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### Contents

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

#### REGULATIONS

Commission Regulation (EC) No 1085/2009 of 12 November 2009 establishing the standard import values for determining the entry price of certain fruit and vegetables ..... 1

Commission Regulation (EC) No 1086/2009 of 12 November 2009 fixing the maximum reduction in the duty on maize imported under the invitation to tender issued in Regulation (EC) No 676/2009 ..... 3

★ Commission Regulation (EC) No 1087/2009 of 12 November 2009 concerning the authorisation of an enzyme preparation of endo-1,4-beta-xylanase produced by *Trichoderma reesei* (ATCC PTA 5588), subtilisin produced by *Bacillus subtilis* (ATCC 2107) and alpha-amylase produced by *Bacillus amyloliquefaciens* (ATCC 3978) as a feed additive for chickens for fattening, for ducks and for turkeys for fattening (holder of authorisation Danisco Animal Nutrition, legal entity Finnfeeds International Limited) <sup>(1)</sup> ..... 4

★ Commission Regulation (EC) No 1088/2009 of 12 November 2009 concerning the authorisation of a new use of an enzyme preparation of 6-phytase produced by *Aspergillus oryzae* (DSM 17594) as a feed additive for weaned piglets, pigs for fattening, poultry for fattening and poultry for laying (holder of authorisation DSM Nutritional Products Ltd., represented by DSM Nutritional Products Sp. Z.o.o.) <sup>(1)</sup> ..... 6

Price: EUR 3

<sup>(1)</sup> Text with EEA relevance

(Continued overleaf)

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

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

DECISIONS

**Council**

2009/831/EC:

- ★ **Council Decision of 10 November 2009 authorising Portugal to apply a reduced rate of excise duty in the autonomous region of Madeira on locally produced and consumed rum and liqueurs and in the autonomous region of the Azores on locally produced and consumed liqueurs and eaux-de-vie** ..... 9

2009/832/EC:

- ★ **Council Decision of 10 November 2009 on the procedure concerning derogations from the rules of origin set out in the Origin Protocols annexed to Economic Partnership Agreements with ACP States, and repealing Decision 2000/399/EC** ..... 12

**Commission**

2009/833/EC:

- ★ **Commission Decision of 10 November 2009 adjusting the weightings applicable from 1 August 2008, 1 September 2008, 1 October 2008, 1 November 2008, 1 December 2008 and 1 January 2009 to the remuneration of officials, temporary staff and contract staff of the European Communities serving in third countries** ..... 14

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III *Acts adopted under the EU Treaty*

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

- ★ **Council Joint Action 2009/834/CFSP of 10 November 2009 amending Joint Action 2001/555/CFSP on the establishment of a European Union Satellite Centre** ..... 18

## I

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

## REGULATIONS

**COMMISSION REGULATION (EC) No 1085/2009****of 12 November 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) <sup>(1)</sup>,

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 <sup>(2)</sup>, 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 13 November 2009.

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

Done at Brussels, 12 November 2009.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

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<sup>(1)</sup> OJ L 299, 16.11.2007, p. 1.

<sup>(2)</sup> 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 <sup>(1)</sup> | Standard import value |
|---------------------------------------------------|-----------------------------------|-----------------------|
| 0702 00 00                                        | MA                                | 39,7                  |
|                                                   | MK                                | 24,5                  |
|                                                   | TR                                | 48,3                  |
|                                                   | ZZ                                | 37,5                  |
| 0707 00 05                                        | EG                                | 171,8                 |
|                                                   | JO                                | 161,3                 |
|                                                   | MA                                | 61,2                  |
|                                                   | TR                                | 73,4                  |
|                                                   | ZZ                                | 116,9                 |
| 0709 90 70                                        | MA                                | 69,2                  |
|                                                   | TR                                | 109,5                 |
|                                                   | ZZ                                | 89,4                  |
| 0805 20 10                                        | MA                                | 86,4                  |
|                                                   | ZA                                | 117,3                 |
|                                                   | ZZ                                | 101,9                 |
| 0805 20 30, 0805 20 50, 0805 20 70,<br>0805 20 90 | CN                                | 51,4                  |
|                                                   | HR                                | 45,3                  |
|                                                   | TR                                | 81,8                  |
|                                                   | ZZ                                | 59,5                  |
| 0805 50 10                                        | AR                                | 64,1                  |
|                                                   | TR                                | 71,7                  |
|                                                   | ZA                                | 57,0                  |
|                                                   | ZZ                                | 64,3                  |
| 0806 10 10                                        | AR                                | 196,3                 |
|                                                   | BR                                | 215,4                 |
|                                                   | LB                                | 223,8                 |
|                                                   | TR                                | 120,0                 |
|                                                   | US                                | 259,3                 |
|                                                   | ZZ                                | 203,0                 |
| 0808 10 80                                        | CA                                | 71,4                  |
|                                                   | MK                                | 20,3                  |
|                                                   | NZ                                | 101,1                 |
|                                                   | US                                | 104,4                 |
|                                                   | ZA                                | 79,7                  |
|                                                   | ZZ                                | 75,4                  |
| 0808 20 50                                        | CN                                | 70,5                  |
|                                                   | ZZ                                | 70,5                  |

<sup>(1)</sup> 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 1086/2009****of 12 November 2009****fixing the maximum reduction in the duty on maize imported under the invitation to tender issued  
in Regulation (EC) No 676/2009**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

reduction in the import duty. In fixing this maximum the criteria provided for in Articles 7 and 8 of Regulation (EC) No 1296/2008 must be taken into account.

