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Contents

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

REGULATIONS

Commission Regulation (EC) No 716/2009 of 6 August 2009 establishing the standard import values for determining the entry price of certain fruit and vegetables	1
★ Commission Regulation (EC) No 717/2009 of 4 August 2009 concerning the classification of certain goods in the Combined Nomenclature	3
★ Commission Regulation (EC) No 718/2009 of 4 August 2009 concerning the classification of certain goods in the Combined Nomenclature	7
★ Commission Regulation (EC) No 719/2009 of 6 August 2009 amending Regulation (EC) No 1251/2008 as regards the list of third countries and territories from which certain crustaceans and ornamental aquatic animals may be imported into the Community ⁽¹⁾	10
★ Commission Regulation (EC) No 720/2009 of 6 August 2009 amending Regulation (EC) No 884/2006 laying down detailed rules for the application of Council Regulation (EC) No 1290/2005 as regards reference prices, the calculation of financing costs and physical inspection of rice	15
Commission Regulation (EC) No 721/2009 of 6 August 2009 concerning tenders lodged under the invitation to tender for the import of maize issued in Regulation (EC) No 676/2009	19

Commission Regulation (EC) No 722/2009 of 6 August 2009 concerning tenders lodged under the invitation to tender for the import of maize issued in Regulation (EC) No 677/2009	20
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II *Acts adopted under the EC Treaty/Euratom Treaty whose publication is not obligatory*

DECISIONS

Commission

2009/602/EC:

- ★ **Commission Decision of 10 March 2009 on the signature and conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Swiss Confederation on certain technical amendments to Annexes I and II to the Agreement between the European Community and the Swiss Confederation providing for measures equivalent to those laid down in Council Directive 2003/48/EC on taxation of savings income in the form of interest payments by reason of the accession of the Republic of Bulgaria and Romania** 21

I

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

REGULATIONS

COMMISSION REGULATION (EC) No 716/2009**of 6 August 2009****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 7 August 2009.

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

Done at Brussels, 6 August 2009.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, p. 1.

ANNEX

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

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	MK	29,6
	XS	22,4
	ZZ	26,0
0707 00 05	MK	25,7
	TR	100,7
	ZZ	63,2
0709 90 70	TR	105,2
	ZZ	105,2
0805 50 10	AR	65,6
	TR	92,6
	UY	61,0
	ZA	67,1
	ZZ	71,6
0806 10 10	EG	147,9
	MA	103,9
	TR	140,4
	ZA	127,4
	ZZ	129,9
0808 10 80	AR	114,2
	BR	70,6
	CL	78,8
	CN	96,2
	NZ	86,4
	US	85,5
	ZA	78,7
	ZZ	87,2
0808 20 50	AR	129,8
	AU	112,1
	CL	73,4
	TR	138,7
	ZA	90,8
	ZZ	109,0
0809 20 95	CA	365,6
	TR	276,0
	US	336,3
	ZZ	326,0
0809 30	TR	142,9
	ZZ	142,9
0809 40 05	BA	39,5
	IL	153,8
	ZZ	96,7

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

COMMISSION REGULATION (EC) No 717/2009**of 4 August 2009****concerning the classification of certain goods in the Combined Nomenclature**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

(4) It is appropriate to provide that binding tariff information which has been issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature but which is not in accordance with this Regulation can, for a period of three months, continue to be invoked by the holder, under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽²⁾.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

Article 3

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

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

Done at Brussels, 4 August 2009.

For the Commission

Antonio TAJANI

Vice-President

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ OJ L 302, 19.10.1992, p. 1.

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
1. A handheld, battery-operated apparatus, foldable, with overall dimensions of approximately 8,7 cm (L) × 5,4 cm (W) × 1,8 cm (D), in a single housing having: — an alpha-numeric keyboard of a kind used in cellular phones; — one colour display of the liquid crystal device (LCD) type with a diagonal measurement of the screen of approximately 5 cm (2 inches); — a second rectangular colour display of the LCD type with a diagonal measurement of the screen of 2 cm (0,8 inch); — a 2 megapixels digital camera with a digital zoom; — a slot for a solid state non-volatile storage card not exceeding 4 GB; and — a USB (Universal Serial Bus) port for recharging the battery, for data exchange and for connecting external earphones. The apparatus comprises: — a microprocessor; — microphone and loudspeaker; — an in-built memory of 128 MB; and — a television receiver of the DVB-T type. The apparatus has an integrated operating system for mobile telephony over the cellular network which can be activated when a SIM card is inserted into the apparatus. The apparatus has the following functions: — mobile phone communication over the cellular network; — wireless transmission and reception of images or other data (such as SMS (Short Message Service), MMS (Multimedia Messaging Service), e-mail, etc.); — recording and reproducing of sound as well as still and video images; and — reception of television signals (DVB-T). The apparatus also functions using other wireless communication protocols such as 'Bluetooth'.	8517 12 00	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 3 to Section XVI and by the wording of CN codes 8517 and 8517 12 00. The apparatus is a composite machine consisting of different components. Given that the apparatus is designed to be equipped with a SIM (Subscriber Identity Module) and given that, when equipped with an activated SIM, the mobile telephony function takes precedence over all the other functions of the apparatus (in particular, the incoming calls override all other functions used), the principal function of the apparatus within the meaning of Note 3 to Section XVI is considered to be that of mobile phone communication over a cellular network as provided for in heading 8517 (sub-heading 8517 12 00). The apparatus is therefore to be classified under subheading 8517 12 00 as a telephone for cellular networks according to the component that performs the apparatus' principal function.

