in accordance with Article 106(4) of Regulation (EC, Euratom) No 2342/2002 or in accordance with the terms of the contract or grant as mentioned in point (b) of Article 18(1) and point (a) of Article 22(1), shall be executed without delay.

However, the accounting officer may only release the suspended payment on receipt of a reasoned confirmation from the AOD responsible that payment due shall be executed. In the absence of that confirmation, the payment shall remain suspended and the payment order shall be, if appropriate, sent back to the AOD responsible.

Where a payment was released by offsetting in compliance with Article 73 of the Financial Regulation and Article 83 of Regulation (EC, Euratom) No 2342/2002 following a W4 warning or where a payment was made following an executive attachment order, the accounting officer shall draw up a duly registered note.

3. No individual budgetary commitment, no registration of an individual legal commitment in the budgetary accounts based on a global commitment and no conclusion of a legal commitment based on a provisional commitment can be made with regard to the third party subject to a W5 warning.

Article 16

Consequence of a W1 warning

A W1 warning shall be registered for information purposes only and may entail no consequence other than reinforced monitoring measures.

Article 17

Consequences of a W2, W3b or W4 warning on contract or grant award procedures

1. Where a W2, W3b or W4 warning is registered at the time the AOD responsible or his staff consults the EWS in accordance with point (a) of Article 6(2), he shall inform, if the stage of the procedure so permits, the evaluation committee for the award of contract or grant concerned of the existence of such warning in so far as the existence of such warning constitutes a new element to be examined in connection with the selection criteria for that contract or grant. The AOD responsible shall take this information into account, in particular if the third party registered in the EWS were to head the list of the evaluation committee.

2. If the third party for which a W2, W3b or W4 warning has been registered heads the list of the evaluation committee, the AOD responsible, having due regard to the obligation to protect the Community's financial interests and image, the nature and seriousness of the justification for the warning, the amount and duration of the contract or grant and, where applicable, the urgency with which it has to be implemented, shall take one of the following decisions:

- (a) to award the contract or grant to the third party despite registration in the EWS, and ensure that reinforced monitoring measures are taken;
- (b) where the existence of such warning objectively calls into question the initial assessment of compliance with the selection and award criteria, to award the contract or grant to another tenderer or applicant on the basis of an assessment of compliance with the selection and award criteria differing from that of the evaluation committee and duly justify his decision;
- (c) to close the procedure without awarding any contract and duly justify this closure in the information given to the tenderer.

Where the AOD responsible decides to close the procedure in accordance with point (c), a restricted procedure with the time limits laid down for urgent cases pursuant to Article 142 of Regulation (EC, Euratom) No 2342/2002 may be used to award the contract through a new procedure.

Article 18

Consequences of a W2, W3b or W4 warning as regards existing contracts or grants

1. Where a W2, W3b or W4 warning has been registered for reasons related to the performance or award of an ongoing contract or grant or to the relevant award procedure, the AOD responsible may, after giving due consideration to the risks involved, to the nature of the warning and its justification, to the consequences which it is likely to have on the performance of the contract or grant, especially with regard to the amount, duration and, where applicable, the urgency of the latter, take one or more of the following actions:

- (a) to decide to let the contractor or beneficiary proceed with the performance of the contract or grant, under prescribed reinforced monitoring measures;
- (b) to suspend the time limit for payments in accordance with Article 106(4) of Regulation (EC, Euratom) No 2342/2002 for the purpose of further verification in order to ascertain, prior to any further payment, that the expenditure is eligible, and subsequently execute payments actually due;

(c) to suspend performance of the contract or grant in accordance with Articles 103 and 119 of the Financial Regulation;

(d) to terminate the contract or grant where it contains a provision to this effect.

2. Where a W2, W3b or W4 warning has not been registered for reasons related to the ongoing contract or grant or to the relevant award procedure, the AOD responsible may, depending on the type of warning and the consequences, which it is likely to have on the performance of the ongoing contract or grant, and after giving due consideration to the risks involved, including that of judicial litigation, take the following actions:

- (a) to apply one or more of the options referred to in paragraph 1(a) and (b);
- (b) to terminate the contract or grant if there is a provision that permits termination in the case of new elements, where those elements justify a real loss of trust on the part of the Commission and a threat to the Communities' reputation.

Article 19

Consequences of a W3a warning

1. Where a third party is subject to a W3a warning corresponding to a preventive attachment order, the accounting officer shall maintain the suspension of all payments pending a final judicial ruling on the principal creditor's claim, if the national law applicable so requires. Where the preventive attachment order is limited to a specific sum according to a judgment ('cantonnement'), the accounting officer shall suspend payments up to that amount.

2. Where a third party is subject to a W3a warning corresponding to an enforceable attachment order, the AOD responsible or his staff, in close cooperation with the accounting officer, shall execute the payment initially payable by the Commission or the executive agency to the party attached, for the benefit of the attaching party, up to the amount attached.