- (3) A contract is awarded to any tenderer whose tender is equal to or less than the maximum reduction in the duty.
- (4) The Management Committee for the Common Organisation of Agricultural Markets has not delivered an opinion within the time limit set by its Chair,

HAS ADOPTED THIS REGULATION:

*Article 1*

For tenders lodged from 30 October to 12 November 2009 under the invitation to tender issued in Regulation (EC) No 676/2009, the maximum reduction in the duty on maize imported shall be EUR 20,67 EUR/t for a total maximum quantity of 50 500 t.

*Article 2*

This Regulation shall enter into force on 13 November 2009.

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

Done at Brussels, 12 November 2009.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

<sup>(1)</sup> OJ L 299, 16.11.2007, p. 1.

<sup>(2)</sup> OJ L 196, 28.7.2009, p. 6.

<sup>(3)</sup> OJ L 340, 19.12.2008, p. 57.

## COMMISSION REGULATION (EC) No 1087/2009

of 12 November 2009

concerning the authorisation of an enzyme preparation of endo-1,4-beta-xylanase produced by *Trichoderma reesei* (ATCC PTA 5588), subtilisin produced by *Bacillus subtilis* (ATCC 2107) and alpha-amylase produced by *Bacillus amyloliquefaciens* (ATCC 3978) as a feed additive for chickens for fattening, for ducks and for turkeys for fattening (holder of authorisation Danisco Animal Nutrition, legal entity Finnfeeds International Limited)

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition<sup>(1)</sup>, and in particular Article 9(2) thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation.
- (2) In accordance with Article 7 of Regulation (EC) No 1831/2003, an application was submitted for the authorisation of the preparation set out in the Annex to this Regulation. That application was accompanied by the particulars and documents required under Article 7(3) of Regulation (EC) No 1831/2003.
- (3) The application concerns the authorisation of the enzyme preparation of endo-1,4-beta-xylanase produced by *Trichoderma reesei* (ATCC PTA 5588), subtilisin produced by *Bacillus subtilis* (ATCC 2107) and alpha-amylase produced by *Bacillus amyloliquefaciens* (ATCC 3978) as a feed additive for chickens for fattening, turkeys for fattening and ducks, to be classified in the additive category 'zootechnical additives'.
- (4) The Authority concluded in its opinions of 17 June 2009<sup>(2)</sup> that the enzyme preparation of endo-1,4-beta-xylanase produced by *Trichoderma reesei*

(ATCC PTA 5588), subtilisin produced by *Bacillus subtilis* (ATCC 2107) and alpha-amylase produced by *Bacillus amyloliquefaciens* (ATCC 3978) does not have an adverse effect on animal health, human health or the environment and that the use of that preparation improves the performance of the animals. The Authority did not consider that there is a need for specific requirements of post market monitoring. It also verified the report on the method of analysis of the feed additive in feed submitted by the Community Reference Laboratory set up by Regulation (EC) No 1831/2003.

- (5) The assessment of that preparation shows that the conditions for authorisation, provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of that preparation should be authorised, as specified in the Annex to this Regulation.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

## Article 1

The preparation specified in the Annex, belonging to the additive category 'zootechnical additives' and to the functional group 'digestibility enhancers', is authorised as an additive in animal nutrition subject to the conditions laid down in that Annex.

## 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, 12 November 2009.

For the Commission

Androulla VASSILIOU

Member of the Commission

<sup>(1)</sup> OJ L 268, 18.10.2003, p. 29.

<sup>(2)</sup> The EFSA Journal (2009) 1154, p. 1, and The EFSA Journal (2009) 1156, p. 1.

