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## I

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

## REGULATIONS

## COUNCIL REGULATION (EC) No 1322/2008

of 28 November 2008

**fixing the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks applicable in the Baltic Sea for 2009**

THE COUNCIL OF THE EUROPEAN UNION,

advice and, in particular, the report prepared by the Scientific, Technical and Economic Committee for Fisheries, as well as in the light of any advice received from the Baltic Sea Regional Advisory Council.

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 <sup>(1)</sup>, and in particular Article 20 thereof,

(2) Under Article 20 of Regulation (EC) No 2371/2002, it is incumbent upon the Council to establish fishing opportunity limits by fishery or group of fisheries and the allocation of these opportunities to Member States.

Having regard to Council Regulation (EC) No 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas <sup>(2)</sup>, and in particular Article 2 thereof,

(3) In order to ensure effective management of fishing opportunities, the specific conditions under which fishing operations are carried out should be established.

Having regard to Council Regulation (EC) No 1098/2007 of 18 September 2007 establishing a multiannual plan for the cod stocks in the Baltic Sea and the fisheries exploiting those stocks <sup>(3)</sup>, and in particular Articles 5 and 8(3) thereof,

(4) The principles and certain procedures for fishery management need to be laid down at Community level, so that Member States can ensure the management of the vessels flying their flag.

Having regard to the proposal from the Commission,

Whereas:

(5) Article 3 of Regulation (EC) No 2371/2002 lays down definitions of relevance for the allocation of fishing opportunities.

(1) Article 4 of Regulation (EC) No 2371/2002 requires the Council to adopt the measures necessary to ensure access to waters and resources and the sustainable pursuit of fishing activities taking account of available scientific

(6) In accordance with Article 2 of Council Regulation (EC) No 847/96, the stocks that are subject to the various measures referred to therein are to be identified.

<sup>(1)</sup> OJ L 358, 31.12.2002, p. 59.

<sup>(2)</sup> OJ L 115, 9.5.1996, p. 3.

<sup>(3)</sup> OJ L 248, 22.9.2007, p. 1.

- (7) Fishing opportunities should be used in accordance with Community legislation, and in particular with Commission Regulation (EEC) No 2807/83 of 22 September 1983 laying down detailed rules for recording information on Member States' catches of fish <sup>(1)</sup>, Council Regulation (EEC) No 2930/86 of 22 September 1986 defining characteristics for fishing vessels <sup>(2)</sup>, Commission Regulation (EEC) No 1381/87 of 20 May 1987 establishing detailed rules concerning the marking and documentation of fishing vessels <sup>(3)</sup>, Council Regulation (EEC) No 3880/91 of 17 December 1991 on the submission of nominal catch statistics by Member States fishing in the North-East Atlantic <sup>(4)</sup>, Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy <sup>(5)</sup>, Commission Regulation (EC) No 2244/2003 of 18 December 2003 laying down detailed provisions regarding satellite-based Vessel Monitoring Systems <sup>(6)</sup>, and Council Regulation (EC) No 2187/2005 of 21 December 2005 for the conservation of fishery resources through technical measures in the Baltic Sea, the Belts and the Sound <sup>(7)</sup> and Regulation (EC) No 1098/2007.
- (8) To ensure that annual fishing opportunities are set at a level commensurate with the sustainable exploitation of resources in environmental, economic and social terms, account has been taken of the guiding principles for fixing total allowable catches (TACs) as described in the Communication from the Commission to the Council on fishing opportunities for 2009: Policy Statement from the European Commission.
- (9) To help conserve fish stocks, certain supplementary measures on technical conditions of fishing should be implemented in 2009.
- (10) To ensure the livelihood of Community fishermen, it is important to open these fisheries on 1 January 2009. Given the urgency of the matter, it is imperative to grant an exception to the six-week period referred to in point I(3) of the Protocol on the role of national parliaments in the European Union, annexed to the Treaty on European Union and to the Treaties establishing the European Communities,

<sup>(1)</sup> OJ L 276, 10.10.1983, p. 1.

<sup>(2)</sup> OJ L 274, 25.9.1986, p. 1.

<sup>(3)</sup> OJ L 132, 21.5.1987, p. 9.

<sup>(4)</sup> OJ L 365, 31.12.1991, p. 1.

<sup>(5)</sup> OJ L 261, 20.10.1993, p. 1.

<sup>(6)</sup> OJ L 333, 20.12.2003, p. 17.

<sup>(7)</sup> OJ L 349, 31.12.2005, p. 1.

HAS ADOPTED THIS REGULATION:

## CHAPTER I

### SCOPE AND DEFINITIONS

#### Article 1

#### Subject matter

This Regulation fixes fishing opportunities for 2009 for certain fish stocks and groups of fish stocks in the Baltic Sea and the associated conditions under which such fishing opportunities may be used.

#### Article 2

#### Scope

1. This Regulation shall apply to Community fishing vessels (Community vessels) operating in the Baltic Sea.

2. By way of derogation from paragraph 1, this Regulation shall not apply to fishing operations conducted solely for the purpose of scientific investigations which are carried out with the permission and under the authority of the Member State concerned and of which the Commission and the Member State in whose waters the research is carried out have been informed in advance.

#### Article 3

#### Definitions

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

- (a) the International Council for the Exploration of the Sea (ICES) zones are as defined in Regulation (EEC) No 3880/91;
- (b) 'Baltic Sea' means ICES subdivisions 22-32;
- (c) 'total allowable catch (TAC)' means the quantity that can be taken from each stock each year;
- (d) 'quota' means a proportion of the TAC allocated to the Community, a Member State or a third country;
- (e) 'day absent from port' means any continuous period of 24 hours or part thereof during which the vessel is absent from port.

## CHAPTER II

### FISHING OPPORTUNITIES AND ASSOCIATED CONDITIONS

#### Article 4

#### Catch limits and allocations

The catch limits, the allocation of such limits among Member States, and additional conditions in accordance with Article 2 of Regulation (EC) No 847/96 are set out in Annex I to this Regulation.

*Article 5***Special provisions on allocations**

1. The allocation of catch limits among Member States, as set out in Annex I, shall be without prejudice to:

- (a) exchanges made pursuant to Article 20(5) of Regulation (EC) No 2371/2002;
- (b) reallocations made pursuant to Articles 21(4), 23(1) and 32(2) of Regulation (EEC) No 2847/93;
- (c) additional landings allowed under Article 3 of Regulation (EC) No 847/96;
- (d) quantities withheld in accordance with Article 4 of Regulation (EC) No 847/96;
- (e) deductions made pursuant to Article 5 of Regulation (EC) No 847/96.