(1)	(2)	(3)
2. A handheld, battery-operated apparatus, foldable, with overall dimensions of approximately 10,9 cm (L) × 5,9 cm (W) × 1,9 cm (D), in a single housing having: — a colour display of the liquid crystal device (LCD) type with a diagonal measurement of the screen of approximately 7 cm (2,8 inches), which incorporates an alphanumeric keyboard of the touch screen type; — a 1,92 megapixels digital camera with an optical zoom; — a slot for a solid state non-volatile storage card not exceeding 4 GB; and — a USB (Universal Serial Bus) port; and — a port for recharging the battery. The apparatus comprises: — a microprocessor; — microphone and loudspeaker; — an in-built random-access memory with a storage capacity of 64 MB; — an in-built electrically erasable, programmable, read only memory with a storage capacity of 256 MB; — an antenna for the reception of radio navigational signals from satellites, and — a GPS (Global Positioning System) module. The apparatus has an integrated operating system for mobile telephony over the cellular network which can be activated when a SIM card is inserted into the apparatus. The apparatus has the following functions: — mobile phone communication over the cellular network; — wireless transmission and reception of images or other data (such as SMS (Short Message Service), MMS (Multimedia Messaging Service), e-mail, etc.); — personal digital assistant; — recording and reproducing of sound as well as still and video images; and — a radio navigation satellite system in the form of a Global Positioning System (GPS). The apparatus also functions using other wireless communication protocols such as 'Bluetooth' and wireless LAN (local area network) (802.11b + g).	8517 12 00	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 3 to Section XVI and by the wording of CN codes 8517 and 8517 12 00. The apparatus is a composite machine consisting of different components. Given that the apparatus is designed to be equipped with a SIM (Subscriber Identity Module) and given that, when equipped with an activated SIM, the mobile telephony function takes precedence over all the other functions of the apparatus (in particular, the incoming calls override all other functions used), the principal function of the apparatus within the meaning of Note 3 to Section XVI is considered to be that of mobile phone communication over a cellular network as provided for in heading 8517 (sub-heading 8517 12 00). The apparatus is therefore to be classified under subheading 8517 12 00 as a telephone for cellular networks according to the component that performs the apparatus' principal function.

(1)	(2)	(3)
3. A handheld, battery-operated apparatus, with overall dimensions of approximately 11,1 cm (H) × 6,18 cm (W) × 0,85 cm (D), in a single housing having: — an alpha-numeric keyboard of a kind used in cellular phones of the touch screen type; — a color display of the liquid crystal device (LCD) type with a diagonal measurement of the screen of approximately 8,9 cm (3,5 inches) and a wide screen format; — a 2 megapixels digital camera; — a USB (Universal Serial Bus) port; and — a port for recharging the battery. The apparatus comprises: — a microprocessor; — microphone and loudspeaker; — an in-built flash memory of 16 GB; and — an antenna for the reception of radio navigational signals from satellites. The apparatus has an integrated operating system for mobile telephony over the cellular network which can be activated when a SIM card is inserted into the apparatus. The apparatus has the following functions: — mobile phone communication over the cellular network; — wireless transmission and reception of images or other data (such as SMS (Short Message Service), MMS (Multimedia Messaging Service), e-mail, etc.); — recording and reproducing of sound as well as still and video images; and — a radio navigation satellite system in the form of a Global Positioning System (GPS). The apparatus also functions using other wireless communication protocols such as 'Bluetooth' and wireless LAN (local area network) (802.11b + g).	8517 12 00	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 3 to Section XVI and by the wording of CN codes 8517 and 8517 12 00. The apparatus is a composite machine consisting of different components. Given that the apparatus is designed to be equipped with a SIM and given that, when equipped with an activated SIM (Subscriber Identity Module), the mobile telephony function takes precedence over all the other functions of the apparatus (in particular, the incoming calls override all other functions used), the principal function of the apparatus within the meaning of Note 3 to Section XVI is considered to be that of mobile phone communication over a cellular network as provided for in heading 8517 (subheading 8517 12 00). The apparatus is therefore to be classified under subheading 8517 12 00 as a telephone for cellular networks according to the component that performs the apparatus' principal function.

COMMISSION REGULATION (EC) No 718/2009**of 4 August 2009****concerning the classification of certain goods in the Combined Nomenclature**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

(4) It is appropriate to provide that binding tariff information which has been issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature but which is not in accordance with this Regulation can, for a period of three months, continue to be invoked by the holder, under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽²⁾.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

Article 3

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

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

Done at Brussels, 4 August 2009.

For the Commission

Ján FIGEL

Member of the Commission

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ OJ L 302, 19.10.1992, p. 1.