## ANNEX

| Identification number of the additive                                         | Name of the holder of authorisation                                     | Additive                                                                                          | Composition, chemical formula, description, analytical method                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Species or category of animal | Maximum age | Minimum content                                                                     | Maximum content | Other provisions                                                                                                                                                                                                                                                                                                                                                                                                                                                     | End of period of authorisation |
|-------------------------------------------------------------------------------|-------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|-------------|-------------------------------------------------------------------------------------|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|
|                                                                               |                                                                         |                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                               |             | Units of activity /kg of complete feedingstuff with a moisture content of 12 %      |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                |
| Category of zootechnical additives. Functional group: digestibility enhancers |                                                                         |                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                               |             |                                                                                     |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                |
| 4a10                                                                          | Danisco Animal Nutrition (legal entity Finnfeeds International Limited) | Endo-1,4-beta-xylanase<br>EC 3.2.1.8<br>Subtilisin<br>EC 3.4.21.62<br>Alpha-amylase<br>EC 3.2.1.1 | Additive composition:<br><br>Preparation of endo-1,4-beta-xylanase produced by <i>Trichoderma reesei</i> (ATCC PTA 5588), subtilisin produced by <i>Bacillus subtilis</i> (ATCC 2107) and alpha-amylase produced by <i>Bacillus amyloliquefaciens</i> (ATCC 3978) having a minimum activity of<br><br>Solid form:<br><br>Endo-1,4-beta-xylanase 1 500 U <sup>(1)</sup> /g<br>Subtilisin (protease) 20 000 U <sup>(2)</sup> /g<br>Alpha-amylase 2 000 U <sup>(3)</sup> /g<br><br>Characterisation of the active substance:<br><br>Endo-1,4-beta-xylanase produced by <i>Trichoderma reesei</i> (ATCC PTA 5588), subtilisin produced by <i>Bacillus subtilis</i> (ATCC 2107) and alpha-amylase produced by <i>Bacillus amyloliquefaciens</i> (ATCC 3978) | Chickens for fattening        | —           | Endo-1,4-beta-xylanase 187,5 U<br><br>Subtilisin 2 500 U<br><br>Alpha-amylase 250 U |                 | 1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting.<br><br>2. For use in feed rich in non-starch polysaccharides (mainly beta-glucans and arabinoxylans), e. g. containing more than 40 % maize.<br><br>3. For safety reasons: breathing protection, glasses and gloves shall be used during handling.<br><br>4. An appropriate method for control purposes shall be developed. | 3 December 2019                |
|                                                                               |                                                                         |                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Ducks                         |             | Endo-1,4-beta-xylanase 75 U<br><br>Subtilisin 1 000 U<br><br>Alpha-amylase 100 U    |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                |
|                                                                               |                                                                         |                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Turkeys for fattening         |             | Endo-1,4-beta-xylanase 300 U<br><br>Subtilisin 4 000 U<br><br>Alpha-amylase 400 U   |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                |

<sup>(1)</sup> 1 U of endo-1,4-β-xylanase is the amount of enzyme that liberates 0,5 μmol of reducing sugar (xylose equivalents) per minute from a cross-linked oat spelt xylan at pH 5,3 and 50 °C.

<sup>(2)</sup> 1 U of subtilisin is the amount of enzyme that liberates 1 μmol of phenolic compound (tyrosine equivalents) per minute from a casein substrate at pH 7,5 and 40 °C.

<sup>(3)</sup> 1 U of α-amylase is the amount of enzyme that liberates 1 μmol of glucosidic linkages per minute from a water insoluble cross-linked starch polymer substrate at pH 6,5 and 37 °C.

## COMMISSION REGULATION (EC) No 1088/2009

of 12 November 2009

**concerning the authorisation of a new use of an enzyme preparation of 6-phytase produced by *Aspergillus oryzae* (DSM 17594) as a feed additive for weaned piglets, pigs for fattening, poultry for fattening and poultry for laying (holder of authorisation DSM Nutritional Products Ltd., represented by DSM Nutritional Products Sp. Z.o.o.)**

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition<sup>(1)</sup>, and in particular Article 9(2) thereof,

Whereas:

(1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation.

(2) In accordance with Article 7 of Regulation (EC) No 1831/2003, an application was submitted for the authorisation of the preparation set out in the Annex to this Regulation. That application was accompanied by the particulars and documents required under Article 7(3) of Regulation (EC) No 1831/2003.

(3) The application concerns the authorisation of a new use of the enzyme preparation of 6-phytase produced by *Aspergillus oryzae* (DSM 17594) as a feed additive for weaned piglets, pigs for fattening, poultry for fattening and poultry for laying, to be classified in the additive category 'zootechnical additives'.

(4) The use of that preparation was authorised for ten years by Commission Regulation (EC) No 270/2009<sup>(2)</sup> for chickens for fattening.

(5) New data were submitted in support of the application for authorisation for weaned piglets, pigs for fattening, poultry for fattening and poultry for laying. The European Food Safety Authority ('the Authority') concluded in its opinion of 14 May 2009<sup>(3)</sup> that the enzyme preparation of 6-phytase produced by *Aspergillus oryzae* (DSM 17594) does not have an adverse effect on animal health, human health or the environment and that the use of that preparation improves the digestibility of dietary phosphorus. The Authority did not consider that there is a need for specific requirements of post market monitoring. It also verified the report on the method of analysis of the feed additive in feed submitted by the Community Reference Laboratory set up by Regulation (EC) No 1831/2003.

(6) The assessment of that preparation shows that the conditions for authorisation, provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of that preparation should be authorised, as specified in the Annex to this Regulation.

(7) As a consequence of the granting of a new authorisation under Regulation (EC) No 1831/2003, Regulation (EC) No 270/2009 should be repealed.

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

HAS ADOPTED THIS REGULATION:

## Article 1

The preparation specified in the Annex, belonging to the additive category 'zootechnical additives' and to the functional group 'digestibility enhancers', is authorised as an additive in animal nutrition subject to the conditions laid down in that Annex.

<sup>(1)</sup> OJ L 268, 18.10.2003, p. 29.

<sup>(2)</sup> OJ L 91, 3.4.2009, p. 3.

<sup>(3)</sup> The EFSA Journal (2009) 1097, p. 1.

*Article 2*

Regulation (EC) No 270/2009 is repealed.