2. For the purpose of withholding quotas to be transferred to 2010, Article 4(2) of Regulation (EC) No 847/96 may apply, by way of derogation from that Regulation, to all stocks subject to analytical TAC.

*Article 6***Conditions for catches and by-catches**

1. Fish from stocks for which catch limits are fixed shall only be retained on board or landed if:

- (a) the catches have been taken by vessels of a Member State with a quota and that quota has not been exhausted; or
- (b) species other than herring and sprat are mixed with other species, and are not sorted either on board or on landing and the catches have been taken with trawls, Danish seines or similar gears of a mesh size less than 32 mm.

2. All landings shall count against the quota or, if the Community share has not been allocated among Member States by quotas, against the Community share, except for catches made under paragraph 1(b).

3. Where the quota for herring allocated to a Member State is exhausted, vessels flying the flag of that Member State,

registered in the Community, and operating in the fisheries to which the relevant quota applies shall not land catches that are unsorted and that contain herring.

4. Where the quota for sprat allocated to a Member State is exhausted, vessels flying the flag of that Member State, registered in the Community, and operating in the fisheries to which the relevant quota applies shall not land catches that are unsorted and that contain sprat.

*Article 7***Fishing effort limits**

1. Fishing effort limits are set out in Annex II.

2. The limits referred to in paragraph 1 shall apply to ICES subdivisions 27 and 28.2, in so far as the Commission has not taken a decision in accordance with Article 29(2) of Regulation (EC) No 1098/2007 to exclude those subdivisions from the restrictions provided for in Article 8(1)(b), (3), (4) and (5) and Article 13 of that Regulation.

3. The limits referred to in paragraph 1 shall not apply to ICES subdivision 28.1, in so far as the Commission has not taken a decision in accordance with Article 29(4) of Regulation (EC) No 1098/2007 that the restrictions provided for in Article 8(1)(b), (3), (4) and (5) of Regulation (EC) No 1098/2007 shall apply to that subdivision.

*Article 8***Transitional technical measures**

Transitional technical measures are set out in Annex III.

## CHAPTER III

**FINAL PROVISIONS***Article 9***Data transmission**

When Member States send data to the Commission relating to landings of quantities of stocks caught, pursuant to Article 15(1) of Regulation (EEC) No 2847/93, they shall use the stock codes set out in Annex I to this Regulation.

*Article 10***Entry into force**

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

It shall apply from 1 January 2009.

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

Done at Brussels, 28 November 2008.

*For the Council*  
*The President*  
M. BARNIER

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## ANNEX I

**Catch limits and associated conditions for year-to-year management of catch limits applicable to Community vessels in areas where catch limits exist by species and by area**

The following tables set out the TACs and quotas (in tonnes live weight, except where otherwise specified) by stock, the allocation to the Member States and associated conditions for year-to-year management of the quotas.

Within each area, fish stocks are referred to following the alphabetical order of the Latin names of the species. For the purposes of these tables the codes used for the different species are as follows:

Scientific name	Alpha-3 code	Common name
<i>Clupea harengus</i>	HER	Herring
<i>Gadus morhua</i>	COD	Cod
<i>Platichthys flesus</i>	FLX	Flounder
<i>Pleuronectes platessa</i>	PLE	Plaice
<i>Psetta maxima</i>	TUR	Turbot
<i>Salmo salar</i>	SAL	Atlantic salmon
<i>Sprattus sprattus</i>	SPR	Sprat

Species:	Herring <i>Clupea harengus</i>	Zone:	Subdivisions 30-31 HER/3D30.; HER/3D31.
Finland	67 777		
Sweden	14 892		
EC	82 669		
TAC	82 669		Analytical TAC. Article 3 of Regulation (EC) No 847/96 applies. Article 4 of Regulation (EC) No 847/96 applies. Article 5(2) of Regulation (EC) No 847/96 applies.

Species:	Herring <i>Clupea harengus</i>	Zone:	Subdivisions 22-24 HER/3B23.; HER/3C22.; HER/3D24.
Denmark	3 809		
Germany	14 994		
Poland	3 536		
Finland	2		
Sweden	4 835		
EC	27 176		
TAC	27 176		Analytical TAC. Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply. Article 5(2) of Regulation (EC) No 847/96 applies.



<b>Species:</b>	Herring <i>Clupea harengus</i>	<b>Zone:</b>	EC waters of subdivisions 25-27, 28.2, 29 and 32 HER/3D25.; HER/3D26.; HER/3D27.; HER/3D28.; HER/3D29.; HER/3D32.
Denmark	3 159		
Germany	838		
Estonia	16 134		
Latvia	3 982		
Lithuania	4 192		
Poland	35 779		
Finland	31 493		
Sweden	48 032		
EC	143 609		
TAC	Not relevant		Analytical TAC. Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply. Article 5(2) of Regulation (EC) No 847/96 applies.
<b>Species:</b>	Herring <i>Clupea harengus</i>	<b>Zone:</b>	Subdivision 28.1 HER/03D.RG
Estonia	16 113		
Latvia	18 779		
EC	34 892		
TAC	34 892		Analytical TAC. Article 3 of Regulation (EC) No 847/96 applies. Article 4 of Regulation (EC) No 847/96 applies. Article 5(2) of Regulation (EC) No 847/96 applies.
<b>Species:</b>	Cod <i>Gadus morhua</i>	<b>Zone:</b>	EC waters of subdivisions 25-32 COD/3D25.; COD/3D26.; COD/3D27.; COD/3D28.; COD/3D29.; COD/3D30.; COD/3D31.; COD/3D32.
Denmark	10 241		
Germany	4 074		
Estonia	998		
Latvia	3 808		
Lithuania	2 509		
Poland	11 791		
Finland	784		
Sweden	10 375		
EC	44 580		
TAC	Not relevant		Analytical TAC. Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply. Article 5(2) of Regulation (EC) No 847/96 applies.

