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

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I

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

REGULATIONS

COMMISSION REGULATION (EC) No 1021/2009

of 29 October 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 30 October 2009.

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

Done at Brussels, 29 October 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	MA	51,8
	MK	24,2
	TR	79,4
	ZZ	51,8
0707 00 05	TR	119,6
	ZZ	119,6
0709 90 70	MA	62,5
	TR	114,2
	ZZ	88,4
0805 50 10	AR	68,6
	TR	74,2
	ZA	81,5
	ZZ	74,8
0806 10 10	BR	199,0
	EG	90,3
	TR	120,3
	US	238,2
	ZZ	162,0
0808 10 80	AU	182,8
	CA	74,5
	NZ	91,2
	TR	91,6
	US	116,2
	ZA	72,4
	ZZ	104,8
0808 20 50	CN	64,7
	ZZ	64,7

⁽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 1022/2009**of 29 October 2009****amending Regulations (EC) No 1738/2005, (EC) No 698/2006 and (EC) No 377/2008 as regards the International Standard Classification of Occupations (ISCO)****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 577/98 of 9 March 1998 on the organisation of a labour force sample survey in the Community ⁽¹⁾, and in particular Article 4(3) thereof,

Having regard to Council Regulation (EC) No 530/1999 of 9 March 1999 concerning structural statistics on earnings and on labour costs ⁽²⁾, and in particular Article 11 thereof,

Whereas:

(1) Regulation (EC) No 577/98 has been implemented by Commission Regulation (EC) No 377/2008 of 25 April 2008 implementing Council Regulation (EC) No 577/98 on the organisation of a labour force sample survey in the Community as regards the codification to be used for data transmission from 2009 onwards, the use of a sub-sample for the collection of data on structural variables and the definition of the reference quarters ⁽³⁾. Regulation (EC) No 530/1999 has been implemented by Commission Regulation (EC) No 1738/2005 of 21 October 2005 amending Regulation (EC) No 1916/2000 as regards the definition and transmission of information on the structure of earnings ⁽⁴⁾ and Commission Regulation (EC) No 698/2006 of 5 May 2006 implementing Council Regulation (EC) No 530/1999 as regards quality evaluation of structural statistics on labour costs and earnings ⁽⁵⁾.

(2) The Annexes to those implementing Regulations refer to the International Standard Classification of Occupations, 'ISCO-88' or the European version of this classification hereinafter referred to as 'ISCO-88 (COM)'.

(3) The International Labour Organisation (ILO) has revised the version of the International Standard Classification of Occupations used hitherto (ISCO-88) with the objective

of making available a more effective classification, which can be used by countries in the next round of population censuses, as well as in national employment services and other client-oriented applications. In order to ensure comparability between data on occupations from the EU Member States and the rest of the world it is necessary to use this revised classification (ISCO-08) in the main European Statistical System surveys collecting data on occupations before the next round of population census that will take place in 2011.

(4) The establishment of a revised Standard Classification of Occupations makes it necessary to modify in particular the references to ISCO-88 and to the European version of this classification ISCO-88 (COM). Therefore, Regulations (EC) No 1738/2005, (EC) No 698/2006 and (EC) No 377/2008 should be amended accordingly.

(5) It is considered advisable that, as much as possible, the first reference year for the data transmission of ISCO-08 data is the same in all statistical domains concerned, in line with the next round of Census, which will have 2011 as reference year. The recommendation is therefore to use 2011 as first year of reference for the transmission of data on occupations according to ISCO-08 with the exception of the Structure of Earnings Survey, conducted every four years, which would apply it in 2010.

(6) The measures provided for in this Regulation are in accordance with the opinion of the European Statistical System Committee,

HAS ADOPTED THIS REGULATION:

Article 1

In Regulation (EC) No 1738/2005 the term 'ISCO-88 (COM)' is replaced by 'ISCO-08' throughout the text of Annexes I, II and III.

Article 2

In Regulation (EC) No 698/2006 the term 'ISCO-88' is replaced by 'ISCO-08' throughout the text of the Annex.

Article 3

In Regulation (EC) No 377/2008 the term 'ISCO-88 (COM)' is replaced by 'ISCO-08' throughout the text of the Annex.

⁽¹⁾ OJ L 77, 14.3.1998, p. 3.

⁽²⁾ OJ L 63, 12.3.1999, p. 6.

⁽³⁾ OJ L 114, 26.4.2008, p. 57.

⁽⁴⁾ OJ L 279, 22.10.2005, p. 32.

⁽⁵⁾ OJ L 121, 6.5.2006, p. 30.

*Article 4***Entry into force**

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

Articles 1 and 2 shall apply from 1 January 2010. Article 3 shall apply from 1 January 2011.

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

Done at Brussels, 29 October 2009.

For the Commission
Joaquín ALMUNIA
Member of the Commission

COMMISSION REGULATION (EC) No 1023/2009**of 29 October 2009****implementing Regulation (EC) No 808/2004 of the European Parliament and of the Council
concerning Community statistics on the information society****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 808/2004 of the European Parliament and of the Council of 21 April 2004 concerning Community statistics on the information society ⁽¹⁾, and in particular Article 8(2) thereof,

Whereas:

- (1) Regulation (EC) No 808/2004 established a common framework for the systematic production of Community statistics on the information society.
- (2) Pursuant to Article 8(1) of Regulation (EC) No 808/2004, implementing measures are necessary to determine the data to be supplied for preparation of the statistics referred to in Articles 3 and 4 of that Regulation and the deadlines for their transmission.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the European Statistical System Committee established by Regulation (EC) No 223/2009 of the European Parliament and of the Council ⁽²⁾ on European statistics,

HAS ADOPTED THIS REGULATION:

Article 1

The data to be transmitted for the production of Community statistics on the information society as referred to in Articles 3(2) and 4 of Regulation (EC) No 808/2004 shall be as specified in Annexes I and II to this Regulation.

Article 2

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

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

Done at Brussels, 29 October 2009.

For the Commission

Joaquín ALMUNIA

Member of the Commission

⁽¹⁾ OJ L 143, 30.4.2004, p. 49.

⁽²⁾ OJ L 87, 31.3.2009, p. 164.

ANNEX I

MODULE 1: ENTERPRISES AND THE INFORMATION SOCIETY**1. SUBJECTS AND THEIR CHARACTERISTICS**

(a) The subjects to be covered for the reference year 2010, selected from the list in Annex I to Regulation (EC) No 808/2004, are the following:

- ICT systems and their usage in enterprises,
- use of the Internet and other electronic networks by enterprises,
- e-commerce and e-business processes,
- ICT security,
- ICT investment and expenditure.

(b) The following enterprise characteristics are to be collected:

ICT systems and their usage in enterprises

Characteristics to be collected for all enterprises:

- computer usage.

Characteristics to be collected for enterprises that use computers:

- (optional) percentage of persons employed using computers at least once a week,
- use of an internal computer network (e.g. LAN),
- use of an internal home page (intranet),
- use of extranet,
- use of free or open-source operating systems, such as Linux (i.e. with its source code available, no copyright cost, and the possibility to modify and/or (re)distribute it).

Characteristics to be collected for enterprises that use an internal computer network (e.g. LAN):

- use of wireless access within the internal computer network (e.g. LAN).

Use of the Internet and other electronic networks by enterprises

Characteristics to be collected for enterprises that use computers:

- access to the Internet.

Characteristics to be collected for enterprises that have access to the Internet:

- percentage of persons employed using computers connected to the World Wide Web at least once a week,
- Internet connection: traditional modem or ISDN,
- Internet connection: DSL,
- Internet connection: other fixed Internet connection,

- Internet connection: mobile broadband connection,
- (optional) Internet connection: mobile broadband connection via 3G handset,
- (optional) Internet connection: mobile broadband connection via portable computer using 3G modem,
- Internet connection: other mobile connection,
- (optional) Internet usage for banking and financial services,
- (optional) Internet usage for training and education,
- Internet usage for interaction with public authorities, in the previous calendar year,
- use of website,
- use of digital signature in any message sent, i.e. using encryption methods that assure the authenticity and integrity of the message (uniquely linked to and capable of identifying the signatory and where any subsequent change to the message is detectable).

Characteristics to be collected for enterprises that interacted with public authorities via the Internet, in the previous calendar year:

- Internet usage for obtaining information from public authorities' websites, in the previous calendar year,
- Internet usage for obtaining forms from public authorities' websites, in the previous calendar year,
- Internet usage for returning filled-in forms to public authorities, in the previous calendar year,
- Internet usage for handling an administrative procedure completely electronically without the need for additional paperwork, in the previous calendar year,
- Internet usage for submitting a proposal in an electronic tender system (public e-procurement), in the previous calendar year.

Characteristics to be collected for enterprises that have a website:

- (optional) provision of the following facility: privacy policy statement, privacy seal or certification of website safety,
- (optional) provision of the following facility: product catalogues or price lists,
- (optional) provision of the following facility: possibility for visitors to customise or design products,
- (optional) provision of the following facility: online ordering or reservation or booking facility,
- (optional) provision of the following facility: online order tracking facility,
- (optional) provision of the following facility: personalised content for regular/repeated visitors,
- (optional) provision of the following facility: advertisement of open job positions or online job application.

E-commerce and e-business processes

Characteristics to be collected for enterprises that use computers:

- use of automated data exchange (ADE), defined as the sending and/or receiving of messages via any computer networks in an agreed or standard format which allows their automatic processing without the individual message being manually typed,

- electronic and automatic sharing of relevant information about sales orders received (either electronically or not) with the inventory management function,
- electronic and automatic sharing of relevant information about sales orders received (either electronically or not) with the accounting function,
- electronic and automatic sharing of relevant information about sales orders received (either electronically or not) with the production or services management function,
- electronic and automatic sharing of relevant information about sales orders received (either electronically or not) with the distribution management function,
- electronic and automatic sharing of relevant information about purchase orders sent (either electronically or not) with the inventory management function,
- electronic and automatic sharing of relevant information about purchase orders sent (either electronically or not) with the accounting function,
- use of ERP (enterprise resource planning) software package to share internally information between different functional areas (e.g. accounting, planning, production, marketing),
- use of any software application for managing information about clients (customer relationship management — CRM) to capture, store and make available to other business functions information about clients,
- use of any software application for managing information about clients (CRM) to analyse the information about clients for marketing purposes (setting prices, making sales promotions, choosing distribution channels, etc.).

Characteristics to be collected for enterprises that use automated data exchange:

- use of ADE for: sending orders to suppliers,
- use of ADE for: receiving e-invoices,
- use of ADE for: receiving orders from customers,
- use of ADE for: sending e-invoices,
- use of ADE for: sending or receiving product information,
- use of ADE for: sending or receiving transport documents,
- (optional) use of ADE for: sending payment instructions to financial institutions,
- (optional) use of ADE for: sending or receiving data to/from public authorities.

Characteristics to be collected for enterprises that use computers and are not classified in Section K of NACE Rev. 2:

- electronic sharing of supply-chain management information with customers or suppliers,
- sending of orders via computer networks, in the previous calendar year,
- receiving of orders via computer networks, in the previous calendar year.

Characteristics to be collected for enterprises that share supply-chain management information with customers or suppliers and are not classified in Section K of NACE Rev. 2:

- exchange of information with suppliers on inventory, production, demand forecasts or progress of deliveries,
- exchange of information with customers on inventory, production, demand forecasts or progress of deliveries,
- (optional) exchange of information with suppliers or customers via websites,
- (optional) exchange of information with suppliers or customers via electronic transmission allowing automatic processing (e.g. EDI-type systems, XML, Edifact, etc.).