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
1. Four-wheeled vehicle with an electric motor powered by two rechargeable 12 V batteries. It is approximately 48 cm wide, 99 cm long and 58 cm high (with the backrest folded down), with a total weight without batteries of approximately 34,5 kg. The maximum load is approximately 115 kg. The vehicle has the following characteristics: — a horizontal platform connecting the front and rear sections, — small wheels (approximately 2,5 × 19,0 cm) with anti-leak tyres, — an adjustable seat without armrests and grips whose height can be set in one of two positions, and — a steering column that can be folded down. The steering column has a small control unit including a contact switch, a horn, a battery output display and a button to set the maximum speed. The vehicle has two thumb-operated levers for accelerating, braking and reversing. There are anti-tip wheels at the back of the vehicle to prevent it from tipping over. It has an electronic dual braking system. When its batteries are fully charged it has a maximum range of approximately 16 kilometres and can reach a maximum speed of approximately 6,5 km/h. The vehicle can be disassembled into four light components. It is designed for use at home, on footpaths and in public spaces, for activities such as shopping trips. (*) See image 1.	8703 10 18	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 8703, 8703 10 and 8703 10 18. The vehicle is a special type of a vehicle for the transport of persons. Classification under heading 8713 is excluded as the vehicle is not specially designed for the transport of disabled persons and it has no special features to alleviate a disability. (See also the Harmonised System Explanatory Notes to heading 8713 and the Combined Nomenclature Explanatory Notes to subheading 8713 90 00.) The vehicle is therefore to be classified under CN code 8703 10 18 as a motor vehicle principally designed for the transport of persons.

(1)	(2)	(3)
2. Three-wheeled vehicle with an electric motor powered by two rechargeable 12 V batteries. It is approximately 61 cm wide, 120 cm long and 76 cm high (with the backrest folded down), with a total weight without batteries of approximately 46 kg. The maximum load is approximately 160 kg. The vehicle has the following characteristics: — a horizontal platform connecting the front and rear sections, — small wheels (approximately 8,9 × 25,4 cm) with anti-leak tyres, — an adjustable seat with armrests and grips whose height can be set in one of three positions, and — a steering column that can be folded down. The steering column has a small control unit including a battery meter, a contact switch, buttons to activate lights, a horn and a button to set the maximum speed. The vehicle has two thumb-operated levers for accelerating, braking and reversing. There are anti-tip wheels at the back of the vehicle to prevent it from tipping over. It has an electronic dual braking system. When its batteries are fully charged it has a maximum range of approximately 40 kilometres and can reach a maximum speed of approximately 8 km/h. The vehicle can be disassembled into seven light components. It is designed for use at home, on footpaths and in public spaces, for activities such as shopping trips. (*) See image 2.	8703 10 18	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 8703, 8703 10 and 8703 10 18. The vehicle is a special type of a vehicle for the transport of persons. Classification under heading 8713 is excluded as the vehicle is not specially designed for the transport of disabled persons and it has no special features to alleviate a disability. (See also the Harmonised System Explanatory Notes to heading 8713 and the Combined Nomenclature Explanatory Notes to subheading 8713 90 00.) The vehicle is therefore to be classified under CN code 8703 10 18 as a motor vehicle principally designed for the transport of persons.

(*) The images are purely for information.



Image 1



Image 2

COMMISSION REGULATION (EC) No 719/2009**of 6 August 2009****amending Regulation (EC) No 1251/2008 as regards the list of third countries and territories from which certain crustaceans and ornamental aquatic animals may be imported into the Community****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to 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 ⁽¹⁾, and in particular Article 22 thereof,

Whereas:

- (1) Directive 2006/88/EC lays down the animal health requirements to be applied for the placing on the market, the importation into and the transit through the Community of aquaculture animals and products thereof. That Directive provides that aquaculture animals and products thereof are to be introduced into the Community only from third countries or parts of third countries that appear on a list drawn up and updated in accordance with the procedure referred to therein.
- (2) Article 11 of Commission Regulation (EC) No 1251/2008 of 12 December 2008 implementing Council Directive 2006/88/EC as regards conditions and certification requirements for the placing on the market and the import into the Community of aquaculture animals and products thereof and laying down a list of vector species ⁽²⁾ lays down the rules applicable to the import of ornamental aquatic animals intended for closed ornamental facilities.
- (3) Pursuant to Article 11(2) of that Regulation, Member States are to authorise the imports of ornamental fish which are not of susceptible species to any of the diseases listed in Part II of Annex IV to Directive 2006/88/EC, and ornamental mollusc and ornamental crustaceans intended for closed ornamental facilities only from third countries or territories that are members of the World Organisation for Animal Health (OIE). That provision ensures that relevant epidemiological data related to those animals is made available to all OIE members.
- (4) Annex III to Regulation (EC) No 1251/2008 lays down a list of third countries, territories, zones or compartments from which imports are permitted of aquaculture animals intended for farming, put and take fisheries and open ornamental facilities, and of ornamental fish susceptible

to one or more of the diseases listed in Part II of Annex IV to Directive 2006/88/EC and intended for closed ornamental facilities.