<b>Species:</b>	Cod <i>Gadus morhua</i>	<b>Zone:</b>	EC waters of subdivisions 22-24 COD/3B23.; COD/3C22.; COD/3D24.
Denmark	7 130		
Germany	3 487		
Estonia	158		
Latvia	590		
Lithuania	383		
Poland	1 908		
Finland	140		
Sweden	2 541		
EC	16 337		
TAC	16 337		Analytical TAC. Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply. Article 5(2) of Regulation (EC) No 847/96 applies.
<b>Species:</b>	Plaice <i>Pleuronectes platessa</i>	<b>Zone:</b>	EC waters of subdivisions 22-32 PLE/3B23.; PLE/3C22.; PLE/3D24.; PLE/3D25.; PLE/3D26.; PLE/3D27.; PLE/3D28.; PLE/3D29.; PLE/3D30.; PLE/3D31.; PLE/3D32.
Denmark	2 179		
Germany	242		
Poland	456		
Sweden	164		
EC	3 041		
TAC	3 041		Precautionary TAC. Article 3 of Regulation (EC) No 847/96 applies. Article 4 of Regulation (EC) No 847/96 does not apply. Article 5(2) of Regulation (EC) No 847/96 applies.
<b>Species:</b>	Atlantic salmon <i>Salmo salar</i>	<b>Zone:</b>	EC waters of subdivisions 22-31 SAL/3B23.; SAL/3C22.; SAL/3D24.; SAL/3D25.; SAL/3D26.; SAL/3D27.; SAL/3D28.; SAL/3D29.; SAL/3D30.; SAL/3D31.
Denmark	64 184 <sup>(1)</sup>		
Germany	7 141 <sup>(1)</sup>		
Estonia	6 523 <sup>(1)</sup>		
Latvia	40 824 <sup>(1)</sup>		
Lithuania	4 799 <sup>(1)</sup>		
Poland	19 471 <sup>(1)</sup>		
Finland	80 033 <sup>(1)</sup>		
Sweden	86 758 <sup>(1)</sup>		
EC	309 733 <sup>(1)</sup>		
TAC	Not relevant		Analytical TAC. Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply. Article 5(2) of Regulation (EC) No 847/96 applies.

<sup>(1)</sup> Expressed by number of individual fish.

<b>Species:</b>	Atlantic salmon <i>Salmo salar</i>	<b>Zone:</b>	Subdivision 32 SAL/3D32.
Estonia	1 581 <sup>(1)</sup>		
Finland	13 838 <sup>(1)</sup>		
EC	15 419 <sup>(1)</sup>		
TAC	Not relevant		Analytical TAC. Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply. Article 5(2) of Regulation (EC) No 847/96 applies.

<sup>(1)</sup> Expressed by number of individual fish.

<b>Species:</b>	Sprat <i>Sprattus sprattus</i>	<b>Zone:</b>	EC waters of subdivisions 22-32 SPR/3B23.; SPR/3C22.; SPR/3D24.; SPR/3D25.; SPR/3D26.; SPR/3D27.; SPR/3D28.; SPR/3D29.; SPR/3D30.; SPR/3D31.; SPR/3D32.
Denmark	39 453		
Germany	24 994		
Estonia	45 813		
Latvia	55 332		
Lithuania	20 015		
Poland	117 424		
Finland	20 652		
Sweden	76 270		
EC	399 953		
TAC	Not relevant		Analytical TAC. Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 applies. Article 5(2) of Regulation (EC) No 847/96 applies.

## ANNEX II

**Fishing effort limits**

1. For vessels flying their flag, Member States shall ensure that fishing with trawls, Danish seines or similar gear of a mesh size equal to or larger than 90 mm, with gillnets, entangling nets or trammel nets of a mesh size equal to or larger than 90 mm, with bottom set lines, longlines except drifting lines, handlines and jigging equipment shall be permitted for a maximum number of:
  - (a) 201 days absent from port in subdivisions 22-24 with the exception of the period from 1 to 30 April when Article 8(1)(a) of Regulation (EC) No 1098/2007 applies; and
  - (b) 160 days absent from port in subdivisions 25-28 with the exception of the period from 1 July to 31 August when Article 8(1)(b) of Regulation (EC) No 1098/2007 applies.
2. The maximum number of days absent from port per year for which a vessel may be present within the two areas defined in point 1(a) and (b) fishing with the gears referred to in point 1 may not exceed the maximum number of days allocated for one of the two areas.

## ANNEX III

**Transitional technical measures***Restrictions on fishing for flounder and turbot*

1. The retention on board of the following species of fish which are caught within the geographical areas and during the periods mentioned below shall be prohibited:

Species	Geographical area	Period
Flounder ( <i>Platichthys flesus</i> )	Subdivisions 26 to 28, 29 south of 59°30'N	15 February to 15 May
	Subdivision 32	15 February to 31 May
Turbot ( <i>Psetta maxima</i> )	Subdivisions 25 to 26, 28 south of 56°50'N	1 June to 31 July

2. By way of derogation from point 1, when fishing with trawls, Danish seines and similar gears with a mesh size equal to or greater than 105 mm or with gillnets, entangling nets or trammel nets with a mesh size equal to or greater than 100 mm, by-catches of flounder and turbot may be retained on board and landed within a limit of 10 % by live weight of the total catch retained on board and landed during the periods of prohibition referred to in point 1.

**COUNCIL REGULATION (EC, EURATOM) No 1323/2008****of 18 December 2008****adjusting with effect from 1 July 2008 the remuneration and pensions of officials and other servants of the European Communities and the correction coefficients applied thereto**

THE COUNCIL OF THE EUROPEAN UNION,

Whereas:

Having regard to the Treaty establishing the European Community,

In order to guarantee that the purchasing power of Community officials and other servants develops in parallel with that of national civil servants in the Member States, the remuneration and pensions of officials and other servants of the European Communities should be adjusted under the 2008 annual review,

Having regard to the Protocol on the Privileges and Immunities of the European Communities, and in particular Article 13 thereof,

HAS ADOPTED THIS REGULATION:

*Article 1*

Having regard to the Staff Regulations of Officials and the Conditions of Employment of other Servants of the European Communities laid down by Regulation (EEC, Euratom, ECSC) No 259/68 <sup>(1)</sup>, and in particular Articles 63, 64, 65 and 82 of the Staff Regulations and Annexes VII, XI and XIII thereto, and the first paragraph of Article 20, and Articles 64 and 92 of the Conditions of Employment of Other Servants,

With effect from 1 July 2008, the date '1 July 2007' in the second paragraph of Article 63 of the Staff Regulations shall be replaced by '1 July 2008'.