Characteristics to be collected for enterprises that have received orders via computer networks and are not classified in Section K of NACE Rev. 2:

- percentage of total turnover resulting from orders received via computer networks, in the previous calendar year,
- percentage of e-commerce sales resulting from orders received via websites, in the previous calendar year,
- percentage of e-commerce sales resulting from orders received via electronic transmission allowing automatic processing (e.g. EDI-type systems, XML, Edifact, etc.), in the previous calendar year,
- use of secure protocols (SSL/TLS) in receiving orders via the Internet,

Characteristics to be collected for enterprises that have sent orders via computer networks and are not classified in Section K of NACE Rev. 2:

- percentage of total purchase value resulting from orders placed via computer networks, in percentage classes, in the previous calendar year ([0;<1], [1;<5], [5;<10], [10;<25], [25;<50], [50;<75], [75;100]),

ICT security

Characteristics to be collected for enterprises that use computers:

- percentage of enterprises with a formally defined ICT security policy with a plan for regular review,
- percentage of enterprises making staff aware of their obligations regarding ICT security via compulsory training or presentations,
- percentage of enterprises making staff aware of their obligations regarding ICT security through a contract, including contract of employment,
- percentage of enterprises making staff aware of their obligations regarding ICT security through offers of voluntary training or generally available information (e.g. via the Intranet, newsletters or paper documents),
- percentage of enterprises affected by ICT-related security incidents resulting in unavailability of ICT services, destruction or corruption of data due to hardware or software failures,
- percentage of enterprises affected by ICT-related security incidents resulting in unavailability of ICT services due to attacks from outside, e.g. denial-of-service attacks,
- percentage of enterprises affected by ICT-related security incidents resulting in destruction or corruption of data due to infection by malicious software or unauthorised access,
- percentage of enterprises affected by ICT-related security incidents resulting in disclosure of confidential data due to intrusion, phishing or phishing attacks,
- (optional) percentage of enterprises affected by ICT-related security incidents resulting in disclosure by employees of confidential data in electronic form, whether intentionally or unintentionally,

- percentage of enterprises using internal ICT security facilities or procedures: strong-password user authentication,
- percentage of enterprises using internal ICT security facilities or procedures: user identification and authentication via hardware tokens, e.g. smart cards,
- (optional) percentage of enterprises using internal ICT security facilities or procedures: user identification and authentication via biometric methods,
- percentage of enterprises using internal ICT security facilities or procedures: offsite data backup,
- percentage of enterprises using internal ICT security facilities or procedures: logging activities for analysis of security incidents.

Characteristics to be collected for enterprises that use computers and have a formally defined ICT security policy:

- addressed risk in ICT security policy: destruction or corruption of data due to attack or unexpected incident,
- addressed risk in ICT security policy: disclosure of confidential data due to intrusion, pharming or phishing attacks or by accident,
- addressed risk in ICT security policy: unavailability of ICT services due to attack from outside (e.g. denial-of-service attack).

ICT investment and expenditure

Characteristics to be collected for all enterprises:

- (optional) purchases of IT goods (computers and peripheral equipment) and communication goods (equipment),
- (optional) share of purchased IT goods (computers and peripheral equipment) and communication goods (equipment) included in the balance sheet (investment),
- (optional) purchases of other ICT goods (consumer electronic equipment, miscellaneous ICT components and goods, manufacturing services for ICT equipment),
- (optional) share of purchased other ICT goods (consumer electronic equipment, miscellaneous ICT components and goods, manufacturing services for ICT equipment) included in the balance sheet (investment),
- (optional) purchases of software, pre-packaged and customised (business and productivity software and licensing services),
- (optional) share of purchased software, pre-packaged and customised (business and productivity software and licensing services) included in the balance sheet (investment),
- (optional) total cost for creation of own-account software,
- (optional) share of total cost for creation of own-account software included in the balance sheet (investment),
- (optional) purchases of information technology consultancy and services, telecommunication services and other ICT services,
- (optional) share of purchased information technology consultancy and services, telecommunication services and other ICT services included in the balance sheet (investment),
- (optional) purchases of operating and financial leasing or rental services for ICT equipment,
- (optional) share of purchased financial leasing services in all leasing and rental services for ICT equipment included in the balance sheet (investment).

(c) The following enterprise background characteristics are to be collected or obtained from alternative sources:

Characteristics to be collected for all enterprises:

- main economic activity of the enterprise, in the previous calendar year,
- average number of persons employed, in the previous calendar year,
- (optional) time needed to complete the questionnaire (in minutes).

Characteristics to be collected or obtained from alternative sources for all enterprises for the subject ICT investment and expenditure:

- (optional) total purchases of goods and services (in value terms, excluding VAT), in the previous calendar year,
- (optional) total turnover (in value terms, excluding VAT), in the previous calendar year,
- (optional) total investment (in value terms, excluding VAT), in the previous calendar year.

Characteristics to be collected for enterprises not classified in Section K of NACE Rev. 2:

- total purchases of goods and services (in value terms, excluding VAT), in the previous calendar year,
- total turnover (in value terms, excluding VAT), in the previous calendar year.

2. COVERAGE

The characteristics specified in heading 1(b) and 1(c) of this Annex are to be collected and obtained for enterprises classified in the following economic activities, for the following enterprise sizes and with the following geographic scope.

(a) Economic activity: enterprises classified in the following categories of NACE Rev. 2:

NACE category	Description
Section C	'Manufacturing'
Section D, E	'Electricity, gas and steam, water supply, sewerage and waste management'
Section F	'Construction'
Section G	'Wholesale and retail trade; repair of motor vehicles and motorcycles'
Section H	'Transport and storage'
Section I	'Accommodation and food service activities'
Section J	'Information and communication'
Classes 64.19, 64.92, 66.12 and 66.19	'Financial and insurance activities'
Groups 65.1 and 65.2	
Section L	'Real estate activities'
Divisions 69-74	'Professional, scientific and technical activities'
Section N	'Administrative and support activities'
Group 95.1	'Repair of computers and communication equipment'

(b) Enterprise size: enterprises with 10 or more persons employed. Enterprises with less than 10 persons employed are to be covered optionally.

(c) Geographic scope: enterprises located in any part of the territory of the Member State.

3. REFERENCE PERIODS

The reference period is the year 2009 for the characteristics referring to the previous calendar year. The reference period is January 2010 for the other characteristics.

4. BREAKDOWNS

For the subjects and their characteristics listed in heading 1(b) of this Annex, the following background characteristics are to be provided.

(a) Economic activity breakdown: according to the following NACE Rev. 2 aggregates:

NACE Rev. 2 aggregation	
for possible calculation of national aggregates	
10-18	
19-23	
24-25	
26-33	
35-39	
41-43	
45-47	
49-53	
55	
58-63	
64.19 + 64.92 + 65.1 + 65.2 + 66.12 + 66.19	
68	
69-74	
77-82	
26.1-26.4, 26.8, 46.5, 58.2, 61, 62.01, 62.02, 62.09, 63.1, 95.1	
NACE Rev. 2 aggregation	
for possible calculation of European aggregates	
10-12	
13-15	
16-18	
26	
27-28	
29-30	
31-33	
45	
46	
47	
55-56	
58-60	
61	
62-63	
64.19 + 64.92	
65.1 + 65.2	
66.12 + 66.19	
77-78 + 80-82	
79	
95.1	

- (b) Size class breakdown: data are to be broken down by the following size classes by number of persons employed.

Size class
10 or more persons employed
10 to 49 persons employed
50 to 249 persons employed
250 or more persons employed

Where covered, the following breakdown is to be applied to enterprises with less than 10 persons employed. (The characteristics are to be provided for size classes 'Less than 5 persons employed' and '5 to 9 persons employed' optionally.)

Size class
Less than 10 persons employed
Less than 5 persons employed (optional)
5 to 9 persons employed (optional)

5. PERIODICITY

The data are to be provided once for the year 2010.

6. DEADLINES

- (a) The aggregate data referred to in Article 6 of Regulation (EC) No 808/2004, where necessary flagged for confidentiality or unreliability, must be forwarded to Eurostat before 5 October 2010 or, for aggregate data on the subject 'ICT investment and expenditure', before 30 June 2011. By that date, the dataset has to be finalised, validated and accepted. The tabulated, computer-readable transmission format must follow the instructions provided by Eurostat.
- (b) The metadata referred to in Article 6 of Regulation (EC) No 808/2004 must be forwarded to Eurostat before 31 May 2010. The metadata must follow the report template provided by Eurostat.
- (c) The quality report referred to in Article 7(4) of Regulation (EC) No 808/2004 must be forwarded to Eurostat by 5 November 2010 or, for the subject 'ICT investment and expenditure', before 31 July 2011. The quality report must follow the report template provided by Eurostat.
-

ANNEX II

MODULE 2: INDIVIDUALS, HOUSEHOLDS AND THE INFORMATION SOCIETY

1. SUBJECTS AND THEIR CHARACTERISTICS

- (a) The subjects to be covered for the reference year 2010, selected from the list in Annex II to Regulation (EC) No 808/2004, are the following:

- access to and use of ICT systems by individuals and/or in households,
- use of the Internet for different purposes by individuals and/or in households,
- ICT security,
- ICT competence,
- barriers to the use of ICT and the Internet.

- (b) The following characteristics are to be collected:

Access to and use of ICT systems by individuals and/or in households

Characteristics to be collected for all households:

- access at home to a computer,
- access at home to the Internet, regardless of whether it is used.

Characteristics to be collected for households with access to the Internet at home:

- devices used to access the Internet at home: desktop computer,
- devices used to access the Internet at home: portable computer (laptop),
- devices used to access the Internet at home: other mobile devices,
- (optional) devices used to access the Internet at home: Internet-enabled mobile phone,
- (optional) devices used to access the Internet at home: handheld computer,
- devices used to access the Internet at home: TV set with specific Internet device,
- devices used to access the Internet at home: games console,
- devices used to access the Internet at home: unknown,
- type of connection used to access the Internet at home: modem (dial-up access over normal telephone line) or ISDN,
- type of connection used to access the Internet at home: DSL (e.g. ADSL, SHDSL),
- type of other broadband connection used to access the Internet at home: fixed wired (e.g. cable, optical fibre, Ethernet, PLC),
- type of other broadband connection used to access the Internet at home: fixed wireless (e.g. satellite, WiFi, WiMax),
- type of other broadband connection used to access the Internet at home: mobile wireless (e.g. UMTS)
- (optional) type of other broadband connection used to access the Internet at home: mobile wireless via 3G handset (e.g. UMTS, mobile WiMax),

- (optional) type of other broadband connection used to access the Internet at home: mobile wireless via 3G modem (USB key, laptop card),
- type of connection used to access the Internet at home: mobile phone over narrowband (GPRS, etc.).

Characteristics to be collected for all individuals:

- most recent computer use at home, at work or any other place (within the last three months; between three months and a year ago; more than one year ago; never used a computer).

Characteristics to be collected for individuals having used a computer in the last three months:

- average frequency of computer use (every day or almost every day; at least once a week (but not every day); at least once a month (but not every week); less than once a month),
- (optional) location of computer use in the last three months: at home,
- (optional) location of computer use in the last three months: at place of work (other than home),
- (optional) location of computer use in the last three months: at place of education,
- (optional) location of computer use in the last three months: at another person's home,
- (optional) location of computer use in the last three months: at other places (e.g. public library, hotel, airport, Internet café).

Use of the Internet for different purposes by individuals and/or in households

Characteristics to be collected for all individuals:

- most recent Internet use (within the last three months; between three months and a year ago; more than one year ago; never used the Internet).

Characteristics to be collected for individuals having already used the Internet:

- most recent Internet commerce activity for private use (within the last three months; between three months and a year ago; more than one year ago; never bought or ordered).

Characteristics to be collected for individuals having used the Internet in the last three months:

- average frequency of Internet use in the last three months (every day or almost every day; at least once a week (but not every day); at least once a month (but not every week); less than once a month),
- location of Internet use in the last three months: at home,
- location of Internet use in the last three months: at place of work (other than home),
- location of Internet use in the last three months: at place of education,
- location of Internet use in the last three months: at another person's home,
- location of Internet use in the last three months: at other places,
- (optional) location of Internet use in the last three months: public library,
- (optional) location of Internet use in the last three months: post office,
- (optional) location of Internet use in the last three months: public office, town hall or government agency,
- (optional) location of Internet use in the last three months: community or voluntary organisation,
- (optional) location of Internet use in the last three months: Internet café,

- (optional) location of Internet use in the last three months: hotspot (at hotels, airports, public places, etc.),
- use of mobile devices to access the Internet via wireless connection: mobile phone (or smart phone),
- use of mobile devices to access the Internet via wireless connection: mobile phone (or smart phone) via GPRS,
- use of mobile devices to access the Internet via wireless connection: mobile phone (or smart phone) via UMTS, HSDPA (3G, 3G+),
- use of mobile devices to access the Internet via wireless connection: handheld computer (palmtop, PDA),
- use of mobile devices to access the Internet via wireless connection: portable computer (laptop) away from home or work,
- use of mobile devices to access the Internet via wireless connection: other,
- Internet usage in the last three months for private purposes for sending and/or receiving e-mail,
- Internet usage in the last three months for private purposes for telephoning over the Internet, video calls (via webcam) over the Internet,
- Internet usage in the last three months for private purposes for posting messages to chat sites, social networking sites, blogs, newsgroups or online discussion forum, use of instant messaging,
- Internet usage in the last three months for private purposes for finding information about goods and services,
- Internet usage in the last three months for private purposes for using services related to travel and accommodation,
- Internet usage in the last three months for private purposes for listening to web radio and/or watching web television,
- Internet usage in the last three months for private purposes for uploading to any website self-created content (text, images, photos, videos, music, etc.) to be shared,
- Internet usage in the last three months for private purposes for downloading software (other than games software),
- Internet usage in the last three months for private purposes for playing or downloading games, images, films or music,
- Internet usage in the last three months for private purposes for reading or downloading online news, newspapers or news magazines,
- Internet usage in the last three months for private purposes for looking for a job or sending a job application,
- Internet usage in the last three months for private purposes for seeking health-related information,
- Internet usage in the last three months for private purposes for Internet banking,
- (optional) Internet usage in the last three months for private purposes for selling goods or services, e.g. via auctions,
- Internet usage in the last three months for private purposes for looking for information about education, training or course offers,
- Internet usage in the last three months for private purposes for doing an online course (in any subject),
- Internet usage in the last three months for private purposes for consulting the Internet with the purpose of learning,

- Internet usage in the last three months for private purposes for obtaining information from public authorities' websites,
- Internet usage in the last three months for private purposes for downloading official forms from public authorities' websites,
- Internet usage in the last three months for private purposes for sending filled-in forms to public authorities.