- (5) The Secretariat of the Pacific Community (SPC) is an international organisation that provides technical assistance, policy advice, training and research services to 22 Pacific Island countries and territories in areas such as health, human development, agriculture, forestry and fisheries. Certain SPC members are not members of the OIE.
- (6) The OIE and the SPC concluded an Agreement in September 1999. Pursuant to that Agreement, the SPC is to encourage those of its members that are not members of the OIE to participate in the OIE information network for animal health and aquatic animal health.
- (7) The Annex to that Agreement, concluded by the SPC and the OIE on 10 April 2003, lays down the terms of collaboration between both parties for the development, maintenance and distribution of a Regional Animal Health Information System for the Pacific Island Countries and its Territories.
- (8) By letters of 31 March 2009 and 30 April 2009, the SPC informed the Commission that SPC members that are not members of the OIE are able to upload relevant disease information in the OIE World Animal Health Information System in accordance with OIE criteria, as from May 2009.
- (9) It is therefore appropriate to amend Article 11(2) of Regulation (EC) No 1251/2008, in order to authorise imports of ornamental fish which are not of susceptible species to any of the diseases listed in Part II of Annex IV to Directive 2006/88/EC, and ornamental molluscs and ornamental crustaceans, intended for closed ornamental facilities also from third countries and territories that are not members of the OIE but have an official agreement with that organisation in order to participate in its information network for animal health and aquatic animal health.
- (10) The United States have confirmed that Puerto Rico, US Virgin Island, American Samoa, Guam and Northern Mariana Islands are considered territories of the United States and the competent authority of the United States is responsible for notification of animal diseases to the OIE.

⁽¹⁾ OJ L 328, 24.11.2006, p. 14.

⁽²⁾ OJ L 337, 16.12.2008, p. 41.

- (11) Annex III to that Regulation should also be amended accordingly, to include the relevant SPC members.
- (12) Pursuant to Council Directive 91/67/EEC of 28 January 1991 concerning the animal health conditions governing the placing on the market of aquaculture animals and products⁽¹⁾, Member States were to ensure that imports of aquaculture animals and products from third countries were subject to conditions at least equivalent to those applying to the production and placing on the market of Community products.
- (13) While Directive 91/67/EEC was in force, imports from the United States of crustaceans for farming, put and take fisheries, and open ornamental facilities were permitted in the Member States. That Directive was repealed and replaced by Directive 2006/88/EC, which harmonised the animal health requirements for such imports.
- (14) Article 20(3)(b) of Regulation (EC) No 1251/2008 lays down a transitional period during which consignments of crustaceans for farming, put and take fisheries, and open ornamental facilities may continue to be imported in accordance with the regime in place before the entry into force of Directive 2006/88/EC. That transitional period expires on 30 June 2009.
- (15) Therefore, the United States should be included in Annex III to Regulation (EC) No 1251/2008, pending the completion of on-the-spot inspections carried out in accordance with Directive 2006/88/EC in order to verify conformity with Community aquatic animal health rules.
- (16) Annex III to Regulation (EC) No 1251/2008 should therefore be amended accordingly.

- (17) 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

Regulation (EC) No 1251/2008 is amended as follows:

1. In Article 11, paragraph 2 is replaced by the following:

‘2. Ornamental fish which are not of susceptible species to any of the diseases listed in Part II of Annex IV to Directive 2006/88/EC, and ornamental molluscs and ornamental crustaceans, intended for closed ornamental facilities, shall only be imported into the Community from third countries or territories that:

- (a) are members of the World Organisation for Animal Health (OIE); or
- (b) are listed in Annex III and have a formal agreement with the OIE to regularly submit information concerning their animal health status to the members of that organisation.’

2. Annex III is replaced by the text in the Annex to this Regulation.

Article 2

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

It shall apply from 1 October 2009.

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

Done at Brussels, 6 August 2009.

For the Commission
Androulla VASSILOU
Member of the Commission

⁽¹⁾ OJ L 46, 19.2.1991, p. 1.

ANNEX

‘ANNEX III

LIST OF THIRD COUNTRIES, TERRITORIES, ZONES OR COMPARTMENTS ⁽¹⁾

(referred to in Article 10(1) and Article 11)

Country/territory		Aquaculture Species			Zone/Compartment	
ISO-code	Name	Fish	Molluscs	Crustaceans	Code	Description
AU	Australia	X ^(A)				
BR	Brazil	X ^(B)				
CA	Canada	X			CA 0 ^(D)	Whole territory
					CA 1 ^(E)	British Columbia
					CA 2 ^(E)	Alberta
					CA 3 ^(E)	Saskatchewan
					CA 4 ^(E)	Manitoba
					CA 5 ^(E)	New Brunswick
					CA 6 ^(E)	Nova Scotia
					CA 7 ^(E)	Prince Edward Island
					CA 8 ^(E)	Newfoundland and Labrador
					CA 9 ^(E)	Yukon
					CA 10 ^(E)	Northwest Territories
					CA 11 ^(E)	Nunavut
CL	Chile	X ^(A)				Whole country
CN	China	X ^(B)				Whole country
CO	Colombia	X ^(B)				Whole country
CG	Congo	X ^(B)				Whole country
CK	Cook Islands	X ^(C)	X ^(C)	X ^(C)		Whole country
HR	Croatia	X ^(A)				Whole country
HK	Hong Kong	X ^(B)				Whole country
IN	India	X ^(C)				Whole country
ID	Indonesia	X ^(A)				Whole country

⁽¹⁾ According to Article 11 ornamental fish which are not of species susceptible to any of the diseases listed in Part II of Annex IV to Directive 2006/88/EC, and ornamental molluscs and ornamental crustaceans, intended for closed ornamental facilities, may also be imported into the Community from third countries or territories that are members of the World Organisation for Animal health (OIE).