*Article 2*

Having regard to the proposal from the Commission,

With effect from 1 July 2008, the table of basic monthly salaries in Article 66 of the Staff Regulations applicable for the purposes of calculating remuneration and pensions shall be replaced by the following:

1.7.2008	STEP				
GRADE	1	2	3	4	5
16	16 299,08	16 983,99	17 697,68		
15	14 405,66	15 011,01	15 641,79	16 076,97	16 299,08
14	12 732,20	13 267,22	13 824,73	14 209,36	14 405,66
13	11 253,14	11 726,01	12 218,75	12 558,70	12 732,20
12	9 945,89	10 363,83	10 799,33	11 099,79	11 253,14
11	8 790,51	9 159,90	9 544,81	9 810,36	9 945,89
10	7 769,34	8 095,82	8 436,01	8 670,72	8 790,51
9	6 866,80	7 155,35	7 456,03	7 663,46	7 769,34
8	6 069,10	6 324,13	6 589,88	6 773,22	6 866,80
7	5 364,07	5 589,48	5 824,35	5 986,40	6 069,10
6	4 740,94	4 940,16	5 147,76	5 290,97	5 364,07
5	4 190,20	4 366,28	4 549,76	4 676,34	4 740,94
4	3 703,44	3 859,06	4 021,22	4 133,10	4 190,20
3	3 273,22	3 410,76	3 554,09	3 652,97	3 703,44
2	2 892,98	3 014,55	3 141,22	3 228,61	3 273,22
1	2 556,91	2 664,35	2 776,31	2 853,56	2 892,98

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

## Article 3

With effect from 1 July 2008, the correction coefficients applicable under Article 64 of the Staff Regulations to the remuneration of officials and other servants shall be as indicated in column 2 of the following table.

With effect from 1 January 2009, the correction coefficients applicable under Article 17(3) of Annex VII to the Staff Regulations to transfers by officials and other servants shall be as indicated in column 3 of the following table.

With effect from 1 July 2008, the correction coefficients applicable to pensions under Article 20(1) of Annex XIII to the Staff Regulations shall be as indicated in column 4 of the following table.

With effect from 16 May 2008, the correction coefficients applicable to the remuneration of officials and other servants under Article 64 of the Staff Regulations shall be as indicated in column 5 of the following table.

With effect from 1 May 2008, the correction coefficients applicable to the remuneration of officials and other servants under Article 64 of the Staff Regulations shall be as indicated in column 6 of the following table.

With effect from 16 May 2008, the correction coefficients applicable to pensions under Article 20(1) of Annex XIII to the Staff Regulations shall be as indicated in column 7 of the following table.

Country/Place	Remuneration 1.7.2008	Transfer 1.1.2009	Pension 1.7.2008	Remuneration 16.5.2008	Remuneration 1.5.2008	Pension 16.5.2008
1	2	3	4	5	6	7
Bulgaria		62,5	100,0	70,5		
Czech Rep.	98,1	91,1	100,0			
Denmark	139,4	136,4	136,4			
Germany	98,9	99,4	100,0			
Bonn	98,0					
Karlsruhe	96,4					
Münich	105,3					
Estonia		81,9	100,0	85,0		
Greece	95,0	94,9	100,0			
Spain	101,6	96,0	100,0			
France	115,5	106,3	106,3			
Ireland	121,9	118,5	118,5			
Italy	111,5	107,6	107,6			
Varese	98,6					
Cyprus	89,2	91,9	100,0			
Latvia		79,8	100,0		85,1	

Country/Place	Remuneration 1.7.2008	Transfer 1.1.2009	Pension 1.7.2008	Remuneration 16.5.2008	Remuneration 1.5.2008	Pension 16.5.2008
1	2	3	4	5	6	7
Lithuania		71,9	100,0	76,3		
Hungary	94,0	81,6	100,0			
Malta	85,0	86,7	100,0			
Netherlands	109,1	101,5	101,5			
Austria	107,8	106,9	106,9			
Poland		84,6	100,0	93,8		
Portugal	91,7	91,0	100,0			
Romania		66,9	100,0		75,2	
Slovenia		86,0	100,0	90,2		
Slovakia	87,3	81,9	100,0			
Finland	119,8	116,2	116,2			
Sweden	115,3	111,5	111,5			
United Kingdom		105,4		125,6		105,4
Culham				100,9		

#### Article 4

With effect from 1 July 2008, the amount of the parental leave allowance referred to in the second and third subparagraphs of Article 42a of the Staff Regulations shall be EUR 878,32 and EUR 1 171,09 respectively for single parents.

#### Article 5

With effect from 1 July 2008, the basic amount of the household allowance referred to in Article 1(1) of Annex VII to the Staff Regulations shall be EUR 164,27.

With effect from 1 July 2008, the amount of the dependent child allowance referred to in Article 2(1) of Annex VII to the Staff Regulations shall be EUR 358,96.

With effect from 1 July 2008, the amount of the education allowance referred to in Article 3(1) of Annex VII to the Staff Regulations shall be EUR 243,55.

With effect from 1 July 2008, the amount of the education allowance referred to in Article 3(2) of Annex VII to the Staff Regulations shall be EUR 87,69.

With effect from 1 July 2008, the minimum amount of the expatriation allowance referred to in Article 69 of the Staff Regulations and in the second subparagraph of Article 4(1) of Annex VII thereto shall be EUR 486,88.

*Article 6*

With effect from 1 January 2009, the kilometric allowance referred to in the second subparagraph of Article 8(2) of Annex VII to the Staff Regulations shall be adjusted as follows:

EUR 0 for every km from 0 to 200 km

EUR 0,3651 for every km from 201 to 1 000 km

EUR 0,6085 for every km from 1 001 to 2 000 km

EUR 0,3651 for every km from 2 001 to 3 000 km

EUR 0,1216 for every km from 3 001 to 4 000 km

EUR 0,0586 for every km from 4 001 to 10 000 km

EUR 0 for every km over 10 000 km.

To the above kilometric allowance a flat-rate supplement shall be added, amounting to:

— EUR 182,54 if the distance by train between the place of employment and the place of origin is between 725 km and 1 450 km,

— EUR 365,04 if the distance by train between the place of employment and the place of origin is greater than 1 450 km.

*Article 7*

With effect from 1 July 2008, the daily subsistence allowance referred to in Article 10(1) of Annex VII to the Staff Regulations shall be:

— EUR 37,73 for an official who is entitled to the household allowance,

— EUR 30,42 for an official who is not entitled to the household allowance.

*Article 8*

With effect from 1 July 2008, the lower limit for the installation allowance referred to in Article 24(3) of the Conditions of Employment of Other Servants shall be:

— EUR 1 074,14 for a servant who is entitled to the household allowance,

— EUR 638,68 for a servant who is not entitled to the household allowance.