Characteristics to be collected for individuals having used the Internet in the last three months for private purposes for reading or downloading online news, newspapers or news magazines:

- Internet usage in the last three months for private purposes for reading or downloading online news, newspapers or news magazines that have been subscribed to in order to receive them regularly.

Characteristics to be collected for individuals having used the Internet in the last 12 months:

- Internet usage in the last 12 months for private purposes for obtaining information from public authorities' websites,
- Internet usage in the last 12 months for private purposes for downloading official forms from public authorities' websites,
- Internet usage in the last 12 months for private purposes for sending filled-in forms to public authorities,
- Internet usage in the last 12 months for placing a bet (e.g. sports betting), gambling or playing lotto.

Characteristics to be collected for individuals having used the Internet for Internet commerce activities for private use in the last 12 months:

- Internet usage for ordering food or groceries in the last 12 months,
- Internet usage for ordering household goods in the last 12 months,
- Internet usage for ordering medicine in the last 12 months,
- Internet usage for ordering films or music in the last 12 months (to be reported separately: whether delivered online),
- Internet usage for ordering books, magazines or newspapers (including e-books) in the last 12 months (to be reported separately with e-learning material: whether delivered online),
- Internet usage for ordering e-learning material in the last 12 months (to be reported separately with books, magazines or newspapers: whether delivered online),
- Internet usage for ordering clothes or sports goods in the last 12 months,
- Internet usage for ordering video games software and upgrades in the last 12 months (to be reported separately with other computer software and upgrades: whether delivered online),
- Internet usage for ordering other computer software and upgrades in the last 12 months (to be reported separately with video games software and upgrades: whether delivered online),
- Internet usage for ordering computer hardware in the last 12 months,
- Internet usage for ordering electronic equipment (incl. cameras) in the last 12 months,
- Internet usage for ordering telecommunication services (e.g. TV, broadband subscriptions, fixed line or mobile phone subscriptions, uploading money for prepaid phone cards),
- Internet usage for purchasing shares, insurance policies and other financial services in the last 12 months,
- Internet usage for ordering holiday accommodation (hotels, etc.) in the last 12 months,

- Internet usage for ordering other travel arrangements (transport tickets, car hire, etc.),
- Internet usage for ordering tickets for events in the last 12 months,
- Internet usage for ordering other goods or services in the last 12 months,
- goods or services bought or ordered in the last 12 months from national sellers,
- goods or services bought or ordered in the last 12 months from sellers from other EU countries,
- goods or services bought or ordered in the last 12 months from sellers from the rest of the world,
- goods or services bought or ordered in the last 12 months: country of origin of sellers is not known.

ICT security

Characteristics to be collected for individuals having used the Internet in the last 12 months:

- level of concern regarding Internet usage for private purposes: catching a virus or other computer infection (e.g. worm or Trojan horse) resulting in loss of information or time (strongly, mildly, not at all),
- level of concern regarding Internet usage for private purposes: unsolicited emails ('spam') received (strongly, mildly, not at all),
- level of concern regarding Internet usage for private purposes: abuse of personal information sent on the Internet and/or other privacy violations (e.g. abuse of pictures, videos, personal data uploaded on community websites) (strongly, mildly, not at all),
- level of concern regarding Internet usage for private purposes: financial loss as a result of receiving fraudulent messages ('phishing') or being redirected to fake websites asking for personal information ('pharming') (strongly, mildly, not at all),
- level of concern regarding Internet usage for private purposes: financial loss due to fraudulent payment (credit or debit) card use (strongly, mildly, not at all),
- level of concern regarding Internet usage for private purposes: children accessing inappropriate websites or contacting potentially dangerous persons from a computer within the household (strongly, mildly, not at all),
- problems experienced through using the Internet for private purposes in the last 12 months: catching a virus or other computer infection (e.g. worm or Trojan horse) resulting in loss of information or time,
- problems experienced through using the Internet for private purposes in the last 12 months: unsolicited emails ('spam') received,
- problems experienced through using the Internet for private purposes in the last 12 months: abuse of personal information sent on the Internet and/or other privacy violations (e.g. abuse of pictures, videos, personal data uploaded on community websites),
- problems experienced through using the Internet for private purposes in the last 12 months: financial loss as a result of receiving fraudulent messages ('phishing') or being redirected to fake websites asking for personal information ('pharming'),
- problems experienced through using the Internet for private purposes in the last 12 months: financial loss due to fraudulent payment (credit or debit) card use,
- problems experienced through using the Internet for private purposes in the last 12 months: children accessing inappropriate websites or contacting potentially dangerous persons from a computer within the household,
- security concerns as a barrier to ordering or buying goods or services for private use via the Internet in the last 12 months,
- security concerns as a barrier to carrying out banking activities such as account management for private purposes via the Internet in the last 12 months,

- security concerns as a barrier to providing personal information to online communities for social and professional networking in the last 12 months,
- security concerns as a barrier to communicating with public services or administrations for private purposes via the Internet in the last 12 months,
- security concerns as a barrier to downloading software, music, video files, games or other data files for private purposes via the Internet in the last 12 months,
- security concerns as a barrier to using the Internet with a mobile device (e.g. laptop) via wireless connection from places other than home in the last 12 months,
- use of any kind of IT security software or tool (anti-virus, anti-spam, firewall, etc.) in order to protect the private computer and data (yes, no, don't know, not applicable because the individual does not use a computer),
- frequency of making safety copies or back-up files (private documents, pictures, etc.) from the computer on any external storage device, for example, a CD, DVD, external hard disk, USB storage device, or disk space on Internet servers (always or almost always; sometimes; never or hardly ever; not applicable because the individual does not keep files on a computer).

Characteristics to be collected for individuals having used the Internet in the last 12 months and having used any kind of IT security software or tool in order to protect the private computer and data:

- use of a virus checking program and/or an anti-spyware program,
- use of a hardware or software firewall,
- use of email filtering to prevent 'spam',
- use of parental control or web filtering software,
- use of other IT security software or tool,
- use of a package but components are not known,
- making updates of one or more security products in use (yes, every time a new update is available, automatically or manually; yes, occasionally or when remembered; no).

Characteristics to be collected for individuals having used the Internet in the last 12 months and having used any kind of IT security software or tool in order to protect the private computer and data but having made no update of security products:

- reason for not updating security products: individual believes it is unnecessary as the risk is too low,
- reason for not updating security products: individual does not know how to update,
- reason for not updating security products: individual does not think the update is effective,
- reason for not updating security products: individual believes the update is too expensive,
- reason for not updating security products: other.

ICT competence

Characteristics to be collected for individuals having ever used a computer:

- (optional) most recent training course of at least three hours on any aspect of computer use (within the last three months; between three months and one year ago; between one and three years ago; more than three years ago; never taken a course).

Characteristics to be collected for individuals having ever used the Internet:

- Internet skills for using a search engine to find information,
- Internet skills for sending e-mails with attached files,

- Internet skills for posting messages to chat rooms, newsgroups or an online discussion forum,
- Internet skills for using the Internet to make phone calls,
- Internet skills for using peer-to-peer file sharing for exchanging movies, music, etc.,
- Internet skills for creating a web page.

Barriers to the use of ICT and the Internet

Characteristics to be collected for households without access to the Internet at home:

- reason for not having access to the Internet at home: have access to Internet elsewhere,
- reason for not having access to the Internet at home: do not want Internet (because content harmful, etc.),
- reason for not having access to the Internet at home: do not need Internet (because not useful, not interesting, etc.),
- reason for not having access to the Internet at home: equipment costs too high,
- reason for not having access to the Internet at home: access costs too high (telephone, etc.),
- reason for not having access to the Internet at home: lack of skills,
- reason for not having access to the Internet at home: privacy or security concerns,
- reason for not having access to the Internet at home: physical disability,
- reason for not having access to the Internet at home: none of the above, but other.

2. COVERAGE

- (a) The statistical units to be represented for the characteristics listed in heading 1(b) of this Annex that relate to households are households with at least one member in the age group 16 to 74.
- (b) The statistical units to be represented for the characteristics listed in heading 1(b) of this Annex that relate to individuals are individuals aged 16 to 74.
- (c) The geographic scope comprises households and/or individuals living in any part of the territory of the Member State.

3. REFERENCE PERIOD

The main reference period for the statistics to be collected is the first quarter of 2010.

4. BREAKDOWNS

- (a) For the subjects and their characteristics listed in heading 1(b) of this Annex that relate to households, the following background characteristics are to be collected:
 - region of residence (to be collected according to the NUTS1 classification of regions),
 - (optional) region of residence according to the NUTS2 classification,
 - geographic location: living in convergence regions (including phasing-out regions); living in regional competitiveness and employment regions,
 - degree of urbanisation: living in densely populated areas; living in intermediate populated areas; living in sparsely populated areas,
 - type of household: number of members in the household (to be collected separately: number of children under 16).

(b) For the subjects and their characteristics listed in heading 1(b) of this Annex that relate to individuals, the following background characteristics are to be collected:

- region of residence (to be collected according to the NUTS1 classification of regions),
- (optional) region of residence according to the NUTS2 classification,
- geographic location: living in convergence regions (including phasing-out regions); living in regional competitiveness and employment regions,
- degree of urbanisation: living in densely populated areas; living in intermediate populated areas; living in sparsely populated areas,
- gender: male; female,
- age (to be collected as a value or using age groups): under 16 (optional); 16 to 24; 25 to 34; 35 to 44; 45 to 54; 55 to 64; 65 to 74; over 74 (optional),
- highest completed level of education according to the International Standard Classification of Education (ISCED 97): low (ISCED 0, 1 or 2); middle (ISCED 3 or 4); high (ISCED 5 or 6),
- employment situation: employee or self-employed, including family workers; unemployed; students not in the labour force; other not in the labour force,
- occupation according to the International Standard Classification of Occupations (ISCO-88): manual workers; non-manual workers; ICT workers, non-ICT workers.

5. PERIODICITY

- The data are to be provided once for the year 2010.

6. DEADLINES FOR TRANSMISSION OF RESULTS

- (a) The aggregate data referred to in Article 6 of Regulation (EC) No 808/2004, where necessary flagged for confidentiality or unreliability, must be forwarded to Eurostat before 5 October 2010. By that date, the dataset has to be finalised, validated and accepted. The tabulated, computer-readable transmission format must follow the instructions provided by Eurostat.
 - (b) The metadata referred to in Article 6 of Regulation (EC) No 808/2004 must be forwarded to Eurostat before 31 May 2010. The metadata must follow the report template provided by Eurostat.
 - (c) The quality report referred to in Article 7(4) of Regulation (EC) No 808/2004 must be forwarded to Eurostat by 5 November 2010. The quality report must follow the report template provided by Eurostat.
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COMMISSION REGULATION (EC) No 1024/2009**of 29 October 2009****on the authorisation and refusal of authorisation of certain health claims made on food and referring to the reduction of disease risk and to children's development and health****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods ⁽¹⁾, and in particular Article 17(3) thereof,

Whereas:

- (1) Pursuant to Regulation (EC) No 1924/2006 health claims made on food are prohibited unless they are authorised by the Commission in accordance with that Regulation and included in a list of permitted claims.
- (2) Regulation (EC) No 1924/2006 also provides that applications for authorisations of health claims may be submitted by food business operators to the national competent authority of a Member State. The national competent authority is to forward valid applications to the European Food Safety Authority (EFSA), hereinafter referred to as the Authority.
- (3) Following receipt of an application the Authority is to inform without delay the other Member States and the Commission of the application, and to deliver an opinion on a health claim concerned.
- (4) The Commission is to decide on the authorisation of health claims taking into account the opinion delivered by the Authority.
- (5) On 14 November 2008 the Commission and the Member States received two opinions on applications for health claim authorisation from the Authority. On 10 December 2008, the Commission and the Member States received five opinions on applications for health claim authorisation from the Authority. On 19 December 2008, the Commission and the Member States received nine opinions on applications for health claim authorisation from the Authority. On 15 January

2009, the Commission and the Member States received one opinion on an application for health claim authorisation from the Authority. Meanwhile one application for health claim authorisation was subject to a previous decision.