3. Paragraphs 2 and 3 apply unless enforcement of the attachment order is likely to disrupt the smooth operation of the Commission or executive agency. In this case, the accounting officer shall invoke Article 1 of the Protocol on Privileges and Immunities.

*Article 20***Consequences of a W4 warning**

1. Where a third party is subject to a W4 warning, the accounting officer shall systematically examine the possibility of offsetting Community entitlements with payment due to that third party in compliance with Article 73 of the Financial Regulation and Article 83 of Regulation (EC, Euratom) No 2342/2002.

2. The AOD responsible shall take this information into consideration before awarding any new contract or grant to the third party.

*Article 21***Consequences of a W5 warning as regards contracts and grant award procedures**

The AOD responsible shall exclude a third party subject to a W5 warning from participating in the contract or grant award procedure at the stage of the assessment of the exclusion criteria in accordance with Articles 93 and 114(3) of the Financial Regulation or with the applicable Council Regulation imposing CFSP-related financial restrictions.

*Article 22***Specific consequences of a W5 warning on existing contracts or grants**

1. Where a W5a warning has been registered for reasons that are likely to affect the implementation of contracts or grants already signed, the AOD responsible shall take the following action:

(a) where the terms of the contract or grant so permit, and where the reason for the W5 warning is related to the performance or award of an ongoing contract or grant:

(i) to suspend payments for the purpose of verification, execute payments actually due and recover any amounts unduly paid, if possible by offsetting with any payment due;

(ii) to terminate the contract or grant;

(b) in all other cases, to apply one of the options referred to in Article 18(1).

2. Save where otherwise provided in Council regulations implementing Common Positions adopted on the basis of

Article 15 of the Treaty on European Union, on which W5b warnings are based, the following rules shall apply:

(a) no funds may be made available, directly or indirectly to, or for the benefit of, a natural or legal person, group or entity listed in the relevant Council regulation;

(b) no economic resources may be made available, directly or indirectly, to, or for the benefit of, a natural or legal person, group or entity listed in the relevant Council regulation.

*Article 23***Referral to the Commission**

In exceptional circumstances, including situations where the risk involved is of a reputational and political nature, and where Articles 15 to 22 do not provide an adequate solution, the AOD responsible shall refer the case to the Member of the Commission in charge of the policy area concerned, who may in turn refer the matter to the Commission.

The Secretariat General shall be kept informed of all relevant exchanges.

SECTION 4

TRANSITIONAL AND FINAL PROVISIONS*Article 24***Transitional provisions**

1. The service that requested registration of an EWS warning before the adoption of this Decision remains responsible for modification or removal of warnings registered at its request in accordance with this Decision.

2. For exclusions decided by an AOD responsible pursuant to points (b) and (e) of Article 93(1) of the Financial Regulation before 1 May 2007, the duration of the period exclusion shall take into account the duration of criminal records under national law. For such exclusions a maximum duration of four years from the date of notification of the judgment shall apply. If this maximum period has elapsed, the AOD responsible shall request removal of the warning.

*Article 25***Repeal of the Decision on the Early Warning System**

The Commission Decision C(2004)193/3⁽¹⁾ on the Early Warning System is hereby repealed with effect from 1 January 2009.

⁽¹⁾ Not published in the Official Journal.

*Article 26***Application**

This Decision shall apply from 1 January 2009.

*Article 27***Publication**

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

It shall be annexed to the Internal Rules for the implementation of the general budget of the European Communities.

Done at Brussels, 16 December 2008.

For the Commission

Dalia GRYBAUSKAITĖ

Member of the Commission

ANNEX

Request by AOD of the Commission, executive agency, IAS, OLAF for data entry into the exclusion database/EWS, its modification or removal

NB : one request per warning

The request has to be sent in conformity with the procedure for classified information. It has to be sent in a single closed envelope.

- RESTREINT UE -

Place, date

..... D(...)

Note to the accounting officer ⁽¹⁾**Subject: Request for the registration/removal/modification of a warning in the exclusion database/EWS**

Requesting Directorate-General or executive agency:

Person authorised to request registration/removal/modification of a warning:

Name, first name:

Function:

I request

- ☐ registration of a warning
- ☐ removal of the warning ⁽²⁾ whose introduction was requested by note dated
- ☐ modification of the warning ⁽³⁾ (including renewal of an existing registration) whose introduction was requested by note dated

concerning the following entity:

Name (and, where the person is a natural person, given name) of the entity:

.....

Legal form (if legal entity):

.....

Name, given name of the person(s) with powers of representation over the legal entity:

.....

Address (if legal person, address of the headquarters): street/no./postcode/place/country

.....

Name, given name of the persons(s) with powers of representation, decision-making or control over the legal entity ⁽⁴⁾:

.....

Information related to the Legal Entities File (LEF):

- ☐ This entity already exists in the LEF under the following(s) key(s): 6
- ☐ The request for validation of this entity in the LEF has already been made. I attach the printed ABAC screen of the request made, which has the following key (normally starting with 'ABC'): A supporting document for the validation of the request is enclosed.
- ☐ The request concerns an entity which does not exist in the LEF and for which information was obtained from an implementing authority or body pursuant to Article 95(2) of the Financial Regulation (enclosed).