*Article 9*

With effect from 1 July 2008, for the unemployment allowance referred to in the second subparagraph of Article 28a(3) of the Conditions of Employment of Other Servants, the lower limit shall be EUR 1 288,19, the upper limit shall be EUR 2 576,39 and the standard allowance shall be EUR 1 171,09.

*Article 10*

With effect from 1 July 2008, the table of basic monthly salaries in Article 63 of the Conditions of Employment of Other Servants shall be replaced by the following:

1.7.2008		STEP			
CATEGORY	GROUP	1	2	3	4
A	I	6 565,32	7 378,56	8 191,80	9 005,04
	II	4 765,00	5 229,31	5 693,62	6 157,93
	III	4 004,25	4 182,62	4 360,99	4 539,36
B	IV	3 846,60	4 223,18	4 599,76	4 976,34
	V	3 021,43	3 220,60	3 419,77	3 618,94
C	VI	2 873,61	3 042,79	3 211,97	3 381,15
	VII	2 571,98	2 659,49	2 747,00	2 834,51
D	VIII	2 324,67	2 461,59	2 598,51	2 735,43
	IX	2 238,75	2 269,94	2 301,13	2 332,32



## Article 11

With effect from 1 July 2008, the table of basic monthly salaries in Article 93 of the Conditions of Employment of Other Servants shall be replaced by the following:

FUNCTION GROUP	1.7.2008	STEP						
	GRADE	1	2	3	4	5	6	7
IV	18	5 618,70	5 735,55	5 854,82	5 976,58	6 100,87	6 227,74	6 357,25
	17	4 965,96	5 069,23	5 174,64	5 282,26	5 392,10	5 504,24	5 618,70
	16	4 389,04	4 480,31	4 573,49	4 668,59	4 765,68	4 864,79	4 965,96
	15	3 879,15	3 959,82	4 042,17	4 126,23	4 212,03	4 299,63	4 389,04
	14	3 428,49	3 499,79	3 572,57	3 646,87	3 722,70	3 800,12	3 879,15
	13	3 030,19	3 093,21	3 157,53	3 223,19	3 290,22	3 358,65	3 428,49
III	12	3 879,08	3 959,75	4 042,09	4 126,14	4 211,95	4 299,53	4 388,94
	11	3 428,46	3 499,75	3 572,53	3 646,82	3 722,65	3 800,06	3 879,08
	10	3 030,18	3 093,19	3 157,51	3 223,17	3 290,20	3 358,62	3 428,46
	9	2 678,17	2 733,86	2 790,71	2 848,74	2 907,98	2 968,45	3 030,18
	8	2 367,05	2 416,27	2 466,52	2 517,81	2 570,17	2 623,61	2 678,17
II	7	2 678,11	2 733,81	2 790,67	2 848,71	2 907,97	2 968,45	3 030,19
	6	2 366,93	2 416,16	2 466,42	2 517,72	2 570,08	2 623,54	2 678,11
	5	2 091,91	2 135,42	2 179,84	2 225,18	2 271,46	2 318,70	2 366,93
	4	1 848,85	1 887,30	1 926,56	1 966,63	2 007,53	2 049,29	2 091,91
I	3	2 277,64	2 324,91	2 373,16	2 422,41	2 472,69	2 524,01	2 576,39
	2	2 013,53	2 055,32	2 097,98	2 141,52	2 185,96	2 231,33	2 277,64
	1	1 780,05	1 816,99	1 854,70	1 893,20	1 932,49	1 972,59	2 013,53

## Article 12

With effect from 1 July 2008, the lower limit for the installation allowance referred to in Article 94 of the Conditions of Employment of Other Servants shall be:

- EUR 807,93 for a servant who is entitled to the household allowance,
- EUR 479,00 for a servant who is not entitled to the household allowance.

## Article 13

With effect from 1 July 2008, for the unemployment allowance referred to in the second subparagraph of Article 96(3) of the Conditions of Employment of Other Servants, the lower limit shall be EUR 966,15, the upper limit shall be EUR 1 932,29 and the standard allowance shall be EUR 878,32.

*Article 14*

With effect from 1 July 2008, the allowances for shiftwork laid down in the first subparagraph of Article 1(1) of Regulation (ECSC, EEC, Euratom) No 300/76 <sup>(1)</sup> shall be EUR 368,17, EUR 555,70, EUR 607,58 and EUR 828,33.

*Article 15*

With effect from 1 July 2008, the amounts referred to in Article 4 of Regulation (EEC, Euratom, ECSC) No 260/68 <sup>(2)</sup> shall be subject to a coefficient of 5,314614.

*Article 16*

With effect from 1 July 2008, the table in Article 8(2) of Annex XIII to the Staff Regulations shall be replaced by the following:

1.7.2008	STEP							
	1	2	3	4	5	6	7	8
16	16 299,08	16 983,99	17 697,68	17 697,68	17 697,68	17 697,68		
15	14 405,66	15 011,01	15 641,79	16 076,97	16 299,08	16 983,99		
14	12 732,20	13 267,22	13 824,73	14 209,36	14 405,66	15 011,01	15 641,79	16 299,08
13	11 253,14	11 726,01	12 218,75	12 558,70	12 732,20			
12	9 945,89	10 363,83	10 799,33	11 099,79	11 253,14	11 726,01	12 218,75	12 732,20
11	8 790,51	9 159,90	9 544,81	9 810,36	9 945,89	10 363,83	10 799,33	11 253,14
10	7 769,34	8 095,82	8 436,01	8 670,72	8 790,51	9 159,90	9 544,81	9 945,89
9	6 866,80	7 155,35	7 456,03	7 663,46	7 769,34			
8	6 069,10	6 324,13	6 589,88	6 773,22	6 866,80	7 155,35	7 456,03	7 769,34
7	5 364,07	5 589,48	5 824,35	5 986,40	6 069,10	6 324,13	6 589,88	6 866,80
6	4 740,94	4 940,16	5 147,76	5 290,97	5 364,07	5 589,48	5 824,35	6 069,10
5	4 190,20	4 366,28	4 549,76	4 676,34	4 740,94	4 940,16	5 147,76	5 364,07
4	3 703,44	3 859,06	4 021,22	4 133,10	4 190,20	4 366,28	4 549,76	4 740,94
3	3 273,22	3 410,76	3 554,09	3 652,97	3 703,44	3 859,06	4 021,22	4 190,20
2	2 892,98	3 014,55	3 141,22	3 228,61	3 273,22	3 410,76	3 554,09	3 703,44
1	2 556,91	2 664,35	2 776,31	2 853,56	2 892,98			

<sup>(1)</sup> Council Regulation (ECSC, EEC, Euratom) No 300/76 of 9 February 1976 determining the categories of officials entitled to allowances for shiftwork, and the rates and conditions thereof (OJ L 38, 13.2.1976, p. 1).