- (6) One opinion was related to an application for reduction of disease risk claim, as referred to in Article 14(1)(a) of Regulation (EC) No 1924/2006, and 15 opinions were related to applications for health claims referring to children's development and health, as referred to in Article 14(1)(b) of Regulation (EC) No 1924/2006.
- (7) Following an application from Leaf Int and Leaf Holland and Leaf Suomi Oy submitted pursuant to Article 14(1)(a) of Regulation (EC) No 1924/2006, the Authority was required to deliver an opinion on a health claim related to the effects of xylitol chewing gum/pastilles on the risk of tooth decay (Question No EFSA-Q-2008-321) ⁽²⁾. The claim proposed by the applicant was worded as follows: 'Xylitol chewing gum/pastilles reduces the risk of caries'.
- (8) On the basis of the data presented, the Authority concluded that a cause and effect relationship was established between the consumption of chewing gum sweetened with 100 % xylitol and the claimed effect. However, it concluded that a cause and effect relationship had not been established between the consumption of pastilles sweetened with at least 56 % xylitol and the claimed effect. Subject to a revised wording, the claim should be considered as complying with the requirements of Regulation (EC) No 1924/2006 and in particular Article 14(1)(a) thereof, and it should be included in the Community list of permitted claims.
- (9) Following an application from Danone SA submitted pursuant to Article 14(1)(b) of Regulation (EC) No 1924/2006, the Authority was required to deliver an opinion on a health claim related to the effects of dairy fresh cheese with significant amounts of calcium, vitamin D, phosphorus and protein on bone growth (Question No EFSA-Q-2008-217) ⁽³⁾. The claim proposed by the applicant was worded as follows: 'Dairy fresh cheese contains calcium, vitamin D, phosphorus and protein, nutrients that contribute to healthy bone growth'.

⁽¹⁾ OJ L 404, 30.12.2006, p. 9.

⁽²⁾ The EFSA Journal (2008) 852, pp. 1-16.

⁽³⁾ The EFSA Journal (2008) 895, pp. 1-10.

- (10) On the basis of the data presented, the Authority concluded that a cause and effect relationship was established between the consumption of calcium, vitamin D, phosphorus and protein and the claimed effect. Subject to a revised wording and taking into account that health claims for the same claimed effect are authorised for calcium, vitamin D and protein, the claim for phosphorus should be considered as complying with the requirements of Regulation (EC) No 1924/2006, and it should be included in the Community list of permitted claims.
- (11) Article 16(4) of Regulation (EC) No 1924/2006 provides that an opinion in favour of authorising a health claim should include certain particulars. Accordingly, those particulars should be set out in the Annex I to the present Regulation as regards the two authorised claims and include, as the case may be, the revised wording of the claim, specific conditions of use of the claim, and, where applicable, conditions or restrictions of use of the food and/or an additional statement or warning, in accordance with the rules laid down in Regulation (EC) No 1924/2006 and in line with the opinions of the Authority.
- (12) One of the objectives of the Regulation (EC) No 1924/2006 is to ensure that health claims are truthful, clear and reliable and useful to the consumer, and that wording and presentation have to be taken into account in that respect; that therefore where the wording of claims has the same meaning for consumers as that of an authorised health claim as they demonstrate the same relationship that exists between a food category, a food or one of its constituents and health, included in Annex I to the present Regulation, they should be subject to the same conditions of use indicated therein.
- (13) Following an application from the Institute of Biotechnology, Sera and Vaccines Biomed SA, submitted pursuant to Article 14(1)(b) of Regulation (EC) No 1924/2006, the Authority was required to deliver an opinion on a health claim related to the effects of Lactoral on the normal functioning of the alimentary tract (Question No EFSA-Q-2008-269) ⁽¹⁾. The claim proposed by the applicant was worded as follows: 'Lactoral helps to bring back the normal functioning of the alimentary tract during its microflora disturbances (for example, in case of loose stools, after taking antibiotics, in case of intestinal disorders caused by enteric pathogens)'.
- (14) On the basis of the data presented, the Authority concluded that the constituents of Lactoral are insufficiently characterised, and that a cause and effect relationship had not been established between the consumption of Lactoral and the claimed effect.
- Accordingly, as the claim does not comply with the requirements of Regulation (EC) No 1924/2006, it should not be authorised.
- (15) Following an application from the Institute of Biotechnology, Sera and Vaccines Biomed SA, submitted pursuant to Article 14(1)(b) of Regulation (EC) No 1924/2006, the Authority was required to deliver an opinion on a health claim related to the effects of Lactoral on the improvement of the general immunity (Question No EFSA-Q-2008-477) ⁽²⁾. The claim proposed by the applicant was worded as follows: 'Lactoral is recommended in order to improve the general immunity by maintaining the microbiological balance'.
- (16) On the basis of the data presented, the Authority concluded that the constituents of Lactoral are insufficiently characterised, and that a cause and effect relationship had not been established between the consumption of Lactoral and the claimed effect. Accordingly, as the claim does not comply with the requirements of Regulation (EC) No 1924/2006, it should not be authorised.
- (17) Following an application from the Institute of Biotechnology, Sera and Vaccines Biomed SA, submitted pursuant to Article 14(1)(b) of Regulation (EC) No 1924/2006, the Authority was required to deliver an opinion on a health claim related to the effects of Lactoral on the building of the natural intestinal barrier (Question No EFSA-Q-2008-478) ⁽³⁾. The claim proposed by the applicant was worded as follows: 'Lactoral helps to protect the alimentary system against enteric pathogens because of strong antagonistic properties and helps to build the natural intestinal barrier'.
- (18) On the basis of the data presented, the Authority concluded that the constituents of Lactoral are insufficiently characterised, and that a cause and effect relationship had not been established between the consumption of Lactoral and the claimed effect. Accordingly, as the claim does not comply with the requirements of Regulation (EC) No 1924/2006, it should not be authorised.
- (19) Following an application from the Institute of Biotechnology, Sera and Vaccines Biomed SA, submitted pursuant to Article 14(1)(b) of Regulation (EC) No 1924/2006, the Authority was required to deliver an opinion on a health claim related to the effects of Lactoral on the maintenance of natural intestinal microflora during travel (Question No EFSA-Q-2008-479) ⁽⁴⁾. The claim proposed by the applicant was worded as follows: 'Lactoral helps to maintain natural intestinal microflora during travel, changing the climatic zone or a diet, especially in poor hygiene conditions'.

⁽¹⁾ *The EFSA Journal* (2008) 861, pp. 1-9.

⁽²⁾ *The EFSA Journal* (2008) 860, pp. 1-8.

⁽³⁾ *The EFSA Journal* (2008) 859, pp. 1-9.

⁽⁴⁾ *The EFSA Journal* (2008) 863, pp. 1-8.

- (20) On the basis of the data presented, the Authority concluded that the constituents of Lactoral are insufficiently characterised, and that a cause and effect relationship had not been established between the consumption of Lactoral and the claimed effect. Accordingly, as the claim does not comply with the requirements of Regulation (EC) No 1924/2006, it should not be authorised.
- (21) Following an application from the Institute of Biotechnology, Sera and Vaccines Biomed SA, submitted pursuant to Article 14(1)(b) of Regulation (EC) No 1924/2006, the Authority was required to deliver an opinion on a health claim related to the effects of Lactoral on the living probiotic bacteria (Question No EFSA-Q-2008-480) ⁽¹⁾. The claim proposed by the applicant was worded as follows: 'Lactoral contains living probiotic bacteria with strong ability to intestinal tract colonisation, isolated from healthy, naturally fed infants'.
- (22) On the basis of the data presented, the Authority concluded that the constituents of Lactoral are insufficiently characterised, and that the claimed effect had not been shown. Accordingly, as the claim does not comply with the requirements of Regulation (EC) No 1924/2006, it should not be authorised.
- (23) Following an application from Potters Ltd, submitted pursuant to Article 14(1)(b) of Regulation (EC) No 1924/2006, the Authority was required to deliver an opinion on a health claim related to the effects of Mumomega® on central nervous system development (Question No EFSA-Q-2008-328) ⁽²⁾. The claim proposed by the applicant was worded as follows: 'Mumomega® provides the nourishments that support healthy central nervous system development'.
- (24) On the basis of the data presented, the Authority concluded that a cause and effect relationship had not been established between the consumption of the food and the claimed effect. Accordingly, as the claim does not comply with the requirements of Regulation (EC) No 1924/2006, it should not be authorised.
- (25) Following an application from Efamol Ltd, submitted pursuant to Article 14(1)(b) of Regulation (EC) No 1924/2006, the Authority was required to deliver an opinion on a health claim related to the effects of Efalex® on coordination (Question No EFSA-Q-2008-121) ⁽³⁾. The claim proposed by the applicant was worded as follows: 'Efalex® may help maintain coordination'.
- (26) On the basis of the data presented, the Authority concluded that a cause and effect relationship had not been established between the consumption of Efalex® and the claimed effect. Accordingly, as the claim does not comply with the requirements of Regulation (EC) No 1924/2006, it should not be authorised.
- (27) Following an application from Efamol Ltd, submitted pursuant to Article 14(1)(b) of Regulation (EC) No 1924/2006, the Authority was required to deliver an opinion on a health claim related to the effects of Efalex® on concentration (Question No EFSA-Q-2008-317) ⁽⁴⁾. The claim proposed by the applicant was worded as follows: 'Efalex® may help maintain concentration'.
- (28) On the basis of the data presented, the Authority concluded that a cause and effect relationship had not been established between the consumption of Efalex® and the claimed effect. Accordingly, as the claim does not comply with the requirements of Regulation (EC) No 1924/2006, it should not be authorised.
- (29) Following an application from Efamol Ltd, submitted pursuant to Article 14(1)(b) of Regulation (EC) No 1924/2006, the Authority was required to deliver an opinion on a health claim related to the effects of Efalex® on brain development and function (Question No EFSA-Q-2008-318) ⁽⁵⁾. The claim proposed by the applicant was worded as follows: 'Efalex® may help maintain and support brain development and function'.
- (30) On the basis of the data presented, the Authority concluded that a cause and effect relationship had not been established between the consumption of Efalex® and the claimed effect. Accordingly, as the claim does not comply with the requirements of Regulation (EC) No 1924/2006, it should not be authorised.
- (31) Following an application from Efamol Ltd, submitted pursuant to Article 14(1)(b) of Regulation (EC) No 1924/2006, the Authority was required to deliver an opinion on a health claim related to the effects of Efalex® on learning ability (Question No EFSA-Q-2008-319) ⁽⁶⁾. The claim proposed by the applicant was worded as follows: 'Efalex® may help maintain learning ability'.
- (32) On the basis of the data presented, the Authority concluded that a cause and effect relationship had not been established between the consumption of Efalex® and the claimed effect. Accordingly, as the claim does not comply with the requirements of Regulation (EC) No 1924/2006, it should not be authorised.

⁽¹⁾ *The EFSA Journal* (2008) 862, pp. 1-2.

⁽²⁾ *The EFSA Journal* (2008) 902, pp. 1-9.

⁽³⁾ *The EFSA Journal* (2008) 896, pp. 1-9.

⁽⁴⁾ *The EFSA Journal* (2008) 897, pp. 1-10.

⁽⁵⁾ *The EFSA Journal* (2008) 898, pp. 1-2.

⁽⁶⁾ *The EFSA Journal* (2008) 899, pp. 1-10.