Country/territory		Aquaculture Species			Zone/Compartment	
ISO-code	Name	Fish	Molluscs	Crustaceans	Code	Description
IL	Israel	X ^(A)				Whole country
JM	Jamaica	X ^(B)				Whole country
JP	Japan	X ^(B)				Whole country
KI	Kiribati	X ^(C)	X ^(C)	X ^(C)		Whole country
LK	Sri Lanka	X ^(B)				Whole country
MH	Marshall Islands	X ^(C)	X ^(C)	X ^(C)		Whole country
MK ^(F)	the former Yugoslav Republic of Macedonia	X ^(B)				Whole country
MY	Malaysia	X ^(B)				Peninsular, Western Malaysia
NR	Nauru	X ^(C)	X ^(C)	X ^(C)		Whole country
NU	Niue	X ^(C)	X ^(C)	X ^(C)		Whole country
NZ	New Zealand	X ^(A)				Whole country
PF	French Polynesia	X ^(C)	X ^(C)	X ^(C)		Whole country
PG	Papua New Guinea	X ^(C)	X ^(C)	X ^(C)		Whole country
PN	Pitcairn Islands	X ^(C)	X ^(C)	X ^(C)		Whole country
PW	Palau	X ^(C)	X ^(C)	X ^(C)		Whole country
RU	Russia	X ^(A)				Whole country
SB	Solomon Islands	X ^(C)	X ^(C)	X ^(C)		Whole country
SG	Singapore	X ^(B)				Whole country
ZA	South Africa	X ^(A)				Whole country
TW	Taiwan	X ^(B)				Whole country
TH	Thailand	X ^(B)				Whole country
TR	Turkey	X ^(A)				Whole country
TK	Tokelau	X ^(C)	X ^(C)	X ^(C)		Whole country
TO	Tonga	X ^(C)	X ^(C)	X ^(C)		Whole country
TV	Tuvalu	X ^(C)	X ^(C)	X ^(C)		Whole country

Country/territory		Aquaculture Species			Zone/Compartment	
ISO-code	Name	Fish	Molluscs	Crustaceans	Code	Description
US	United States ⁽¹⁾	X		X	US 0 ⁽²⁾	Whole country
		X			US 1 ⁽³⁾	Whole country, except the following states: New York, Ohio, Illinois, Michigan, Indiana, Wisconsin, Minnesota and Pennsylvania
			X		US 2	Humboldt Bay (California)
					US 3	Netarts Bay (Oregon)
					US 4	Wilapa Bay, Totten Inlet, Oakland Bay, Quilcense Bay and Dabob Bay (Washington)
					US 5	NELHA (Hawaii)
VN	Vietnam	X ⁽⁴⁾				
WF	Wallis and Futuna	X ⁽⁵⁾	X ⁽⁶⁾	X ⁽⁶⁾		Whole country
WS	Samoa	X ⁽⁵⁾	X ⁽⁶⁾	X ⁽⁶⁾		Whole country

⁽¹⁾ Apply to all fish species.

⁽²⁾ Apply only to fish species susceptible to Epizootic ulcerative syndrome according to Part II of Annex IV to Directive 2006/88/EC intended for closed ornamental facilities and *Cyprinidae*.

⁽³⁾ Apply only to fish species susceptible to Epizootic ulcerative syndrome according to Part II of Annex IV to Directive 2006/88/EC intended for closed ornamental facilities.

⁽⁴⁾ Apply not to fish species susceptible to or vector species for viral haemorrhagic septicaemia according to Part II of Annex IV to Directive 2006/88/EC.

⁽⁵⁾ Apply only to fish species susceptible to or vector species for viral haemorrhagic septicaemia according to Part II of Annex IV to Directive 2006/88/EC.

⁽⁶⁾ Provisional code that does not prejudice in any way the definitive denomination for this country, which will be agreed following the conclusion of the negotiations currently taking place on this subject at the United Nations.

⁽⁷⁾ Apply only to imports of ornamental fish which are not of susceptible species to any of the diseases listed in Part II of Annex IV to Directive 2006/88/EC, and ornamental molluscs and ornamental crustaceans, intended for closed ornamental facilities.

⁽⁸⁾ For the purposes of this Regulation United States includes Puerto Rico, U.S. Virgin Islands, American Samoa, Guam and Northern Mariana Islands.

COMMISSION REGULATION (EC) No 720/2009**of 6 August 2009****amending Regulation (EC) No 884/2006 laying down detailed rules for the application of Council Regulation (EC) No 1290/2005 as regards reference prices, the calculation of financing costs and physical inspection of rice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy ⁽¹⁾, and in particular Article 42 thereof,

Whereas:

(1) In accordance with Annex IV to Commission Regulation (EC) No 884/2006 of 21 June 2006 laying down detailed rules for the application of Council Regulation (EC) No 1290/2005 as regards the financing by the European Agricultural Guarantee Fund (EAGF) of intervention measures in the form of public storage operations and the accounting of public storage operations by the paying agencies of the Member States ⁽²⁾, the calculation method for financing the costs for funds mobilised by the Member States to buy in products requires the determination of the interest rates applicable for a given accounting year.

(2) This determination is based on the average interest rate, actually born during a set reference period, which the Member States should notify to the Commission at its request by a certain deadline. For reasons of homogeneity, this notification should be made using the form made available to the Member States by the Commission.