<sup>(2)</sup> Council Regulation (EEC, Euratom, ECSC) No 260/68 of 29 February 1968 laying down the conditions and procedure for applying the tax for the benefit of the European Communities (OJ L 56, 4.3.1968, p. 8).

*Article 17*

With effect from 1 July 2008, the amount of the dependent child allowance referred to in the first subparagraph of Article 14 of Annex XIII to the Staff Regulations shall be as follows:

1.7.2008-31.12.2008 344,55

*Article 18*

With effect from 1 July 2008, the amount of the education allowance referred to in the first subparagraph of Article 15 of Annex XIII to the Staff Regulations shall be as follows:

1.7.2008-31.8.2008 70,14

*Article 19*

With effect from 1 July 2008, for the purposes of application of Article 18(1) of Annex XIII to the Staff Regulations, the amount of the fixed allowance mentioned in the former Article 4a of Annex VII thereto in force before 1 May 2004 shall be:

— EUR 127,01 per month for officials in Grade C4 or C5,

— EUR 194,73 per month for officials in Grade C1, C2 or C3.

*Article 20*

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, 18 December 2008.

*For the Council*  
*The President*  
M. BARNIER

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**COUNCIL REGULATION (EC, EURATOM) No 1324/2008****of 18 December 2008****adjusting, from 1 July 2008, the rate of contribution to the pension scheme of officials and other servants of the European Communities**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities laid down by Regulation (EEC, Euratom, ECSC) No 259/68 <sup>(1)</sup>, and in particular Article 83a thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) In accordance with Article 13 of Annex XII to the Staff Regulations, on 1 September 2008 Eurostat submitted a report on the 2008 actuarial assessment of the pension scheme updating the parameters referred to in that Annex. According to that assessment, the rate of contribution required to maintain actuarial balance of the pension scheme is 10,9 % of basic salary.
- (2) In the interests of maintaining the actuarial balance of the pension scheme of officials and other servants of the

Communities, the rate of contribution should therefore be adjusted to 10,9 % of the basic salary.

- (3) In accordance with Article 12 of Annex XII to the Staff Regulations, the rate for the calculation of compound interest must be the effective rate referred to in Article 10 of that Annex and should therefore be adjusted,

HAS ADOPTED THIS REGULATION:

*Article 1*

With effect from 1 July 2008, the rate of the contribution referred to in Article 83(2) of the Staff Regulations shall be 10,9 %.

*Article 2*

With effect from 1 January 2009 the rate, in Articles 4(1) and 8 of Annex VIII to the Staff Regulations, and in the fourth paragraph of Article 40 and in Article 110(3) respectively of the Conditions of Employment of Other Servants, for the calculation of compound interest shall be 3,1 %.

*Article 3*

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, 18 December 2008.

*For the Council*  
*The President*  
M. BARNIER

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

**COMMISSION REGULATION (EC) No 1325/2008**  
**of 22 December 2008**  
**establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) <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 23 December 2008.

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

Done at Brussels, 22 December 2008.

*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	CR	110,3
	MA	79,8
	TR	84,6
	ZZ	91,6
0707 00 05	JO	167,2
	MA	69,8
	TR	115,3
	ZZ	117,4
0709 90 70	MA	127,3
	TR	81,0
	ZZ	104,2
0805 10 20	AR	13,6
	BR	44,6
	EG	51,1
	MA	46,9
	TR	71,3
	UY	30,6
	ZA	41,3
	ZW	31,4
	ZZ	41,4
0805 20 10	MA	74,4
	TR	64,0
	ZZ	69,2
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	CN	50,3
	IL	65,1
	TR	65,0
	ZZ	60,1
0805 50 10	MA	64,0
	TR	54,7
	ZZ	59,4
0808 10 80	CA	79,3
	CN	76,1
	MK	37,6
	US	86,9
	ZA	118,0
	ZZ	79,6
0808 20 50	CN	71,5
	TR	107,0
	US	116,0
	ZZ	98,2

<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 1326/2008****of 15 December 2008****approving minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Chaource (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 <sup>(1)</sup>, and in particular the second sentence of Article 9(2) thereof,

Whereas:

- (1) In accordance with the first subparagraph of Article 9(1) and pursuant to Article 17(2) of Regulation (EC) No 510/2006, the Commission has examined the application from France for approval of an amendment to the specification for the protected designation of origin 'Chaource', registered by Commission Regulation (EC) No 1107/96 <sup>(2)</sup>.
- (2) The purpose of this application is to amend the specifications by stipulating the conditions for using treatments and additives in the milk and for the manufacture of Chaource. These practices ensure that the key characteristics of PDO products are maintained.
- (3) The Commission has examined the amendment in question and decided that it is justified. Since this concerns a minor amendment within the meaning of

Article 9 of Regulation (EC) No 510/2006, the Commission may adopt it without following the procedure set out in Articles 5, 6 and 7 of that Regulation.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

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

*Article 3*

This Regulation shall enter into force on the 20th day following 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, 15 December 2008.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

<sup>(1)</sup> OJ L 93, 31.3.2006, p. 12.

<sup>(2)</sup> OJ L 148, 21.6.1996, p. 1.

<sup>(3)</sup> OJ L 369, 23.12.2006, p. 1.

## ANNEX I

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

**'Method of production'**

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

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

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

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

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

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

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## ANNEX II

## SUMMARY

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

## 'CHAOURCE'

EC No: FR-PDO-0217-0114/29.03.2006

PDO (X) PGI ( )

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

**1. Responsible department in the member state**

Name: Institut national de l'origine et de la qualité  
Address: 51 rue d'Anjou, 75008 Paris, France  
Tel.: (33) 153 89 80 00  
Fax: (33) 153 89 80 60  
e-mail: info@inao.gouv.fr

**2. Group**

Name: Syndicat de défense du fromage de Chaource  
Address: Ferme du Moulinet, 10150 Pont-Sainte-Marie, France  
Tel.: (33) 325 49 90 48  
Fax: (33) 325 49 90 48  
e-mail: syndicat-chaource@wanadoo.fr  
Composition: Producers/processors (X) Other ( )

**3. Type of product**

Class 1.3. Cheeses

**4. Specification**

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

**4.1. Name**

'Chaource'

**4.2. Description**

Made from cow's milk, this is a soft cheese with a salty rind with a surface mould; it comes in two flat cylindrical shapes: large (between 11 and 11,5 cm in diameter and 6 cm thick, weighing approximately 450 g) and small (between 8,5 and 9 cm in diameter and 6 cm thick, weighing approximately 200 g); at least 50 % fat content.