- (33) Following an application from Efamol Ltd, submitted pursuant to Article 14(1)(b) of Regulation (EC) No 1924/2006, the Authority was required to deliver an opinion on a health claim related to the effects of Efalex® on eye development and function (Question No EFSA-Q-2008-320) ⁽¹⁾. The claim proposed by the applicant was worded as follows: 'Efalex® may help maintain and support eye development and function'.
- (34) On the basis of the data presented, the Authority concluded that a cause and effect relationship had not been established between the consumption of Efalex® and the claimed effect. Accordingly, as the claim does not comply with the requirements of Regulation (EC) No 1924/2006, it should not be authorised.
- (35) Following an application from Potters Ltd, submitted pursuant to Article 14(1)(b) of Regulation (EC) No 1924/2006, the Authority was required to deliver an opinion on a health claim related to the effects of Eye q baby® on the central nervous system development (Question No EFSA-Q-2008-119) ⁽²⁾. The claim proposed by the applicant was worded as follows: 'Eye q baby® provides the nourishments that support healthy central nervous system development'.
- (36) On the basis of the data presented, the Authority concluded that a cause and effect relationship had not been established between the intake of Eye q baby® and the claimed effect. Accordingly, as the claim does not comply with the requirements of Regulation (EC) No 1924/2006, it should not be authorised.
- (37) Following an application from Potters Ltd, submitted pursuant to Article 14(1)(b) of Regulation (EC) No 1924/2006, the Authority was required to deliver an opinion on a health claim related to the effects of Eye q® on brain functions (Question No EFSA-Q-2008-329) ⁽³⁾. The claim proposed by the applicant was worded as follows: 'Eye q® provides the nourishments that help children to maintain healthy brain functions'.
- (38) On the basis of the data presented, the Authority concluded that a cause and effect relationship had not been established between the intake of Eye q® and the claimed effect. Accordingly, as the claim does not comply with the requirements of Regulation (EC) No 1924/2006, it should not be authorised.
- (39) Following an application from Potters Ltd, submitted pursuant to Article 14(1)(b) of Regulation (EC) No 1924/2006, the Authority was required to deliver an opinion on a health claim related to the effects of Eye q® on concentration (Question No EFSA-Q-2008-330) ⁽⁴⁾. The claim proposed by the applicant was worded as follows: 'Eye q® provides the nourishments that help children to maintain concentration levels'.
- (40) On the basis of the data presented, the Authority concluded that a cause and effect relationship had not been established between the intake of Eye q® and the claimed effect. Accordingly, as the claim does not comply with the requirements of Regulation (EC) No 1924/2006, it should not be authorised.
- (41) The comments from the applicants and the members of the public received by the Commission pursuant to Article 16(6) of Regulation (EC) No 1924/2006 have been considered when setting the measures provided for in this Regulation.
- (42) In accordance with Article 28(6) of Regulation (EC) No 1924/2006 health claims referred to in Article 14(1)(b) of Regulation (EC) No 1924/2006 and not authorised by this Regulation may continue to be used for six months after the adoption of a decision pursuant to Article 17(3) of Regulation (EC) No 1924/2006. However, for applications which were not made before 19 January 2008 the requirement provided for in Article 28(6)(b) is not fulfilled, and the transition period laid down in that Article is not applicable. Accordingly, a transition period of six months should be provided for, to enable food business operators to adapt to the requirements laid down in this Regulation.
- (43) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

The health claims set out in Annex I to this Regulation may be made on food on the Community market in compliance with the conditions set out in that Annex.

Those health claims shall be included in a list of permitted claims referred to in Article 14(1) of Regulation (EC) No 1924/2006.

Article 2

The health claims set out in Annex II to this Regulation shall not be included in the Community list of permitted claims as provided for in Article 14(1) of Regulation (EC) No 1924/2006.

However, they may continue to be used for six months after the entry into force of this Regulation.

⁽¹⁾ *The EFSA Journal* (2008) 900, pp. 1-2.

⁽²⁾ *The EFSA Journal* (2008) 901, pp. 1-8.

⁽³⁾ *The EFSA Journal* (2008) 903, pp. 1-8.

⁽⁴⁾ *The EFSA Journal* (2008) 904, pp. 1-2.

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, 29 October 2009.

For the Commission
Androulla VASSILOU
Member of the Commission

ANNEX I

PERMITTED HEALTH CLAIMS

Application — Relevant provisions of Regulation (EC) No 1924/2006	Applicant — Address	Nutrient, substance, food or food category	Claim	Conditions of use of the claim	Conditions and/or restrictions of use of the food and/or additional statement or warning	EFSA opinion reference
Article 14(1)(a) health claim referring to a reduction of a disease risk	Leaf Int and Leaf Holland, Hoevestein 26, 4903 SC Oosterhout NB, The Netherlands, and Leaf Suomi Oy, PO Box 25, FI-21381 Aura, Finland	Chewing gum sweetened with 100 % xylitol	Chewing gum sweetened with 100 % xylitol has been shown to reduce dental plaque. High content/level of dental plaque is a risk factor in the development of caries in children	Information to the consumer that the beneficial effect is obtained with a consumption of 2-3 g of chewing gum sweetened with 100 % xylitol at least 3 times per day after the meals		Q-2008-321
Article 14(1)(b) health claim referring to children's development and health	Danone SA, C/Buenos Aires, 21, 08029 Barcelona, Spain	Phosphorus	Phosphorus is needed for the normal growth and development of bone in children	The claim can be used only for food which is at least a source of phosphorus as referred to in the claim SOURCE OF [NAME OF VITAMIN/S] AND/OR [NAME OF MINERAL/S] as listed in the Annex to Regulation (EC) No 1924/2006		Q-2008-217

REJECTED HEALTH CLAIMS

Application — Relevant provisions of Regulation (EC) No 1924/2006	Nutrient, substance, food or food category	Claim	EFSA opinion reference
Article 14(1)(b) health claim referring to children's development and health	Lactoral	Lactoral helps to bring back the normal functioning of the alimentary tract during its microflora disturbances (for example in case of loose stools, after taking antibiotics, in case of intestinal disorders caused by enteric pathogens)	EFSA-Q-2008-269
Article 14(1)(b) health claim referring to children's development and health	Lactoral	Lactoral is recommended in order to improve the general immunity by maintaining the microbiological balance	EFSA-Q-2008-477
Article 14(1)(b) health claim referring to children's development and health	Lactoral	Lactoral helps to protect the alimentary system against enteric pathogens because of strong antagonistic properties and helps to build the natural intestinal barrier	EFSA-Q-2008-478
Article 14(1)(b) health claim referring to children's development and health	Lactoral	Lactoral helps to maintain natural intestinal microflora during travel, changing the climatic zone or a diet, especially in poor hygiene conditions	EFSA-Q-2008-479
Article 14(1)(b) health claim referring to children's development and health	Lactoral	Lactoral contains living probiotic bacteria with strong ability to intestinal tract colonisation, isolated from healthy, naturally fed infant	EFSA-Q-2008-480
Article 14(1)(b) health claim referring to children's development and health	Mumomega®	Mumomega® provides the nourishments that support healthy central nervous system development	EFSA-Q-2008-328
Article 14(1)(b) health claim referring to children's development and health	Efalex®	Efalex® may help maintain coordination	EFSA-Q-2008-121
Article 14(1)(b) health claim referring to children's development and health	Efalex®	Efalex® may help maintain concentration	EFSA-Q-2008-317

Application — Relevant provisions of Regulation (EC) No 1924/2006	Nutrient, substance, food or food category	Claim	EFSA opinion reference
Article 14(1)(b) health claim referring to children's development and health	Efalex®	Efalex® may help maintain and support brain development and function	EFSA-Q-2008-318
Article 14(1)(b) health claim referring to children's development and health	Efalex®	Efalex® may help maintain learning ability	EFSA-Q-2008-319
Article 14(1)(b) health claim referring to children's development and health	Efalex®	Efalex® may help maintain and support eye development and function	EFSA-Q-2008-320
Article 14(1)(b) health claim referring to children's development and health	Eye q baby®	Eye q baby® provides the nourishments that support healthy central nervous system development	EFSA-Q-2008-119
Article 14(1)(b) health claim referring to children's development and health	Eye q®	Eye q® provides the nourishments that help children to maintain healthy brain functions	EFSA-Q-2008-329
Article 14(1)(b) health claim referring to children's development and health	Eye q®	Eye q® provides the nourishments that help children to maintain concentration levels	EFSA-Q-2008-330

COMMISSION REGULATION (EC) No 1025/2009

of 29 October 2009

refusing to authorise certain health claims made on food, other than those referring to the reduction of disease risk and to children's development and health

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods ⁽¹⁾, and in particular Article 18(5) thereof,

Whereas:

- (1) Pursuant to Regulation (EC) No 1924/2006 health claims made on food are prohibited unless they are authorised by the Commission in accordance with that Regulation and included in a list of permitted claims.
- (2) Regulation (EC) No 1924/2006 also provides that applications for authorisations of health claims may be submitted by food business operators to the national competent authority of a Member State. The national competent authority is to forward valid applications to the European Food Safety Authority (EFSA), hereinafter referred to as the Authority.
- (3) Following receipt of an application the Authority is to inform without delay the other Member States and the Commission and to deliver an opinion on a health claim concerned.
- (4) The Commission is to decide on the authorisation of health claims taking into account the opinion delivered by the Authority.
- (5) Following an application from Elvir SAS, submitted on 30 July 2008 pursuant to Article 13(5) of Regulation (EC) No 1924/2006, the Authority was required to deliver an opinion on a health claim related to the effects of a dairy product enriched with milk peptide and magnesium on the reduction of anxiety (Question No EFSA-Q-2008-476) ⁽²⁾. The claim proposed by the applicant was worded as follows: 'This product helps moderate signs of anxiety in mildly stress-sensitive adults due to its milk peptide and magnesium content'.

- (6) On 19 December 2008, the Commission and the Member States received the scientific opinion from the Authority which concluded that on the basis of the data presented, a cause and effect relationship was not established between the consumption of the constituents proposed to exert the claimed effect and the claimed effect. Accordingly, as the claim does not comply with the requirements of Regulation (EC) No 1924/2006, it should not be authorised.
- (7) Following an application from Unilever plc (UK) and Unilever NV (Netherlands) submitted on 7 July 2008, pursuant to Article 13(5) of Regulation (EC) No 1924/2006, the Authority was required to deliver an opinion on a health claim related to the effects of black tea from *Camellia Sinensis* on help to focus attention (Question No EFSA-Q-2008-434) ⁽³⁾. The claim proposed by the applicant was worded as follows: 'Black tea helps you to focus attention'.
- (8) On the 22 December 2008 the Commission and the Member States received the scientific opinion from the Authority which concluded that on the basis of the data presented, a cause and effect relationship was not established between the consumption of black tea from *Camellia Sinensis* and the claimed effect. Accordingly, as the claim does not comply with the requirements of Regulation (EC) No 1924/2006, it should not be authorised.
- (9) The comments from the applicants and the members of the public received by the Commission, pursuant to article 16(6) of Regulation (EC) No 1924/2006, have been considered when setting the measures provided for in this Regulation.
- (10) The health claims 'This product helps moderate signs of anxiety in mildly stress-sensitive adults due to its milk peptide and magnesium content', and 'Black tea helps you to focus attention' are health claims as referred to in Article 13(1)(b) of Regulation (EC) No 1924/2006. Therefore they are both subject to the transition measures laid down in Article 28(6) of Regulation (EC) No 1924/2006. However, as the applications were not made before 19 January 2008, the requirement provided for in Article 28(6)(b) is not fulfilled and the transition period laid down in that Article is not applicable. Accordingly, a transition period of 6 months should be provided for, to enable food business operators to adapt to the requirements laid down in this Regulation.

⁽¹⁾ OJ L 404, 30.12.2006, p. 9.

⁽²⁾ The EFSA Journal (2008) 905, 1-10.

⁽³⁾ The EFSA Journal (2008) 906, 1-10.

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

However, the health claims set out in the Annex to this Regulation may continue to be used for 6 months after the entry into force of this Regulation.

HAS ADOPTED THIS REGULATION:

Article 1

Health claims set out in the Annex to this Regulation shall not be included in the Community list of permitted claims as provided for in Article 13(3) of Regulation (EC) No 1924/2006.

Article 2

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

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

Done at Brussels, 29 October 2009.