*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, 12 November 2009.

*For the Commission*

Androulla VASSILIOU

*Member of the Commission*

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## ANNEX

| Identification number of the additive | Name of the holder of authorisation | Additive | Composition, chemical formula, description, analytical method | Species or category of animal | Maximum age | Minimum content                                                               | Maximum content | Other provisions | End of period of authorisation |
|---------------------------------------|-------------------------------------|----------|---------------------------------------------------------------|-------------------------------|-------------|-------------------------------------------------------------------------------|-----------------|------------------|--------------------------------|
|                                       |                                     |          |                                                               |                               |             | Units of activity/kg of complete feedingstuff with a moisture content of 12 % |                 |                  |                                |

**Category of zootechnical additives. Functional group: digestibility enhancers**

|     |                                                                                  |                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                       |   |           |  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                 |
|-----|----------------------------------------------------------------------------------|--------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|---|-----------|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| 4a6 | DSM Nutritional Products Ltd. represented by DSM Nutritional Products Sp. Z.o.o. | 6-phytase<br>EC 3.1.3.26 | Additive composition:<br>Preparation of 6-phytase produced by <i>Aspergillus oryzae</i> (DSM 17594) having a minimum activity of:<br>Solid form: 10 000 FYT <sup>(1)</sup> /g<br>Liquid form: 20 000 FYT/g<br>Characterisation of the active substance:<br>6-phytase produced by <i>Aspergillus oryzae</i> (DSM 17594)<br>Analytical method <sup>(2)</sup><br>Colorimetric method based on reaction of vanadomolybdate on inorganic phosphate produced by action of 6-phytase on a phytate-containing substrate (sodium phytate) at pH 5,5 and 37 °C, quantified against a standard curve from inorganic phosphate. | Piglets (weaned)      | — | 1 500 FYT |  | 1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life, and stability to pelleting<br>2. For piglets (weaned) up to 35 kg of body weight<br>3. Recommended dose per kilogram of complete feedingstuff:<br>— poultry for fattening: 1 500-3 000 FYT;<br>— poultry for laying: 600-1 500 FYT;<br>— piglets (weaned) and pigs for fattening: 1 500-3 000 FYT<br>4. For use in compound feed containing more than 0,23 % phytin-bound phosphorus<br>5. For safety: breathing protection, glasses and gloves shall be used during handling | 1 December 2019 |
|     |                                                                                  |                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Pigs for fattening    |   | 1 500 FYT |  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                 |
|     |                                                                                  |                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Poultry for fattening |   | 1 500 FYT |  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                 |
|     |                                                                                  |                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Poultry for laying    |   | 600 FYT   |  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                 |

<sup>(1)</sup> One FYT is the amount of enzyme that releases 1 µmol of inorganic phosphate from phytase per minute under reaction conditions with a phytate concentration of 5,0 mM at pH 5,5 and a temperature of 37 °C during 30 minutes of incubation.

<sup>(2)</sup> Details of the analytical methods are available at the following address of the Community Reference Laboratory: [www.irmm.jrc.be/crl-feed-additives](http://www.irmm.jrc.be/crl-feed-additives)

## II

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

## DECISIONS

## COUNCIL

## COUNCIL DECISION

of 10 November 2009

**authorising Portugal to apply a reduced rate of excise duty in the autonomous region of Madeira on locally produced and consumed rum and liqueurs and in the autonomous region of the Azores on locally produced and consumed liqueurs and eaux-de-vie**

(2009/831/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 299(2) thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament <sup>(1)</sup>,

Whereas:

- (1) Pursuant to Council Decision 2002/167/EC of 18 February 2002 <sup>(2)</sup> Portugal has been authorised to apply a reduced rate of excise duty in the autonomous region of Madeira on locally produced and consumed rum and liqueurs and in the autonomous region of the Azores on locally produced and consumed liqueurs and eaux-de-vie. The application of a reduced rate of excise duty on those products was considered necessary for the survival of the local industry producing and marketing

them. In view of the high cost of those activities arising mainly from factors inherent to the situation of Madeira and the Azores as outermost regions (remoteness, insularity, small size, topography and climate), it was considered that only a reduction of the rate of excise duty on the locally produced and consumed products concerned could enable them to continue to compete on an equal footing with similar products imported or supplied from other parts of the Community and thus ensure the survival of the industries. According to the same Decision, Portugal could apply to those products a rate of excise duty lower than the full rate on alcohol laid down in Article 3 of Council Directive 92/84/EEC <sup>(3)</sup>, and lower than the minimum rate of excise duty on alcohol set by this Directive but not more than 75 % lower than the standard national excise duty on alcohol. This measure was applicable from 1 January 2002 until 31 December 2008.

- (2) By requests dated 16 June 2008 and 20 June 2008, Portugal sought an authorisation subject to the same terms, for the period from 1 January 2009 until 31 December 2013.

- (3) The granting of the new authorisation sought is justified in order to avoid endangering the development of those outermost regions. The local industry employs around 130 workers in Madeira and around 90 workers in the Azores. In Madeira, the cultivation and processing of sugar cane and fruits provides work for around 1 000 family-owned agricultural holdings. Faced with difficulties in exporting outside the regions, the regional markets are the only possible outlets to sell those products.