**4.3. Geographical area**

The production area covers a very restricted geographical area on the borders between the Departments of Aube and Yonne including the naturally damp region of Champagne which has at its centre the municipality of Chaource.

Department of Aube

Cantons completely covered by the geographical area: Aix-en-Othe, Bar-sur-Seine, Bouilly, Chaource, Ervy-le-Châtel, Mussy-sur-Seine, Les Riceys and Troyes (seven cantons)

Department of Yonne

Cantons completely covered by the geographical area: Ancy-le-Franc, Crusy-le-Châtel, Flogny-la-Chapelle, Tonnerre

Municipalities completely covered by the geographical area: Bagneaux, Boeurs-en-Othe, Cérilly, Chigy, les Clérimois, Coulours, Flacy, Foissy-sur-Vanne, Fontaine-la-Gaillarde, Fournaudin, Maillot, Malay-le-Grand, Malay-le-petit, Noé, Saint-Clément, Saligny, Sens, les Sièges, Theil-sur-Vanne, Vareilles, Vaudeurs, Villeneuve-l'Archevêque, Villiers-Louis, Voisins.

Municipalities partially covered by the geographical area: Arces-Dilo (part situated to the north of national road 5), Cerisiers (part situated to the north of national road 5), Lailly (part situated to the south of the part of departmental road 28), La Postolle (part situated to the south of departmental road 28), Soucy (part situated to the south of national road 439), Thorigny-sur-Oreuse (part situated to the south of departmental road 28), Vaumort (part situated to the north of national road 5).

#### 4.4. *Proof of origin*

Each operator lodges a 'declaration of aptitude' which is filed by the INAO and enables it to identify all the operators. All operators must keep at the INAO's disposal their registers and any documents required for checking the origin, quality and production conditions of the milk and cheese.

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

#### 4.5. *Method of production*

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

This cheese is predominantly lactic, left to drain naturally and slowly, and made exclusively from cow's milk that is matured and then renneted; it has a coagulation time of a minimum of 12 hours; the ripening period is of two weeks minimum.

#### 4.6. *Link*

Known since the Middle Ages, offered in 1513 by the inhabitants of Chaource to the Bishop and Governor of Langres, the oral tradition of this cheese dates back to the first half of the 19th century; since this period it has been sold on the regional markets and as far afield as large cities like Lyon and Paris. The designation was recognised in 1970.

The protected designation area is situated in a region characterised by a permeable subsoil, composed essentially of limestone and clay, and by a large number of streams and springs. Dairy cows pasture on natural meadows in summer and are given hay reaped locally as fodder in winter. The traditional manufacturing process has enabled producers to obtain added value from their cheese and maintain agricultural activities in this region.

#### 4.7. *Inspection body*

Name: Institut national de l'origine et de la qualité

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

Tel.: (33) 153 89 80 00

Fax: (33) 153 89 80 60

e-mail: info@inao.gouv.fr

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

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

Name: 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) 144 87 17 17

Fax: (33) 144 97 30 37

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

#### 4.8. *Labelling*

The product must bear the wording 'Appellation d'Origine Contrôlée' and the name of the designation of origin.

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**COMMISSION REGULATION (EC) No 1327/2008****of 19 December 2008****amending Regulation (EC) No 1580/2007 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**

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 Articles 103h and 127 in conjunction with Article 4 thereof,

Whereas:

- (1) Commission Regulation (EC) No 1580/2007 <sup>(2)</sup> provides for detailed rules concerning producer organisations in the fruit and vegetable sector.
- (2) To ensure that all producers may participate democratically in decisions concerning the producer organisation, Member States should be able to adopt measures to permit, restrict or prohibit the powers of a legal entity to modify, approve or reject decisions of a producer organisation where it is a clearly defined part of that legal entity.
- (3) Article 32(3) of Regulation (EC) No 1580/2007 provides for the possibility for Member States to allow, restrict or prohibit the right to vote of non-producer members of a producer organisation on decisions relating to operational funds. It is desirable to apply this provision equally to members of associations of producer organisations which are not producer organisations pursuant to Article 36(2) of the said Regulation in order to make the implementation of partial operational programmes by associations of producer organisations more flexible. Moreover, the reference made to the right to vote on decisions relating to operational funds should refer, for reasons of clarity, to decisions relating to operational programmes, since decisions relating to operational funds should be taken by the producer organisation directly and not by the association of producer organisations.
- (4) In order to ensure legal certainty, it should be made clear that aid to encourage the formation of producer groups and to facilitate their administrative operation provided for in Article 103a(1)a of Regulation (EC) No 1234/2007 is a flat-rate payment and that evidence as to the use of aid is not necessary in the applications for aid.
- (5) Article 52(5) of Regulation (EC) No 1580/2007 provides that only the production of the members of the producer organisation marketed by the producer organisation itself or in conformity with Article 125a(2)(b) and (c) of Regulation (EC) No 1234/2007 should be counted in the value of marketed production (VMP). This allows the production that members market themselves under those paragraphs to be included in the VMP of the producer organisation in which the producer is member, but excludes products marketed by the members themselves under Article 125a(2)(a) of Regulation (EC) No 1234/2007. In the interests of producer organisations, the product sold directly by farmers through a second producer organisation should be included in the VMP of the second producer organisation. The product sold directly by farmers on the market should not be included in the VMP of the producer organisation of which this producer is member.
- (6) In order to ensure legal certainty, it should be made clear that the level of support for producer groups as laid down in Articles 103a(1) of Regulation (EC) No 1234/2007 and Article 49 of Regulation (EC) No 1580/2007 may under certain circumstances exceed that applicable for the measures under the rural development programme.
- (7) The third and fourth subparagraphs of Article 60(2) of Regulation (EC) No 1580/2007 provide for a limitation of the support for environmental actions to the maximum amounts laid down in the Annex to Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) <sup>(3)</sup>. Certain types of environmental actions do not relate directly or indirectly to a particular parcel. Article 60(2) should therefore be amended to exclude such actions from this limitation.
- (8) Article 63(3)(a) of Regulation (EC) No 1580/2007 provides that Member States have to ensure that the actions concerning partial operational programmes are fully financed from contributions of member producer organisations paid out of the operational funds of those organisations. It is desirable to allow members of associations of producer organisations, which are not producer organisations, to finance actions or investments undertaken by the association of producer organisation, on condition these members are producers or their cooperatives. However, pursuant to Article 36(2) of Regulation (EC) No 1580/2007, they may only indirectly benefit from measures financed by the Community, e.g. as a result of effects of scale.