For the Commission
Androulla VASSILIOU
Member of the Commission

ANNEX

REJECTED HEALTH CLAIMS

Application — Relevant provisions of Regulation (EC) No 1924/2006	Nutrient, substance, food or food category	Claim	EFSA opinion reference
Article 13(5) health claim based on newly developed scientific evidence and/or including a request for the protection of proprietary data	Dairy product enriched with milk peptide and magnesium	This product helps moderate signs of anxiety in mildly stress-sensitive adults due to its milk peptide and magnesium content	Q-2008-476
Article 13(5) health claim based on newly developed scientific evidence and/or including a request for the protection of proprietary data	Black tea from <i>Camellia Sinensis</i>	Black tea helps you to focus attention	Q-2008-434

COMMISSION REGULATION (EC) No 1026/2009**of 29 October 2009****correcting Regulation (EC) No 567/2009 entering a name in the register of traditional specialities guaranteed (Pierekaczewnik (TSG))**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 509/2006 of 20 March 2006 on agricultural products and foodstuffs as traditional specialities guaranteed ⁽¹⁾, and in particular the first subparagraph of Article 9(4) thereof,

Whereas:

- (1) An error was found in the publication of Commission Regulation (EC) No 567/2009 ⁽²⁾ registering the name 'Pierekaczewnik' as a traditional speciality guaranteed. In line with the request submitted by Poland, this name should be granted the protection provided for in Article 13(2) of Regulation (EC) No 509/2006.
- (2) Regulation (EC) No 567/2009 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 567/2009 is hereby corrected as follows:

1. the third recital is replaced by the following:

'(3) When the application for registration was submitted, the protection provided for in Article 13(2) of Regulation (EC) No 509/2006 was also requested. That protection should be granted to the name "Pierekaczewnik" in so far as, in the absence of objections, it could not be demonstrated that the use of the name is lawful, renowned and economically significant for similar agricultural products or foodstuffs.'

2. the following paragraph is added to Article 1:

'The protection provided for in Article 13(2) of Regulation (EC) No 509/2006 shall apply.'

3. in the Annex, the following is added:

'The use of the name is reserved.'

*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 the date of entry into force of Regulation (EC) No 567/2009.

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

Done at Brussels, 29 October 2009.

For the Commission

Mariann FISCHER BOEL

Member of the Commission⁽¹⁾ OJ L 93, 31.3.2006, p. 1.⁽²⁾ OJ L 168, 30.6.2009, p. 22.

COMMISSION REGULATION (EC) No 1027/2009

of 29 October 2009

approving minor amendments to the specification of a name registered in the register of protected designations of origin and protected geographical indications (Morbier (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) Pursuant to the first subparagraph of Article 9(1) and by virtue of Article 17(2) of Regulation (EC) No 510/2006, the Commission has examined France's application for approval of an amendment to details of the specification for the protected designation of origin 'Morbier', registered by Commission Regulation (EC) No 2400/96 ⁽²⁾, as amended by Regulation (EC) No 1241/2002 ⁽³⁾.

(2) The purpose of this application is to amend the specification by stipulating the conditions for using treatments

and additives in the milk and for the production of 'Morbier'. These practices ensure that the essential characteristics of the name are maintained.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

A consolidated summary of the main elements 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, 29 October 2009.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 93, 31.3.2006, p. 12.

⁽²⁾ OJ L 327, 18.12.1996, p. 11.

⁽³⁾ OJ L 181, 11.7.2002, p. 4.

ANNEX I

The specification for the protected designation of origin 'Morbier' is amended as follows:

'Method of production'

The following provisions modify Point 5 of the specifications regarding the production method:

— In the 2nd paragraph:

replace: 'With the exception of partial skimming, the addition of rennet, lactic starters or processing aids for which limits have been set, nothing may be removed from or added to the milk.'

by: 'With the exception of partial skimming, the addition of rennet, lactic starters, salt or water in order to clean the curd, nothing may be removed from or added to the milk.'

— The following should be added:

'(...) Renneting must be carried out using rennet only.

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

'(...) Furthermore the partial removal of lactose from the curd can be done using water.

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

Fresh cheese and cheese undergoing the maturing process must 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

'MORBIER'

EC NO: FR-PDO-0105-0179/29.3.2006

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
Address: 51 rue d'Anjou, 75008 Paris, FRANCE
Tel. +33 153898000
Fax +33 153898060
E-mail: info@inao.gouv.fr

2. Group

Name: Syndicat interprofessionnel de défense du Morbier
Address: Valparc, Espace Valentin, 25048 Besançon Cedex, FRANCE
Tel. +33 381532230
Fax +33 381535931
E-mail: syndicatdumorbier@wanadoo.fr
Composition: Producers/processors (X) Others ()

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

'Morbier'

4.2. Description

Morbier is a cheese made from raw cow's milk. It is pressed, uncooked, has a flat cylindrical shape, smooth faces and slightly rounded sides. Its rind is natural, smooth and homogenous, varying in colour from light grey to beige-orange. The interior is an ivory to pale yellow coloured paste, sometimes with small openings. It is supple, glossy and creamy, with a fine texture and a slight creamy flavour. Its most distinctive feature is a horizontal black furrow through the middle. Its weight varies from 5 to 8 kg, its diameter from 30 to 40 cm and its height from 5 to 8 cm. Its fat content (fat/dry matter) is at least 45 % and moisture content in the fat-free cheese (Fromage Dégraissé (H.F.D.)) is not more than 67 %.

4.3. Geographical area

The milk is produced and cheeses manufactured and matured in the geographical area comprising all the municipalities in the Doubs and Jura départements (except those in the canton of Chemin), 16 municipalities in the département of Ain (municipalities of Apremont, Bellegarde-sur-Valserine in the part corresponding to the former municipality of Coupy, Belleydoux, Champfromier, Charix, Chézery-Forens, Confort, Echallon, Giron, Lancrans, Leaz, Lelex, Mijoux, Plagne, Montanges and Saint-Germain-de-Joux) and 13 municipalities in the département of Saône et Loire (municipalities of Beaurepaire-en-Bresse, Beauvernois, Bellevesvre, Champagnat, Cuiseaux, Flacey-en-Bresse, Fretterans, Joudes, Mouthier-en-Bresse, Sagy, Saillenard, Savigny-en-Revermont and Torpes).

4.4. *Proof of origin*

The dairy herd's basic feed must come from the natural pastures of the delimited area. Only milk meeting that criterion may enter the processing plants. Every milk producer, processing plant and maturing plant fills in a 'declaration of aptitude', which is registered with the INAO. Each operator must provide the INAO with a list of the operators in the production chain he has dealings with and any documents required for checking the origin, quality and production conditions of the milk and cheese. A yellow casein plate is used to identify the cheese. It is affixed at the time of production to the side of each cheese. The day and month of production are indicated. On the drum's label the identification of the maturing plant appears clearly (name or business name and address). Each undertaking, on a plant-specific basis, where appropriate, must return each month, duly completed, a statistical information sheet required by the 'Syndicat interprofessionnel de défense du Morbier' relating to the production and marketing of the 'Morbier' AOC (French 'controlled designation of origin') 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 produced and matured within the geographical area.

The milk used to produce Morbier cheese must come exclusively from cows of the Montbeliarde or French Simmental breeds. The cows are herded according to local custom. The grazing land actually used on the holding must be at least one hectare per dairy cow. The staple feed of the dairy cows must be fodder originating from pastures located in the geographical area. The dairy cows are not at any time of the year given any silage products or other fermented fodder, such as fodder preserved in the form of banded bales. Morbier cheese is made exclusively from cow's milk used in the raw state. With the exception of partial skimming, the addition of rennet, lactic starters or salt (sodium chloride), nothing may be removed or added to the milk. After being heated to a temperature not exceeding 40 °C, the milk is treated with rennet. The curd is cut into grains of about 1 cm thick. Water may be added to clean the curd. After the whey is drawn off, the curd is slightly pressed to obtain cakes. Each cake is cut in half. The horizontal central black furrow is obtained exclusively by coating the face of half a cake with charcoal (*carbo medicinalis vegetalis*) before pressing. Ripening takes place over a minimum period of 45 days from the day of manufacture, at a temperature of between 7 °C and 15 °C. The rind is obtained exclusively by rubbing with salt water, to which lactic starters may be added. The use of colouring agents is prohibited.

4.6. *Link*

'Morbier' cheese is named after the municipality of Morbier situated in the département of Jura in Franche-Comté, approximately 15 kilometres from the Franco-Swiss border. There is evidence of its production dating back to the 18th century when it was very much a local product, essentially in the Jura département. Originally it was primarily farmhouse-made but later it was produced by 'fruitières' (cheese cooperatives) in the Jura massif area. Already in 1942 a decree laid down that 'Morbier' cheese was manufactured in the départements of Jura and Doubs.

Morbier cheese is produced in the high pastures of the Jura mountains where the natural floral diversity of the grasses has allowed milk and cheese exhibiting highly valued and distinctive characteristics to be produced. The production procedures are defined in such a way as to ensure that the region's distinctive features are preserved and find their expression in the product.

4.7. *Inspection body*

Name: Institut national de l'origine et de la qualité (INAO)

Address: 51 rue d'Anjou, 75008 Paris, FRANCE

Tel. +33 153898000

Fax +33 153898060

E-mail: info@inao.gouv.fr

The Institut national des appellations d'origine is a public administrative body with legal personality and reports to the French Ministry of Agriculture.

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

Name: Direction générale de la concurrence, de la consommation et de la répression des fraudes (DGCCRF)

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

Tel. +33 144871717

Fax +33 144973037

The DGCCRF is a département of the French Ministry of the Economy, Finance and Industry.

4.8. *Labelling*

All cheeses with the registered designation of origin 'Morbier' must bear a label showing the PDO name in a font two thirds the size of the largest font used on the label and displaying the words 'Appellation d'Origine Contrôlée' (Registered Designation of Origin). The name and address of the manufacturer must also be shown on the label.

COMMISSION REGULATION (EC) No 1028/2009**of 29 October 2009****entering a name in the register of protected designations of origin and protected geographical indications (Amarene Brusche di Modena (PGI))**

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 first subparagraph of Article 7(4) thereof,

Whereas:

(1) Pursuant to the first subparagraph of Article 6(2) of Regulation (EC) No 510/2006, Italy's application to register the name 'Amarene Brusche di Modena' was published in the *Official Journal of the European Union* ⁽²⁾.

(2) As no statement of objection under Article 7 of Regulation (EC) No 510/2006 has been received by the Commission, this name should be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name contained in the Annex to this Regulation is hereby entered in the register.

Article 2

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

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

Done at Brussels, 29 October 2009.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 93, 31.3.2006, p. 12.

⁽²⁾ OJ C 71, 25.3.2009, p. 25.

ANNEX

Agricultural products intended for human consumption listed in Annex I to the Treaty:

Class 1.6. Fruit, vegetables and cereals, fresh or processed

ITALY

Amarene Brusche di Modena (PGI)

COMMISSION REGULATION (EC) No 1029/2009**of 29 October 2009****entering a name in the register of protected designations of origin and protected geographical indications (Grellos de Galicia (PGI))**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

'Grellos de Galicia' was published in the *Official Journal of the European Union* ⁽²⁾.

Having regard to the Treaty establishing the European Community,

- (2) As no statement of objection under Article 7 of Regulation (EC) No 510/2006 has been received by the Commission, that name should therefore be entered in the register,

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 first subparagraph of Article 7(4) thereof,

HAS ADOPTED THIS REGULATION:

Article 1

Whereas:

The name contained in the Annex to this Regulation is hereby entered in the register.

Article 2

- (1) Pursuant to the first subparagraph of Article 6(2) and in accordance with Article 17(2) of Regulation (EC) No 510/2006, Spain's application to register the name

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, 29 October 2009.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 93, 31.3.2006, p. 12.

⁽²⁾ OJ C 72, 26.3.2009, p. 58.

ANNEX

Agricultural products intended for human consumption listed in Annex I to the Treaty:

Class 1.6. Fruit, vegetables and cereals, fresh or processed

SPAIN

Grelos de Galicia (PGI)

COMMISSION REGULATION (EC) No 1030/2009**of 29 October 2009****approving minor amendments to the specification of a name registered in the register of protected designations of origin and protected geographical indications (Pecorino Romano (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 ⁽¹⁾ on the protection of geographical indications and designations of origin for agricultural products and foodstuffs, 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 Italy for approval of an amendment to the specification for the protected designation of origin 'Pecorino Romano', registered by Commission Regulation (EC) No 1107/96 ⁽²⁾.
- (2) The objective of the application is to modify the specification by stipulating labelling conditions in order to better inform the consumer of the provenance of the product. It has been judged appropriate to affix the regional logo next to the designation logo on the heel

of the product where the whole production cycle takes place within the stated region.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

A consolidated 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, 29 October 2009.