<sup>(1)</sup> Opinion of 20 October 2009 (not yet published in the Official Journal).

<sup>(2)</sup> Council Decision of 18 February 2002 authorising Portugal to apply a reduced rate of excise duty in the autonomous region of Madeira on locally produced and consumed rum and liqueurs and in the autonomous region of the Azores on locally produced and consumed liqueurs and eaux-de-vie (OJ L 55, 26.2.2002, p. 36).

<sup>(3)</sup> Council Directive 92/84/EEC of 19 October 1992 on the approximation of the rates of excise duty on alcohol and alcoholic beverages (OJ L 316, 31.10.1992, p. 29).

- (4) A reduction of the rate of excise duty should continue to be authorised at the level requested to help offset the competitive disadvantage which distilled alcoholic beverages produced in Madeira and in the Azores face as a result of higher production and marketing costs.
- (5) Indeed, raw materials of agricultural origin are more expensive than under normal conditions of production, due to the small size, fragmented nature and low mechanisation of agricultural holdings. In the case of Madeira, in addition, output from the processing of sugar cane is lower than in other outermost regions, owing to topography, climate, soil and artisanal production. The transport to the islands of certain raw and packaging materials not produced locally leads to additional cost, as compared to the transport merely of the finished product. In the case of the Azores, the insularity is twofold, since the islands are widely spread. Transport and installation of equipment in those remote and insular regions further increase the additional costs. The same applies to certain necessary travels and shipments to the mainland. Additional costs are also required for the storage of finished products as local consumption does not absorb output as it materialises, but stretches throughout the year. The small size of the regional market increases per unit costs in various ways, notably through the unfavourable relationship between fixed costs and output, both as regards equipment and costs necessary to meet environmental norms. Moreover, rum producers in Madeira have to treat waste from the processing of sugar cane, whereas producers in other regions can recycle these products. Finally, the producers concerned also bear extra costs generally borne by the local economies, in particular increased labour and energy costs.
- (6) The 75 % reduction does not go beyond what is necessary to counterbalance the levels of additional costs that are incurred by operators as a result of the said particular characteristics of Madeira and of the Azores as outermost regions.
- (7) A careful examination of the situation shows that it is necessary to grant Portugal's request in order to ensure that the alcohol industry is maintained in the outermost regions concerned.
- (8) Since the tax advantage is limited to what is necessary to offset additional costs and since the volumes at stake remain modest and the tax advantage limited to consumption in the regions concerned, the measure does not undermine the integrity and coherence of the Community legal order.
- (9) Weighing the need to set a time-limit on tax derogations against the need for local economic operators to obtain the requisite security to develop their commercial activities, it is appropriate to grant the authorisation for a period of five years.
- (10) It should be ensured that Portugal can apply the reductions in question as from the expiry of the analogous authorisation granted through Decision 2002/167/EC for the previous period. The new authorisation requested should therefore be granted with effect from 1 January 2009.
- (11) The submission of a mid-term report should be required, so that the Commission can assess whether the conditions justifying the granting of such derogation continue to be fulfilled.
- (12) This Decision shall not prejudice the possible application of Articles 87 and 88 of the Treaty,
- HAS ADOPTED THIS DECISION:
- Article 1*
- By way of derogation from Article 90 of the Treaty, Portugal is hereby authorised to apply a rate of excise duty lower than the full rate on alcohol laid down in Article 3 of Directive 92/84/EEC in the autonomous region of Madeira, to locally produced and consumed rum and liqueurs, and in the autonomous region of the Azores, to locally produced and consumed liqueurs and eaux-de-vie.
- Article 2*
- The derogation referred in Article 1 shall be confined:
1. in Madeira
- (a) to rum as defined in category 1 of Annex II of Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks<sup>(1)</sup>, having the geographical indication 'Rum da Madeira' referred to in category 1 of Annex III of that Regulation,
- (b) to liqueurs and 'crème de' as defined in categories 32 and 33 respectively of Annex II of Regulation (EC) No 110/2008 produced from regional fruit or plants;
2. in the Azores
- (a) to liqueurs and 'crème de' as defined in categories 32 and 33 respectively of Annex II of Regulation (EC) No 110/2008 produced from regional fruit or raw materials,
- <sup>(1)</sup> OJ L 39, 13.2.2008, p. 16.

- (b) to eaux-de-vie made from wine or grape marc having the characteristics and qualities defined in categories 4 and 6 of Annex II of Regulation (EC) No 110/2008.

*Article 3*

The reduced rate of excise duty applicable to the products referred to in Article 1 may be lower than the minimum rate of excise duty on alcohol set by Directive 92/84/EEC, but may not be more than 75 % lower than the standard national excise duty on alcohol.

*Article 4*

By 31 December 2011 at the latest, Portugal shall send the Commission a report to enable it to assess whether the reasons which justified the granting of the reduced rate still exist.

*Article 5*

This Decision shall apply from 1 January 2009 until 31 December 2013.

*Article 6*

This Decision is addressed to the Portuguese Republic.

Done at Brussels, 10 November 2009.