(3) Member States which do not reply to this request of the Commission by sending their notification in the due form and by the set deadline should be considered as bearing no interest costs during the reference period.

(4) For the Member States which declare in their notification, that they did not bear any interest costs during the reference period because they did not have agricultural products in public storage during that period the interest rate to be used for financing the costs for funds to be mobilised by those Member States to buy in products should be clearly determined.

(5) 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) ⁽³⁾ has introduced a distinction between reference prices and intervention prices. It is, therefore, necessary to adjust certain provisions of Regulation (EC) No 884/2006.

(6) Commission Regulation (EC) No 670/2009 of 24 July 2009 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards public intervention by invitation to tender for the purchase of durum wheat or paddy rice, and amending Regulations (EC) No 428/2008 and (EC) No 687/2008 ⁽⁴⁾ has introduced new rules concerning the physical inspection for rice. It is, therefore, necessary to adjust certain provisions of Regulation (EC) No 884/2006.

(7) Regulation (EC) No 884/2006 should therefore be amended accordingly.

(8) For reason of sound management of intervention measures involving public storage, the amendments related to the distinction between reference price and intervention price should apply from 1 October 2009, the starting date of the new accounting year.

(9) The measures provided for in this Regulation are in accordance with the opinion of the Committee on the Agricultural Funds,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I, IV, VI, VII, X and XII to Regulation (EC) No 884/2006 are amended in accordance with the Annex to this Regulation.

Article 2

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

Points 3 to 6 of the Annex shall apply from 1 October 2009.

⁽¹⁾ OJ L 209, 11.8.2005, p. 1.

⁽²⁾ OJ L 171, 23.6.2006, p. 35.

⁽³⁾ OJ L 299, 16.11.2007, p. 1.

⁽⁴⁾ OJ L 194, 25.7.2009, p. 22.

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

Done at Brussels, 6 August 2009.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX

Annexes I, IV, VI, VII, X and XII to Regulation (EC) No 884/2006 are amended as follows:

1. in Annex I, point B.III.2, the second subparagraph is replaced by the following:

'The rules laid down in Annex II, point II shall thus apply where the weight of the products stored as recorded during the physical inspection differs from the book weight by 5 % or more for cereals and for rice in the case of storage in silos or on-floor storage.'

2. Annex IV is amended as follows:

- (a) in point I.1, the second sentence is replaced by the following:

'The uniform interest rate shall correspond to the average of the three-month and 12-month forward Euribor rates, recorded during a six-month reference period which will be determined by the Commission, with a weighting of one-third and two-thirds respectively.'

- (b) point I.2 is amended as follows:

- (i) the first subparagraph is replaced by the following:

'In order to determine the interest rates applicable for a given accounting year, the Member States shall notify the Commission, at its request, of the average interest rate they actually bore during the reference period referred to in paragraph 1 no later than the deadline mentioned in that request. The notification shall be made using the form made available to the Member States by the Commission.'

- (ii) the following subparagraph is inserted after the second subparagraph:

'In the absence of any notification from a Member State, in the form and by the deadline mentioned in the first subparagraph, the interest rate borne by that Member State shall be considered to be 0 %. In the situation where a Member State declares that it did not bear any interest costs because it did not have agricultural products in public storage during the reference period, the uniform interest rate fixed by the Commission shall apply to that Member State.'

- (iii) in the third subparagraph, the first sentence is deleted, and the second sentence is replaced by the following:

'However, if the Commission finds that the level of interest rates for a Member State is lower than the uniform rate, it shall fix the interest rate for that Member State at the lower level.'

3. in Annex VI, point II.1, the third subparagraph is replaced by the following:

'The increase provided for in the first subparagraph shall be calculated by multiplying the reference price, as referred to in Article 8 of Council Regulation (EC) No 1234/2007 (*) of the product concerned by the tolerance for that product provided for in Article 8(2) of this Regulation.'

(*) OJ L 299, 16.11.2007, p. 1.'

4. in Annex VII, point III is replaced by the following:

III. BEEF AND VEAL

For the purposes of Annex X and Annex XII(2)(a) and (c), the basic price to be used for de-boned beef is the reference price, as referred to in Article 8 of Regulation (EC) No 1234/2007, multiplied by a coefficient of 1,47.'

5. Annex X is amended as follows:

- (a) in point (a), the first subparagraph is replaced by the following:

'Where the tolerance limits for the storage or processing of products are exceeded, or where quantities are found to be missing due to theft or other identifiable causes, the value of missing quantities shall be calculated by multiplying these quantities by the reference price, as referred to in Article 8 of Regulation (EC) No 1234/2007, in force for the standard quality for each product on the first day of the current accounting year, increased by 5 %.'

(b) point (b) is amended as follows:

(i) the first subparagraph is replaced by the following:

'If, on the day the quantities are found to be missing, the average market price for the standard quality in the Member State of storage is higher than 105 % of the basic reference price, as referred to in Article 8 of Regulation (EC) No 1234/2007, the contractors shall reimburse to the intervention agencies the market price recorded by the Member State, increased by 5 %';

(ii) the third subparagraph is replaced by the following:

'The differences between the amounts collected by applying the market price and the amounts booked to the EAGF by applying the reference price, as referred to in Article 8 of Regulation (EC) No 1234/2007, shall be credited to the EAGF at the end of the accounting year among the other elements of credit.';

6. in Annex XII, point 2, point (a) is replaced by the following:

'(a) accidents, unless special provisions in Annex VII provide otherwise: the value of the products shall be calculated by multiplying the quantities affected by the basic reference price, as referred to in Article 8 of Regulation (EC) No 1234/2007, in force for the standard quality on the first day of the current accounting year, reduced by 5 %'.