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.

ANNEX I

The specification for the protected designation of origin 'Pecorino Romano' is amended as follows:

'Labelling'

The part relating to the designation and presentation of the product when it is marketed for human consumption has been explained in detail.

It has proven to be essential to set out detailed rules for labelling, and in particular for the designation and presentation of the product when it is marketed for human consumption.

In order to better inform the consumer of the provenance of the product, as 'Pecorino Romano' cheese is primarily produced in the region of Sardinia, it has been judged appropriate to accept the affixing of the regional logo next to the designation logo on the heel of the product where the whole production cycle takes place within the stated region.

ANNEX II

SUMMARY

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

'PECORINO ROMANO'

EC No: IT-PDO-0117-0017-26.1.2006

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: MINISTERO DELLE POLITICHE AGRICOLE E FORESTALI
Address: Via XX Settembre 20, 00187 Roma RM, ITALIA
Tel. +39 0646655104
Fax +39 0646655306
E-mail: sacco7@politicheagricole.gov.it

2. Group

Name: Consorzio per la Tutela del Formaggio Pecorino Romano
Address: Corso Umberto I 226, 08015 Macomer NU, ITALIA
Tel. +39 078570537
Fax +39 078572215
E-mail: —
Composition: Producers/processors (X) Others ()

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

'Pecorino Romano'

4.2. Description

'Pecorino Romano' PDO is a hard, cooked cheese produced exclusively from fresh full-fat sheep's milk obtained from sheep bred in the area stated in paragraph 4(3). When it is marketed for human consumption it is cylindrical in shape with flat sides and the diameter of its flat sides is between 25 and 35 cm. Its weight varies from 20 to 35 kg, according to the size of the cheese wheel. The crust is fine, and ivory or natural straw in colour, and is sometimes covered with special protective covers. The rind has a compact or slightly open structure; when cut it is of a colour varying between white and a more or less intense straw colour. The taste is aromatic and slightly spicy for the table cheese, and spicy, intense and pleasant at the advanced stage of maturing for the grating cheese. 'Pecorino Romano' has a characteristic aroma. Fat content of the dry matter: not less than 36 %.

4.3. Geographical area

The whole territory of the regions of Sardinia, Lazio and the province of Grosseto.

4.4. *Proof of origin*

Each stage in the production process is monitored, with all incoming and outgoing products recorded at each production stage. This, along with the compilation of specific registers managed by the inspection body for breeders, cheesemakers, cheese maturers and packagers and timely notification to the inspection body of the quantities produced, ensures product traceability. All natural or legal persons entered on these registers will be inspected by the inspection body in accordance with the specification and the inspection plan.

4.5. *Method of production*

The milk may undergo thermisation treatment and possibly be inoculated with native milk ferment cultures, to which are sometimes added strains from the production area. It must be soured at a temperature of between 38 and 40 °C with the lamb's rennet crust coming exclusively from animals bred in the same production area. The soured milk must be cooked at a temperature which fluctuates between 45 and 48 °C. Salting can involve dry-salting and/or wet-salting. Maturing takes at least 5 months for table cheese and 8 months for grating cheese. The cheese may be covered with a neutral or black food protective cover. Production takes place between October and July.

The milk production, production and maturing of 'Pecorino Romano' cheese and the marking operations must be carried out on the territory of the area stated in paragraph 4(3).

4.6. *Link*

In terms of natural factors, the production area must exhibit specific climatic and soil conditions. In terms of human factors, it is important to stress the presence and historical distribution of the cheese across consumer markets.

4.7. *Inspection body*

The inspection body is in keeping with standard EN 45011.

Name:	OCPA
Address:	Zona industriale Macomer c/o Consorzio Latte, 08015 Macomer NU, ITALIA
Tel.	+39 0785742196
Fax	+39 0785742197
E-mail:	ocpa.cert@tiscali.it

4.8. *Labelling*

'Pecorino Romano' cheese wheels are marked at source across the heel by means of the matrix designed for this purpose. This prints on the cheese wheel the 'Pecorino Romano' designation and its logo, the initials of the province of origin, the code of the cheesemaker producer and the month and year of production.

The designation logo consists of a diamond-shape formed with a continuous or stippled line and rounded angles which contains the stylised head of a sheep above the inscription of the 'Pecorino Romano' designation.

The use of an additional regional logo is authorised. It is affixed beside the designation logo on labels applied to the flat side of the cheese wheel where the whole production cycle takes place in the region concerned.

COMMISSION REGULATION (EC) No 1031/2009**of 29 October 2009****amending Regulation (EC) No 1580/2007 as regards the trigger levels for additional duties on cucumbers, artichokes, clementines, mandarins and oranges**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Article 143(b) thereof, in conjunction with Article 4,

Whereas:

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

(2) For the purposes of Article 5(4) of the Agreement on Agriculture ⁽⁴⁾ concluded during the Uruguay Round of

multilateral trade negotiations and in the light of the latest data available for 2006, 2007 and 2008, the trigger levels for additional duties of cucumbers, artichokes, clementines, mandarins and oranges should be adjusted.

(3) As a result, Regulation (EC) No 1580/2007 should be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

It shall apply from 1 November 2009.

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

Done at Brussels, 29 October 2009.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, p. 1.

⁽³⁾ OJ L 253, 11.10.1993, p. 1.

⁽⁴⁾ OJ L 336, 23.12.1994, p. 22.

ANNEX

‘ANNEX XVII

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

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

Serial No	CN code	Description	Trigger period	Trigger level (tonnes)
78.0015	0702 00 00	Tomatoes	1 October to 31 May	415 907
78.0020			1 June to 30 September	40 107
78.0065	0707 00 05	Cucumbers	1 May to 31 October	32 831
78.0075			1 November to 30 April	22 427
78.0085	0709 90 80	Artichokes	1 November to 30 June	8 866
78.0100	0709 90 70	Courgettes	1 January to 31 December	65 893
78.0110	0805 10 20	Oranges	1 December to 31 May	355 386
78.0120	0805 20 10	Clementines	1 November to end of February	529 006
78.0130	0805 20 30 0805 20 50 0805 20 70 0805 20 90	Mandarins (including tangerines and satsumas); wilkings and similar citrus hybrids	1 November to end of February	96 377
78.0155	0805 50 10	Lemons	1 June to 31 December	329 947
78.0160			1 January to 31 May	61 422
78.0170	0806 10 10	Table grapes	21 July to 20 November	89 140
78.0175	0808 10 80	Apples	1 January to 31 August	824 442
78.0180			1 September to 31 December	327 526
78.0220	0808 20 50	Pears	1 January to 30 April	223 485
78.0235			1 July to 31 December	70 116
78.0250	0809 10 00	Apricots	1 June to 31 July	5 785
78.0265	0809 20 95	Cherries, other than sour cherries	21 May to 10 August	133 425
78.0270	0809 30	Peaches, including nectarines	11 June to 30 September	131 459
78.0280	0809 40 05	Plums	11 June to 30 September	129 925'

COMMISSION REGULATION (EC) No 1032/2009**of 27 October 2009****establishing a prohibition of fishing for ling in EC and international waters of V by vessels flying the flag of France**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy ⁽¹⁾, and in particular Article 26(4) thereof,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to common fisheries policy ⁽²⁾, and in particular Article 21(3) thereof,

Whereas:

- (1) Council Regulation (EC) No 43/2009 of 16 January 2009 fixing for 2009 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks applicable in Community waters and for Community vessels, in waters where catch limitations are required ⁽³⁾, lays down quotas for 2009.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2009.

- (3) It is therefore necessary to prohibit fishing for that stock and its retention on board, transhipment and landing,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2009 shall be deemed to be exhausted from the date set out in that Annex.

*Article 2***Prohibitions**

Fishing for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. It shall be prohibited to retain on board, tranship or land such stock caught by those vessels after that date.

*Article 3***Entry into force**

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

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

Done at Brussels, 27 October 2009.

For the Commission

Fokion FOTIADIS

Director-General for Maritime Affairs and Fisheries

⁽¹⁾ OJ L 358, 31.12.2002, p. 59.

⁽²⁾ OJ L 261, 20.10.1993, p. 1.

⁽³⁾ OJ L 22, 26.1.2009, p. 1.

ANNEX

No	26/T&Q
Member State	France
Stock	LIN/05.
Species	Ling (<i>Molva molva</i>)
Zone	EC and international waters of V
Date	24.9.2009

COMMISSION REGULATION (EC) No 1033/2009**of 28 October 2009****amending for the 115th 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 the first indent of Article 7(1) 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 22 October 2009, the Sanctions Committee of the United Nations Security Council decided to remove four legal persons, groups or entities from the list of persons, groups and entities to whom the freezing of funds and economic resources should apply.

- (3) 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 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, 28 October 2009.

For the Commission

Karel KOVANDA

Acting 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 under the heading 'Legal persons, groups and entities' are deleted:

1. Bank Al Taqwa Limited (aka Al Taqwa Bank) (aka Bank Al Taqwa), PO Box N-4877, Nassau, Bahamas; c/o Arthur D. Hanna & Company, 10, Deveaux Street, Nassau, Bahamas.
 2. Barakaat International, Hallbybacken 15, 70 Spanga, Sweden.
 3. Barakaat International Foundation. Address: (a) Box 4036, Spånga, Stockholm, Sweden; (b) Rinkebytorget 1, 04, Spånga, Sweden.
 4. Nada Management Organisation S.A. (*alias* Al Taqwa Management Organisation S.A.). Address: Viale Stefano Franscini 22, CH-6900 Lugano (TI), Switzerland. Other information: Liquidated and deleted from Commercial Registry.
-

II

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

DECISIONS

COUNCIL

COUNCIL DECISION

of 20 October 2009

authorising the Republic of Poland to apply a measure derogating from Article 287 of Directive 2006/112/EC on the common system of value added tax

(2009/790/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 93 thereof,

Having regard to Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax ⁽¹⁾, and in particular Article 395(1) thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) In a letter registered by the Commission's Secretariat-General on 22 June 2009, the Republic of Poland requested authorisation to apply a special measure derogating from Article 287 of Directive 2006/112/EC in order to exempt from value added tax (VAT), from 1 January 2010, taxable persons whose annual turnover is no higher than the equivalent in national currency of EUR 30 000 at the conversion rate on the day of its accession.

(2) In accordance with Article 395(2) of Directive 2006/112/EC, by letter dated 22 June 2009, the Commission informed the other Member States of the request made by the Republic of Poland. By letter dated 3 July 2009, the Commission notified the Republic of Poland that it had all the information it considered necessary to appraise the request.

(3) Title XII, Chapter 1 of Directive 2006/112/EC provides for the possibility of Member States applying special schemes for small enterprises, including an optional VAT exemption scheme for taxable persons whose annual turnover is below a certain ceiling.

(4) Under Article 287(14) of Directive 2006/112/EC, the Republic of Poland may exempt from VAT taxable persons whose annual turnover is no higher than the equivalent in national currency of EUR 10 000 at the conversion rate on the day of its accession.

(5) By increasing this ceiling to EUR 30 000, the Republic of Poland will be able to simplify administrative procedures for a larger proportion of small enterprises, while confining itself to those enterprises with the lowest turnover, and thus contributing to their development.

(6) In its proposal for a Directive simplifying value added tax obligations of 29 October 2004, the Commission included provisions aimed at allowing Member States to set the annual turnover ceiling for the VAT exemption scheme at up to EUR 100 000 or the equivalent in national currency, with the possibility of updating this amount each year. The request submitted by the Republic of Poland is in line with this proposal.

(7) The derogation presented will have no impact on the European Communities' own resources accruing from value added tax,

⁽¹⁾ OJ L 347, 11.12.2006, p. 1.

HAS ADOPTED THIS DECISION:

Article 1

By way of derogation from Article 287 of Directive 2006/112/EC, the Republic of Poland is authorised to exempt from VAT taxable persons whose annual turnover is no higher than the equivalent in national currency of EUR 30 000 at the conversion rate on the day of its accession.

Article 2

This Decision shall apply from 1 January 2010 until the date of entry into force of the provisions of a directive amending the

amounts of the annual turnover ceilings below which taxable persons may qualify for VAT exemption or until 31 December 2012, whichever is the earlier date.

Article 3

This Decision is addressed to the Republic of Poland.

Done at Brussels, 20 October 2009.