*For the Council*

*The President*

A. BORG

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## COUNCIL DECISION

of 10 November 2009

**on the procedure concerning derogations from the rules of origin set out in the Origin Protocols annexed to Economic Partnership Agreements with ACP States, and repealing Decision 2000/399/EC**

(2009/832/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133, in conjunction with the second paragraph of Article 300(2) and Article 300(4) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Annex V to the Partnership agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 <sup>(1)</sup> (ACP-EC Partnership Agreement) and its Protocols, among which the Protocol 1 concerning the definition of the concept of 'originating products' and methods of administrative cooperation, expired on 31 December 2007, according to Article 37(1) of that Agreement.
- (2) As provided for in Article 37(1) of the ACP-EC Partnership Agreement, Economic Partnership Agreements (EPAs) were negotiated with regional groups of members of the African, Caribbean and Pacific Group of States (ACP States). Those EPAs are progressively being signed since 1 January 2008.
- (3) Article 39 of Protocol I concerning the definition of the concept of 'originating products' and methods of administrative cooperation (Origin Protocol) of the Economic Partnership Agreement between the CARIFORUM States, of the one part, and the European Community and its Member States, of the other part <sup>(2)</sup> — the first EPA signed with the ACP States — provides for a procedure for granting derogations from the rules of origin on request by an ACP State signatory to the EPA. Derogations should be adopted by a competent Committee. It is appropriate to provide for a procedure for establishing the Community position within that Committee in such a way that it can also apply to similar provisions of Origin Protocols to other EPAs to be signed with ACP States in the future.
- (4) Article 39(8) of the Origin Protocol provides that a decision should be reached as soon as possible and in any case not later than 75 working days after the request is received by the Community. If the Community does not inform the ACP State having submitted a request for derogation of its position within this period, the request will be deemed to have been accepted.
- (5) It is therefore necessary to adopt a procedure ensuring that the Community position can be adopted and communicated to the ACP States signatories to EPAs sufficiently in advance for ensuring that the relevant decision may be taken before the expiry of that deadline.
- (6) Council Decision 2000/399/EC of 16 June 2000 on the procedure concerning derogations from the rules of origin set out in Protocol No 1 to the ACP-EC Partnership Agreement <sup>(3)</sup> provided for a delegation of powers to the Commission with regard to the adoption of a common position of the Community following a request by ACP States for derogation from the rules of origin laid down in Protocol 1 to Annex V to the ACP-EC Partnership Agreement.
- (7) A similar delegation of powers to the Commission should now be provided for with regard to requests for derogations from the rules of origin laid down in the Origin Protocols of EPAs.
- (8) Decision 2000/399/EC should therefore be repealed,

HAS DECIDED AS FOLLOWS:

*Article 1*

The Community position with regard to a request presented by ACP States signatory to Economic Partnership Agreements (EPAs) for derogation from the rules of origin laid down in the Origin Protocols to EPAs shall be adopted by the Commission in accordance with the procedure laid down in Article 2.

<sup>(1)</sup> OJ L 317, 15.12.2000, p. 3.

<sup>(2)</sup> OJ L 289, 30.10.2008, p. 1.

<sup>(3)</sup> OJ L 151, 24.6.2000, p. 16.

*Article 2*

1. The Commission shall be assisted by the Customs Code Committee set up by Article 248a(1) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code <sup>(1)</sup>.

2. The representative of the Commission shall submit to the Customs Code Committee a draft Community position, within 25 working days from the receipt of a request for derogation by the Community. The Customs Code Committee shall deliver an opinion on the draft within a time limit determined by its Chairman according to the urgency of the matter concerned. The opinion shall be delivered by the majority laid down in Article 205(2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States shall be weighted in the manner set out in that Article. The Chairman shall not vote.

3. The Commission shall adopt the Community position and transmit it immediately to the competent Committee set up by the relevant EPA. However, if the Community position is not in accordance with the opinion of the Customs Code Committee, it shall be submitted by the Commission to the Council forthwith. In that event, the Commission shall defer its transmission to the competent Committee set up in the framework of the relevant EPA for a period of 25 working days from the date of the vote in the Customs Code Committee.

4. The Council, acting by a qualified majority, may adopt a different Community position within the period provided for in paragraph 3.

*Article 3*

1. Decision 2000/399/EC is hereby repealed.

2. References to the repealed Decision shall be construed as references to this Decision.

*Article 4*

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

*Article 5*

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

Done at Brussels, 10 November 2009.

*For the Council*

*The President*

A. BORG

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<sup>(1)</sup> OJ L 302, 19.10.1992, p. 1.