COMMISSION REGULATION (EC) No 721/2009**of 6 August 2009****concerning tenders lodged under the invitation to tender for the import of maize issued in Regulation (EC) No 676/2009**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single 'CMO Regulation') ⁽¹⁾, and in particular Article 144(1) in conjunction with Article 4 thereof,

Whereas:

- (1) An invitation to tender for the maximum reduction in the duty on maize imported into Spain from third countries was opened by Commission Regulation (EC) No 676/2009 ⁽²⁾.
- (2) Under Article 8 of Commission Regulation (EC) No 1296/2008 of 18 December 2008 laying down detailed rules for the application of tariff quotas for imports of maize and sorghum into Spain and imports of maize into Portugal ⁽³⁾ the Commission, in accordance with the procedure laid down in Article 195(2) of Regulation (EC) No 1234/2007, may decide to make no award.

- (3) On the basis of the criteria laid down in Articles 7 and 8 of Regulation (EC) No 1296/2008 a maximum reduction in the duty should not be fixed.

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

HAS ADOPTED THIS REGULATION:

Article 1

No award shall be made for the tenders lodged from 28 July to 6 August 2009 under the invitation to tender for the reduction in the duty on imported maize issued in Regulation (EC) No 676/2009.

Article 2

This Regulation shall enter into force on 7 August 2009.

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

Done at Brussels, 6 August 2009.

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 196, 28.7.2009, p. 6.

⁽³⁾ OJ L 340, 19.12.2008, p. 57.

COMMISSION REGULATION (EC) No 722/2009**of 6 August 2009****concerning tenders lodged under the invitation to tender for the import of maize issued in
Regulation (EC) No 677/2009**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single 'CMO Regulation') ⁽¹⁾, and in particular Article 144(1) in conjunction with Article 4 thereof,

Whereas:

- (1) An invitation to tender for the maximum reduction in the duty on maize imported into Portugal from third countries was opened by Commission Regulation (EC) No 677/2009 ⁽²⁾.
- (2) Under Article 8 of Commission Regulation (EC) No 1296/2008 of 18 December 2008 laying down detailed rules for the application of tariff quotas for imports of maize and sorghum into Spain and imports of maize into Portugal ⁽³⁾ the Commission, in accordance with the procedure laid down in Article 195(2) of Regu-

lation (EC) No 1234/2007, may decide to make no award.

- (3) On the basis of the criteria laid down in Articles 7 and 8 of Regulation (EC) No 1296/2008 a maximum reduction in the duty should not be fixed.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

No award shall be made for the tenders lodged from 28 July to 6 August 2009 under the invitation to tender for the reduction in the duty on imported maize issued in Regulation (EC) No 677/2009.

Article 2

This Regulation shall enter into force on 7 August 2009.

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

Done at Brussels, 6 August 2009.

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 196, 28.7.2009, p. 7.

⁽³⁾ OJ L 340, 19.12.2008, p. 57.

II

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

DECISIONS

COMMISSION

COMMISSION DECISION

of 10 March 2009

on the signature and conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Swiss Confederation on certain technical amendments to Annexes I and II to the Agreement between the European Community and the Swiss Confederation providing for measures equivalent to those laid down in Council Directive 2003/48/EC on taxation of savings income in the form of interest payments by reason of the accession of the Republic of Bulgaria and Romania

(2009/602/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 94 in conjunction with Article 300,

Having regard to Council Decision 2004/911/EC of 2 June 2004 on the signing and conclusion of the Agreement between the European Community and the Swiss Confederation providing for measures equivalent to those laid down in Council Directive 2003/48/EC on taxation of savings income in the form of interest payments and the accompanying Memorandum of Understanding ⁽¹⁾ and in particular Article 2 thereof,

Whereas:

- (1) Due to the accession of Bulgaria and Romania, both Annex I (List of competent authorities) and Annex II (List of related entities) to the Agreement between the European Community and the Swiss Confederation providing for measures equivalent to those laid down in Council Directive 2003/48/EC on taxation of savings income in the form of interest payments require technical amendments.
- (2) Bulgaria and Romania have designated their respective competent authorities through the formal notification

of the Secretariat General of the Commission on 28 January 2008 and on 17 July 2007, respectively. These data are to be communicated by the Commission to the Swiss authorities by simple notification.

- (3) The list of related entities of the Annex to Council Directive 2003/48/EC ⁽²⁾ was amended by Council Directive 2006/98/EC ⁽³⁾ which adapted certain Directives in the field of taxation, by reason of the accession of Bulgaria and Romania. In order to ensure that these changes are reflected in the Agreement with Switzerland, the Commission has to exercise the plenipotentiary powers conferred by the Council and make the corresponding amendments to Annex II to the Agreement by mutual agreement with Switzerland,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an Exchange of Letters between the European Community and the Swiss Confederation on the certain technical amendments to Annexes I and II to the Agreement between the European Community and the Swiss Confederation providing for measures equivalent to those laid down in Council Directive 2003/48/EC on taxation of savings income in the form of interest payments by reason of the accession of the Republic of Bulgaria and Romania is hereby approved on behalf of the Community.