For the Council

The President

A. BORG

COUNCIL DECISION

of 20 October 2009

authorising the Federal Republic of Germany to continue to apply a measure derogating from Article 168 of Directive 2006/112/EC on the common system of value added tax

(2009/791/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2006/112/EC ⁽¹⁾, and in particular Article 395(1) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) By letter registered with the Secretariat-General of the Commission on 19 December 2008, the Federal Republic of Germany (hereinafter Germany) requested authorisation to continue to apply a measure derogating from the provisions of Directive 2006/112/EC governing the right of deduction and previously granted by Decision 2004/817/EC ⁽²⁾ under the then applicable Sixth Council Directive 77/388/EEC on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment ⁽³⁾.
- (2) In accordance with Article 395(2) of Directive 2006/112/EC, the Commission informed the other Member States of the request made by Germany in a letter dated 3 June 2009. By a letter dated 9 June 2009, the Commission notified Germany that it had all the information that it considered necessary to consider the request.
- (3) The derogating measure is intended to exclude VAT borne on goods and services completely from the right of deduction when the goods and services are used more than 90 % for the private purposes of the taxable person, or of his employees, or for non-business purposes in general.
- (4) The measure derogates from Article 168 of Directive 2006/112/EC establishing the general principle of the

right of deduction and is intended to simplify the procedure for charging VAT. The amount of tax due at the final consumption is only affected to a negligible extent.

- (5) The legal and factual situation which justified the current application of the simplification measure in question has not changed and continues to exist. Germany should therefore be authorised to apply the simplification measure during a further period, but limited in time in order to allow an evaluation of the measure.

- (6) The derogation will not adversely affect the Communities' own resources accruing from VAT,

HAS ADOPTED THIS DECISION:

Article 1

By way of derogation from Article 168 of Directive 2006/112/EC, Germany is authorised to exclude VAT borne on goods and services from the right to deduct VAT when the goods and services in question are used more than 90 % for the private purposes of a taxable person or of his employees, or, more generally, for non-business purposes.

Article 2

This Decision shall apply from 1 January 2010 until 31 December 2012.

Article 3

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 20 October 2009.

For the Council
The President
A. BORG

⁽¹⁾ OJ L 347, 11.12.2006, p. 1.

⁽²⁾ OJ L 357, 2.12.2004, p. 33.

⁽³⁾ OJ L 145, 13.6.1977, p. 1.

COUNCIL DECISION**of 29 October 2009****appointing the Deputy Secretary-General of the Council of the European Union for the period from
1 November 2009 until 31 December 2009**

(2009/792/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Secretary-General of the Council shall end on the date
of entry into force of the Treaty of Lisbon,Having regard to the Treaty establishing the European
Community, and in particular Article 207(2) thereof,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Atomic
Energy Community, and in particular Article 121(2) thereof,*Article 1*

Mr Pierre DE BOISSIEU is hereby appointed Deputy Secretary-General of the Council of the European Union for the period from 1 November 2009 until 31 December 2009, or until the date of entry into force of the Treaty of Lisbon, whichever is the earlier.

Whereas:

Article 2

This Decision shall be notified to Mr Pierre DE BOISSIEU by the President of the Council.

(1) The term of office of Mr Pierre DE BOISSIEU, Deputy Secretary-General of the Council of the European Union, will end on 31 October 2009 ⁽¹⁾.

(2) That term of office should be renewed until 31 December 2009, or until the date of entry into force of the Treaty of Lisbon, whichever is the earlier.

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

(3) It is recalled that Article 6 of the Protocol on Transitional Provisions, which the Treaty of Lisbon will annex to the Treaty on European Union, to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community, provides that the term of office of the Deputy

Done at Brussels, 29 October 2009.

For the Council
The President
C. BILDT

⁽¹⁾ OJ L 277, 22.10.2009, p. 20.

COUNCIL DECISION

of 29 October 2009

appointing the Secretary-General of the Council of the European Union, High Representative for the Common Foreign and Security Policy, for the period from 1 November 2009 until 31 December 2009

(2009/793/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Common Foreign and Security Policy, shall end on the date of entry into force of the Treaty of Lisbon,

Having regard to the Treaty establishing the European Community, and in particular Article 207(2) thereof,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 121(2) thereof,

Article 1

Mr Javier SOLANA MADARIAGA is hereby appointed Secretary-General of the Council of the European Union, High Representative for the Common Foreign and Security Policy, for the period from 1 November 2009 until 31 December 2009, or until the date of entry into force of the Treaty of Lisbon, whichever is the earlier.

Whereas:

Article 2

This Decision shall be notified to Mr Javier SOLANA MADARIAGA by the President of the Council.

(1) The term of office of Mr Javier SOLANA MADARIAGA, Secretary-General of the Council of the European Union, High Representative for the Common Foreign and Security Policy, will end on 31 October 2009 ⁽¹⁾.

(2) That term of office should be renewed until 31 December 2009, or until the date of entry into force of the Treaty of Lisbon, whichever is the earlier.

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

(3) It is recalled that Article 6 of the Protocol on Transitional Provisions, which the Treaty of Lisbon will annex to the Treaty on European Union, to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community, provides that the term of office of the Secretary-General of the Council, High Representative for the

Done at Brussels, 29 October 2009.

*For the Council**The President*

C. BILDT

⁽¹⁾ OJ L 277, 22.10.2009, p. 19.

COMMISSION

COMMISSION DECISION

of 27 October 2009

concerning certain protective measures in relation to highly pathogenic avian influenza of subtype H7N7 in Spain*(notified under document C(2009) 8283)***(Only the Spanish text is authentic)****(Text with EEA relevance)**

(2009/794/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) Avian influenza is an infectious viral disease in birds, including poultry. Infections with avian influenza viruses in domestic poultry cause two main forms of that disease that are distinguished by their virulence. The low pathogenic form generally only causes mild symptoms, while the highly pathogenic form results in very high mortality rates in most poultry species. That disease may have a severe impact on the profitability of poultry farming.
- (2) Avian influenza is mainly found in birds, but under certain circumstances infections can also occur in humans even though the risk is generally very low.
- (3) In the event of an outbreak of avian influenza, there is a risk that the disease agent might spread to other holdings where poultry or other captive birds are kept. As a result it may spread from one Member State to other Member States or to third countries through trade in live birds or their products.

- (4) Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian influenza ⁽³⁾ sets out certain preventive measures relating to the surveillance and the early detection of avian influenza and the minimum control measures to be applied in the event of an outbreak of that disease in poultry or other captive birds. That Directive provides for the establishment of protection and surveillance zones in the event of an outbreak of highly pathogenic avian influenza.

- (5) Spain notified the Commission of an outbreak of highly pathogenic avian influenza of subtype H7 in a holding on its territory where poultry are kept and it immediately took the measures required pursuant to Directive 2005/94/EC, including the establishment of protection and surveillance zones, which should be defined in Parts A and B of the Annex to this Decision.

- (6) The Commission has examined those measures in collaboration with Spain, and it is satisfied that the borders of those zones established by the competent authority in that Member State are at a sufficient distance to the actual holding where the outbreak was confirmed.

- (7) In order to prevent any unnecessary disturbance to intra-Community trade and to avoid unjustified barriers to trade being imposed by third countries, it is necessary to rapidly define those zones established in Spain at Community level and to provide that no consignments of live poultry, ready-to-lay poultry, day-old chicks and hatching eggs are dispatched from those zones to other Member States or to third countries.

- (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,

⁽¹⁾ OJ L 395, 30.12.1989, p. 13.

⁽²⁾ OJ L 224, 18.8.1990, p. 29.

⁽³⁾ OJ L 10, 14.1.2006, p. 16.

HAS ADOPTED THIS DECISION:

Article 1

Spain shall ensure that the protection and surveillance zones established in accordance with Article 16(1) of Directive 2005/94/EC comprise at least the areas listed in Parts A and B of the Annex to this Decision.

Article 2

This Decision shall apply until 30 November 2009.

Article 3

This Decision is addressed to Spain.

Done at Brussels, 27 October 2009.

For the Commission

Androulla VASSILOU

Member of the Commission

ANNEX

PART A

Protection zone as referred to in Article 1:

ISO Country Code	Member State	Code (if available)	Name
ES	Spain	19212	Area comprising: Municipality of Almoguera (excluding the territories of Fuenlespino, Valdeolmena, Fuenvellida, Amos, Santiago de Vilillas y Conchuela)

PART B

Surveillance zone as referred to in Article 1:

ISO Country Code	Member State	Code (if available)	Name
ES	Spain	19212	Area comprising: Municipalities of Albalate de Zorita, Albares, Comunidad de Albarate de Zorita e Illana (Aldovera), Driebes, Illana (excluding Algarga), Mazuecos, Pozo de Almoguera, Yebra y Zorita de los Canes

III

(Acts adopted under the EU Treaty)

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

COUNCIL JOINT ACTION 2009/795/CFSP

of 19 October 2009

repealing Joint Action 2007/677/CFSP on the European Union military operation in the Republic of Chad and in the Central African Republic

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 14 thereof,

Whereas:

- (1) On 15 October 2007, the Council adopted Joint Action 2007/677/CFSP ⁽¹⁾.
- (2) The EU military operation in the Republic of Chad and in the Central African Republic (Operation EUFOR Tchad/RCA) was launched on 28 January 2008 by Council Decision 2008/101/CFSP ⁽²⁾ and ended on 15 March 2009. Subsequently all forces have been redeployed from the area of operations.
- (3) By letter dated 7 July 2009 the EU Operation Commander notified the recovery of the EU force, and therefore Joint Action 2007/677/CFSP should be repealed, in accordance with Article 15(3) thereof.
- (4) Council Decision 2008/975/CFSP of 18 December 2008 establishing a mechanism to administer the financing of the common costs of European Union operations having

military or defence implications (ATHENA) ⁽³⁾ determines the procedures for the audit and presentation of the accounts of an operation,

HAS ADOPTED THIS JOINT ACTION:

Article 1

Joint Action 2007/677/CFSP is hereby repealed. This repeal shall be without prejudice to the procedures laid down in Decision 2008/975/CFSP regarding the audit and presentation of the accounts of the operation.

Article 2

This Joint Action shall enter into force on the date of its adoption.

Article 3

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

Done at Luxembourg, 19 October 2009.

For the Council
The President
E. ERLANDSSON

⁽¹⁾ OJ L 279, 23.10.2007, p. 21.

⁽²⁾ OJ L 34, 8.2.2008, p. 39.

⁽³⁾ OJ L 345, 23.12.2008, p. 96.

ACTS ADOPTED UNDER TITLE VI OF THE EU TREATY

COUNCIL DECISION 2009/796/JHA

of 4 June 2009

amending Decision 2002/956/JHA setting up a European Network for the Protection of Public Figures

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty on European Union, and in particular Article 30(1)(a) and (c) and Article 34(2)(c) thereof,

Having regard to the initiative of the Kingdom of the Netherlands ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas:

- (1) The possibility of assaults and attacks to public figures, either in an official capacity or in a non-official position, cannot be excluded.
- (2) The protection of public figures is the responsibility of the host Member State. Protective measures of the host Member State are based solely on the legal provisions in force in that Member State and the relevant international agreements.
- (3) The European Network for the Protection of Public Figures, which was set up in 2002, should contribute to providing protection as a formal channel for communication and consultation between national authorities.
- (4) It is therefore considered appropriate to amend Council Decision 2002/956/JHA of 28 November 2002 setting up a European Network for the Protection of Public Figures ⁽³⁾ so that it would also apply to persons in a non-official position who are deemed to be under threat because of their contribution to or impact on the public debate,

Article 1

Decision 2002/956/JHA is hereby amended as follows:

1. Article 2 is replaced by the following:

'Article 2

For the purposes of this Decision, "public figure" shall mean any person, either in an official capacity or in a non-official position to whom a protection service is assigned in accordance with the national legislation of a Member State or pursuant to the regulations of an international or supra-national organisation or institution.'

2. the following point is added to Article 4:

'(f) favouring contacts concerning the application of protection in cases where the protection of public figures has to be assured in two or more Member States between the relevant authorities within the Member States responsible for rendering protection services, either through the contact points or by means of direct contacts between the responsible services, as communicated by the contact points.'

Article 2

This Decision shall take effect on the 20th day following its publication in the *Official Journal of the European Union*.

Done at Luxembourg, 4 June 2009.

For the Council
The President
M. PECINA

⁽¹⁾ OJ C 330, 30.12.2008, p. 2.

⁽²⁾ Opinion delivered on 22 April 2009 (not yet published in the Official Journal).

⁽³⁾ OJ L 333, 10.12.2002, p. 1.

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⁽¹⁾ Text with EEA relevance

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