# COMMISSION

## COMMISSION DECISION

of 10 November 2009

**adjusting the weightings applicable from 1 August 2008, 1 September 2008, 1 October 2008, 1 November 2008, 1 December 2008 and 1 January 2009 to the remuneration of officials, temporary staff and contract staff of the European Communities serving in third countries**

(2009/833/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Staff Regulations of officials of the European Communities and the conditions of employment of other servants of the Communities laid down by Regulation (EEC, Euratom, ECSC) No 259/68 <sup>(1)</sup>, and in particular the second paragraph of Article 13 of Annex X thereto,

Whereas:

- (1) Pursuant to the first paragraph of Article 13 of Annex X to the Staff Regulations, the weightings to be applied from 1 July 2008 to the remuneration of officials, temporary staff and contract staff of the European Communities serving in third countries payable in the currency of their country of employment were laid down by Council Regulation (EC) No 613/2009 <sup>(2)</sup>.
- (2) Some of these weightings need to be adjusted in accordance with the second paragraph of Article 13 of Annex X to the Staff Regulations, with effect from 1 August 2008, 1 September 2008, 1 October 2008, 1 November 2008, 1 December 2008 and 1 January 2009, since the statistics available to the Commission show that in certain third countries the variation in the cost of living measured on the basis of the weighting and

the corresponding exchange rate has exceeded 5 % since weightings were last laid down,

HAS DECIDED AS FOLLOWS:

### *Sole Article*

The weightings applied to the remuneration of officials, temporary staff and contract staff of the European Communities serving in third countries, payable in the currency of the country of employment, shall be adjusted for certain countries as shown in the Annex hereto. It contains six monthly tables showing which countries are affected and the applicable dates for each one (1 August 2008, 1 September 2008, 1 October 2008, 1 November 2008, 1 December 2008 and 1 January 2009).

The exchange rates used for the calculation of this remuneration shall be established in accordance with the detailed rules for the implementation of the Financial Regulation and correspond to the dates of application of the weightings.

Done at Brussels, 10 November 2009.

*For the Commission*

Benita FERRERO-WALDNER

*Member of the Commission*

<sup>(1)</sup> OJ L 56, 4.3.1968, p. 1.

<sup>(2)</sup> OJ L 181, 14.7.2009, p. 1.

## ANNEX

## AUGUST 2008

| Place of employment | Economic parity<br>August 2008 | Exchange rate<br>August 2008 | Weighting<br>August 2008 |
|---------------------|--------------------------------|------------------------------|--------------------------|
| Absent              | Absent                         | Absent                       | Absent                   |

## SEPTEMBER 2008

| Place of employment  | Economic parities<br>September 2008 | Exchange rate<br>September 2008 (*) | Weighting<br>September 2008 (**) |
|----------------------|-------------------------------------|-------------------------------------|----------------------------------|
| Nepal <sup>(1)</sup> | 75,02                               | 103,495                             | 72,5                             |

(\*) EUR 1 = national currency (Cuba, El Salvador, Ecuador = USD).

(\*\*) Brussels = 100 %.

<sup>(1)</sup> The weighting for this place is adjusted three times: for September 2008 and November 2008, and then for January 2009.

## OCTOBER 2008

| Place of employment                                           | Economic parities<br>October 2008 | Exchange rate<br>October 2008 (*) | Weighting<br>October 2008 (**) |
|---------------------------------------------------------------|-----------------------------------|-----------------------------------|--------------------------------|
| Argentina <sup>(1)</sup>                                      | 2,744                             | 4,549                             | 60,3                           |
| Botswana <sup>(1)</sup>                                       | 5,003                             | 10,0251                           | 49,9                           |
| Ghana <sup>(2)</sup>                                          | 0,9408                            | 1,6575                            | 56,8                           |
| Kyrgyzstan <sup>(1)</sup>                                     | 52,86                             | 52,8043                           | 100,1                          |
| Democratic Republic of the<br>Congo (Kinshasa) <sup>(1)</sup> | 1 031                             | 828,29                            | 124,5                          |
| Venezuela <sup>(1)</sup>                                      | 2,183                             | 3,08504                           | 70,8                           |

(\*) EUR 1 = national currency (Cuba, El Salvador, Ecuador = USD).

(\*\*) Brussels = 100 %.

<sup>(1)</sup> The weighting for this place is adjusted twice: for October 2008 and for January 2009.

<sup>(2)</sup> The weighting for this place is adjusted twice: for October 2008 and December 2008.

## NOVEMBER 2008

| Place of employment | Economic parities<br>November 2008 | Exchange rate<br>November 2008 (*) | Weightings<br>November 2008 (**) |
|---------------------|------------------------------------|------------------------------------|----------------------------------|
| Egypt               | 2,971                              | 7,18275                            | 41,4                             |
| Ethiopia            | 12,31                              | 12,3791                            | 99,4                             |
| Guinea (Conakry)    | 4 108                              | 6 121,77                           | 67,1                             |
| Liberia             | 80,26                              | 80,9742                            | 99,1                             |
| Namibia             | 7,548                              | 13,0194                            | 58,0                             |

| Place of employment  | Economic parities<br>November 2008 | Exchange rate<br>November 2008 (*) | Weightings<br>November 2008 (**) |
|----------------------|------------------------------------|------------------------------------|----------------------------------|
| Nepal <sup>(1)</sup> | 80,21                              | 101,68                             | 78,9                             |
| Nicaragua            | 14,96                              | 25,6812                            | 58,3                             |
| East Timor           | 0,9402                             | 1,3035                             | 72,1                             |

(\*) EUR 1 = national currency (Cuba, El Salvador, Ecuador = USD).

(\*\*) Brussels = 100 %.

<sup>(1)</sup> The weighting for this place is adjusted three times: for September 2008 and November 2008, and then for January 2009.