⁽¹⁾ OJ L 385, 29.12.2004, p. 28.

⁽²⁾ OJ L 157, 26.6.2003, p. 38.

⁽³⁾ OJ L 363, 20.12.2006, p. 129.

The text of the Exchange of Letters is attached to this Decision.

Article 2

The President of the Commission is hereby authorised to designate the person(s) empowered to sign the Exchange of Letters in order to bind the Community.

Article 3

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

Done at Brussels, 10 March 2009.

For the Commission
László KOVÁCS
Member of the Commission

ANNEX

Agreement in the form of an Exchange of Letters between the European Community and the Swiss Confederation on certain technical amendments to Annexes I and II to the Agreement between the European Community and the Swiss Confederation providing for measures equivalent to those laid down in Council Directive 2003/48/EC on taxation of savings income in the form of interest payments by reason of the accession of the Republic of Bulgaria and Romania

A. LETTER OF THE EUROPEAN COMMUNITY

Sir,

I have the honour to refer to the Agreement between the European Community and the Swiss Confederation providing for measures equivalent to those laid down in Council Directive 2003/48/EC on taxation of savings income in the form of interest payments.

Due to the accession of the Republic of Bulgaria and Romania, the annexes to the Agreement between the European Community and the Swiss Confederation providing for measures equivalent to those laid down in Council Directive 2003/48/EC on taxation of savings income in the form of interest payments require technical amendments as provided for by Article 21(2).

Article 21(2) of the said Agreement provides that the list of competent authorities in Annex I may be amended simply by notification of the other Contracting Party by Switzerland for the authority referred to in (a) therein and by the Community for the other authorities.

I hereby notify you on behalf of the Community that the competent authorities for the Republic of Bulgaria and Romania are:

- in Bulgaria: Изпълнителният директор на Националната агенция за приходите or an authorised representative,
- in Romania: Președintele Agenției Naționale de Administrare Fiscală or an authorised representative,

and they have to be added into Annex I under letters (aa) and (ab) respectively after the competent authorities mentioned under letter (z).

Moreover, Article 21(2) states that the list of related entities in Annex II may be amended by mutual agreement.

Therefore I kindly ask your agreement to amend Annex II in order to cover the related Bulgarian and Romanian entities, by inserting the following:

- between the entities for Belgium and Spain: 'Bulgaria Общините (municipalities) Социалноосигурителни фондове (Social Security Funds)' and,
- between the entities for Portugal and Slovakia: 'Romania autoritățile administrației publice locale (local public administration authorities)',

The agreement in the form of an Exchange of Letters enters into force on the date of the reply letter. The application of the provisions of this Exchange of Letters shall have retroactive effect as of 1 January 2007.

Please accept, Sir, the assurance of our highest consideration.

For the European Community
Robert VERRUE

B. LETTER OF THE SWISS CONFEDERATION

Sir,

I have the honour to acknowledge receipt of your letter of 19 May 2009, which reads as follows:

‘Sir,

I have the honour to refer to the Agreement between the European Community and the Swiss Confederation providing for measures equivalent to those laid down in Council Directive 2003/48/EC on taxation of savings income in the form of interest payments.

Due to the accession of the Republic of Bulgaria and Romania, the annexes to the Agreement between the European Community and the Swiss Confederation providing for measures equivalent to those laid down in Council Directive 2003/48/EC on taxation of savings income in the form of interest payments require technical amendments as provided for by Article 21(2).

Article 21(2) of the said Agreement provides that the list of competent authorities in Annex I may be amended simply by notification of the other Contracting Party by Switzerland for the authority referred to in (a) therein and by the Community for the other authorities.

I hereby notify you on behalf of the Community that the competent authorities for the Republic of Bulgaria and Romania are:

- in Bulgaria: Изпълнителният директор на Националната агенция за приходите or an authorised representative,
- in Romania: Preşedintele Agenţiei Naţionale de Administrare Fiscală or an authorised representative,

and they have to be added into Annex I under letters (aa) and (ab) respectively after the competent authorities mentioned under letter (z).

Moreover, Article 21(2) states that the list of related entities in Annex II may be amended by mutual agreement.

Therefore I kindly ask your agreement to amend Annex II in order to cover the related Bulgarian and Romanian entities, by inserting the following:

- between the entities for Belgium and Spain: “Bulgaria Общините (municipalities) Социалноосигурителни фондове (Social Security Funds)” and,
- between the entities for Portugal and Slovakia: “Romania autorităţile administraţiei publice locale (local public administration authorities)”,

The agreement in the form of an Exchange of Letters enters into force on the date of the reply letter. The application of the provisions of this Exchange of Letters shall have retroactive effect as of 1 January 2007.

Please accept, Sir, the assurance of our highest consideration.

For the European Community
Robert VERRUE

I express hereby my agreement to amend Annex II, as proposed in your letter and confirm that this agreement in the form of an Exchange of Letters shall enter into force on the date of the reply letter and that the application of the provisions thereof shall have retroactive effect as of 1 January 2007.

Please accept, Sir, the assurance of our highest consideration.

For the Swiss Confederation
The Head of the Mission of Switzerland to the European Union
Jacques DE WATTEVILLE

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