⁽¹⁾ 'Note for the file' for warnings introduced directly by the accounting officer.⁽²⁾ Do not fill in sections 1 to 4.⁽³⁾ Fill in all sections, not only the one concerned by the modification request.⁽⁴⁾ Fill in this section on a request distinct from that aimed at the legal person concerned (Decision, art. 5(5)), and only if the warning concerns a person with powers of representation, decision making or control over legal entities which are third parties, when those persons represent themselves a threat to the Communities' financial interests and reputation or to any other fund administered by the Communities for the reasons listed under point (a) of Article 3(1) of the EWS Decision.

1) I request introduction of the following warning:

☐ **W1**

- ☐ W1a requested by OLAF
- ☐ W1b requested by OLAF or IAS
- ☐ W1c requested by AOD
- ☐ W1d requested by AOD

☐ **W2**

- ☐ W2a requested by OLAF or IAS
- ☐ W2b requested by AOD

Indicate reference to source of findings leading to warning request:

☐ **W3**

- ☐ W3a introduced directly by accounting officer
- ☐ W3b requested by OLAF or AOD

☐ **W4** introduced directly by accounting officer☐ **W5**☐ **W5a – exclusion pursuant to Financial Regulation (FR)**

- ☐ **Article 93 (1) a FR** (internal code: NW5a2a)
- ☐ **Article 93 (1) b FR** (internal code: NW5a2b)
- ☐ **Article 93 (1) c FR** (internal code: NW5a30)

Indicate reference to opinion of the LS and the CFS:

Indicate references to the contradictory procedure:

- ☐ **Article 93 (1) d FR** (internal code: NW5a2d)
- ☐ **Article 93 (1) e FR** (internal code: NW5a2e)

- Fraud
- Corruption
- Involvement in a criminal organisation
- Money laundering

Indicate the denomination of the court that rendered the judgment which has the force of *res judicata*:
.....

Indicate the date of the judgment which has the force of *res judicata*: DD/MM/YYYY: .../.../...

Indicate the duration of the period of exclusion from procurement procedures (where applicable):
Exclusion until DD/MM/YYYY: .../.../...

☐ **Article 93 (1) f FR (= Article 96 (1) FR) (internal code: NW5a40)**

Indicate reference and date of Commission decision: C(.....) of

☐ **W5b – exclusion pursuant to Council Regulation No (indicate)**

2) Short description of the reasons for the warning request ⁽¹⁾:

.....
.....

3) Registration duration:

- ☐ Registration until DD/MM/YYYY ⁽²⁾
- ☐ Registration unlimited in time or automatic removal of the registration pursuant to Regulation on the central exclusion database and Decision on the Early Warning System
- ☐ Provisional registration until DD/MM/YYYY (max. three months):

4) Warning contact person ⁽³⁾:

Name, first name:

Telephone number (including international dialling code):

Fax number (including international dialling code):

E-mail:

I certify that the information communicated was established and transmitted in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council concerning the protection of personal data.

[Signature of the person authorised to request introduction, removal or modification of the warning]

Copy: Mr/Mrs, EWS officer of the DG

⁽¹⁾ Where description cannot be given pursuant to confidentiality requirements, indicate: 'not disclosed'.

⁽²⁾ The duration of an exclusion pursuant to Article 93(1) points b, c, e, f of the Financial Regulation has to be decided by the Commission (College).

⁽³⁾ Person to be contacted for further details on the specific warning requested, who may be different from the EWS officer of the DG.

III

(Acts adopted under the EU Treaty)

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

POLITICAL AND SECURITY COMMITTEE DECISION EUPOL COPPS/1/2008

of 16 December 2008

concerning the appointment of the Head of the European Union Police Mission for the Palestinian Territories

(2008/970/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 2005/797/CFSP of 14 November 2005 on the European Union Police Mission for the Palestinian Territories ⁽¹⁾, and in particular Article 11(2) thereof,

Whereas:

- (1) Under Article 11(2) of Joint Action 2005/797/CFSP, the COPS is authorised, in accordance with Article 25 of the Treaty, to take the relevant decisions for the purpose of exercising the political control and strategic direction of the EUPOL COPPS mission, including in particular the decision to appoint a Head of Mission.
- (2) The Secretary-General/High Representative has proposed the appointment of Mr Paul KERNAGHAN as Head of the EUPOL COPPS mission,

HAS DECIDED AS FOLLOWS:

Article 1

Mr Paul KERNAGHAN is hereby appointed Head of the European Union Police Mission for the Palestinian Territories (EUPOL COPPS) as from 1 January 2009.

Article 2

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

It shall apply until 31 December 2009.

Done at Brussels, 16 December 2008.

For the Political and Security Committee

The President

I. SRAMEK

⁽¹⁾ OJ L 300, 17.11.2005, p. 65.