#### DECEMBER 2008

| Place of employment   | Economic parities<br>December 2008 | Exchange rate<br>December 2008 (*) | Weightings<br>December 2008 (**) |
|-----------------------|------------------------------------|------------------------------------|----------------------------------|
| Saudi Arabia          | 4,887                              | 4,7336                             | 103,2                            |
| Costa Rica            | 595,5                              | 716,885                            | 83,1                             |
| Ghana <sup>(1)</sup>  | 0,9912                             | 1,51325                            | 65,5                             |
| Guatemala             | 8,816                              | 9,96951                            | 88,4                             |
| Haiti                 | 70,13                              | 51,8381                            | 135,3                            |
| Solomon Islands       | 10,94                              | 10,1026                            | 108,3                            |
| Jamaica               | 99,81                              | 95,647                             | 104,4                            |
| Malawi                | 146,6                              | 177,074                            | 82,8                             |
| Uzbekistan            | 992                                | 1 748,44                           | 56,7                             |
| Sudan (Khartoum)      | 1,698                              | 2,80875                            | 60,5                             |
| Southern Sudan (Juba) | 2,958                              | 2,80875                            | 105,3                            |
| Swaziland             | 6,188                              | 12,7107                            | 48,7                             |
| Ukraine               | 8,686                              | 8,04073                            | 108,0                            |
| Vietnam               | 11 940                             | 21 278                             | 56,1                             |

(\*) EUR 1 = national currency (Cuba, El Salvador, Ecuador = USD).

(\*\*) Brussels = 100 %.

<sup>(1)</sup> The weighting for this place is adjusted twice: for October 2008 and December 2008.

#### JANUARY 2009

| Place of employment      | Economic parities<br>January 2009 | Exchange rate<br>January 2009 (*) | Weighting<br>January 2009 (**) |
|--------------------------|-----------------------------------|-----------------------------------|--------------------------------|
| Argentina <sup>(1)</sup> | 2,906                             | 4,8986                            | 59,3                           |
| Botswana <sup>(1)</sup>  | 5,303                             | 11,0803                           | 47,9                           |
| Ecuador                  | 0,9626                            | 1,4098                            | 68,3                           |

| Place of employment                                           | Economic parities<br>January 2009 | Exchange rate<br>January 2009 (*) | Weighting<br>January 2009 (**) |
|---------------------------------------------------------------|-----------------------------------|-----------------------------------|--------------------------------|
| Kyrgyzstan <sup>(1)</sup>                                     | 56,5                              | 55,5673                           | 101,7                          |
| Madagascar                                                    | 2 216                             | 2 429,72                          | 91,2                           |
| Nepal <sup>(2)</sup>                                          | 85,82                             | 106,865                           | 80,3                           |
| Democratic Republic of the<br>Congo (Kinshasa) <sup>(1)</sup> | 1 092                             | 894,885                           | 122,0                          |
| Dominican Republic                                            | 31,86                             | 50,4406                           | 63,2                           |
| Tanzania                                                      | 1 188                             | 1 666,43                          | 71,3                           |
| Thailand                                                      | 26,17                             | 48,998                            | 53,4                           |
| Venezuela <sup>(1)</sup>                                      | 2,344                             | 3,03107                           | 77,3                           |

(\*) EUR 1 = national currency (Cuba, El Salvador, Ecuador = USD).

(\*\*) Brussels = 100 %.

<sup>(1)</sup> The weighting for this place is adjusted twice: for October 2008 and for January 2009.

<sup>(2)</sup> The weighting for this place is adjusted three times: for September 2008 and November 2008, and then for January 2009.

## III

(Acts adopted under the EU Treaty)

## ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

## COUNCIL JOINT ACTION 2009/834/CFSP

of 10 November 2009

amending Joint Action 2001/555/CFSP on the establishment of a European Union Satellite Centre

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

- (1) On 20 July 2001 the Council adopted Joint Action 2001/555/CFSP on the establishment of a European Union Satellite Centre <sup>(1)</sup>.
- (2) On 3 September 2009 the Political and Security Committee (PSC) agreed that all members of the North Atlantic Treaty Organisation should be entitled to be involved in the Centre's activities and that products of the Centre resulting from requests by the Council could be distributed to third States by decision of the PSC.
- (3) Joint Action 2001/555/CFSP should be amended accordingly,

HAS ADOPTED THIS JOINT ACTION:

*Article 1*

Joint Action 2001/555/CFSP is hereby amended as follows:

1. in Article 5, the following paragraph shall be added:

‘4. The Political and Security Committee may direct the Secretary-General/High Representative to make available

products of the Centre resulting from requests made in accordance with Article 2(1) to any designated third State on a case-by-case basis.’;

2. Article 21 shall be replaced by the following:

*‘Article 21*

**Association of third States**

Notwithstanding Article 5, non-EU NATO members and other States which are candidates for accession to the EU shall be entitled to be involved in the Centre's activities in accordance with the Provisions set out in the Annex.’.

*Article 2*

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

*Article 3*

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

Done at Brussels, 10 November 2009.

*For the Council*

*The President*

A. BORG

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<sup>(1)</sup> OJ L 200, 25.7.2001, p. 5.







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