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

<sup>(2)</sup> OJ L 350, 31.12.2007, p. 1.

<sup>(3)</sup> OJ L 277, 21.10.2005, p. 1.

- (9) Article 120 of Regulation (EC) No 1580/2007 provides for sanctions following first-level checks on withdrawal operations. In particular in Article 120(a)(b) and (c) reference is made to the amount of the compensation. In the interests of clarity and legal certainty the provision should instead refer to the amount of the Community contribution.
- (10) Article 103f(2) of Regulation (EC) No 1234/2007 provides for the obligation for Member States to establish a national strategy for sustainable operational programmes. For reasons of transparency, the national strategy applicable in any given year shall be integrated into the Member States' annual reports and sent to the Commission.
- (11) Several Member States meet specific difficulties in preparing their national framework for environmental actions on time, referred to in Article 103f(1) of Regulation (EC) No 1234/2007 and Article 58 of Regulation (EC) No 1580/2007, as part of their national strategy for sustainable operational programmes. Therefore, as a transitional measure, Member States should be allowed to postpone decisions on the operational programmes for 2009 until 1 March 2009 at the latest. The estimated amounts of all operational programmes should be submitted by 31 January 2009 and the final approved amounts by 15 March 2009.
- (12) In accordance with the second subparagraph of point 15 of Annex VIII to Regulation (EC) No 1580/2007, promotional material must bear the emblem of the European Community (in the case of visual media only) and include the following legend 'Campaign financed with the aid of the European Community'. It should be made clear that this obligation refers only to generic promotion and promotion of quality labels. The use of the emblem of the European Community by producer organisations, associations of producer organisations and those subsidiaries referred to in Article 52(7) of that Regulation in promotion of their brands/trademarks should be explicitly forbidden.
- (13) In accordance with the sixth indent of paragraph 2(a) of Annex XIII to Regulation (EC) No 1580/2007, Member States have to report on the volume of products withdrawn from the market broken down by products and by months. However, for reasons of transparency, it is necessary to break down these volumes between amounts disposed of by way of free distribution and total amounts.
- (14) Regulation (EC) No 1580/2007 should therefore be amended accordingly.
- (15) In order to allow for the changes to Articles 52(5) and 63(3) of Regulation (EC) No 1580/2007 to be introduced smoothly, those changes should apply as from 1 January 2010.
- (16) 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*

Regulation (EC) No 1580/2007 is amended as follows:

1. in Article 33 the following paragraph is added:

'Member States may adopt measures to restrict or prohibit the powers of a legal entity to modify, approve or reject decisions of a producer organisation where it is a clearly defined part of that legal entity.;

2. Article 36(2) is amended as follows:

(a) point (b) is deleted;

(b) the following subparagraph is added:

'Member States may permit, restrict or prohibit their right to vote on decisions relating to operational programmes.;

3. Article 49(1) is amended as follows:

(a) points (a) and (b) are replaced by the following:

'(a) 75 % in the regions eligible under the Convergence Objective, and

(b) 50 % in other regions.;

(b) the following subparagraph is added:

'The remainder of the aid shall be paid as a flat-rate payment by the Member State. The aid application shall not be required to include evidence as to the use of the aid.;

4. in Article 52, paragraph 5 is replaced by the following:

‘5. Only the production of the members of the producer organisation marketed by the producer organisation itself shall be counted in the value of marketed production. The production of the members of the producer organisation marketed by another producer organisation designated by their own organisation, pursuant to Article 125a(2)(b) and (c) of Council Regulation (EC) No 1234/2007 (\*) shall be counted in the value of marketed production of the second producer organisation.

(\*) OJ L 299, 16.11.2007, p. 1.’

5. in Article 60, paragraph 2 is amended as follows:

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

‘Where relevant, and without prejudice to provisions of Articles 103a(3), 103d(1) and (3) and 103e of Regulation (EC) No 1234/2007 and Article 49 of this Regulation, the level of support for measures covered by this Regulation shall not exceed that applicable for the measures under the rural development programme.’;

(b) the following fifth subparagraph is added:

‘The fourth subparagraph shall not apply to environmental actions which do not relate directly or indirectly to a particular parcel.’;

6. in Article 63(3), point (a) is replaced by the following:

‘(a) the actions are fully financed from contributions of members of associations of producer organisations which are producer organisations, paid out of the operational funds of those producer organisations. However, the actions may be financed in a proportional amount to the contribution of member producer organisations, by members of associations of producer organisations which are not producer organisations pursuant to Article 36, on

condition these members are producers or their cooperatives.’;

7. in Article 120, points (a), (b) and (c) ‘compensation’ is replaced by ‘Community contribution’;

8. in Article 152, the following paragraphs are added:

‘9. By way of derogation from the third subparagraph of Article 65(2) of this Regulation, the Member States may, for duly justified reasons, take a decision on the 2009 operational programmes and funds by 1 March 2009 at the latest. The approval decision may stipulate that expenditure is eligible from 1 January 2009 onwards.

10. By way of derogation from Article 99(2) of this Regulation, Member States, who postponed decisions on the 2009 operational programmes, pursuant to the previous paragraph, shall communicate to the Commission by 31 January 2009 an estimate of the amount of the operational fund for the year 2009 for all operational programmes. This communication shall make clear both the total amount of the operational fund and also the total amount of Community financing of that operational fund. These figures shall be further broken down between amounts for crisis prevention and management measures and other measures.

The Member States referred to in the previous subparagraph shall communicate to the Commission the final approved amount of the operational fund for the year 2009 for all operational programmes, including the breakdown as indicated above, by 15 March 2009.’;

9. Annexes VIII and XIII are amended as set out in the Annex to this Regulation.

#### Article 2

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

Points 4 and 6 of Article 1 shall apply from 1 January 2010.

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

Done at Brussels, 19 December 2008.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

## ANNEX

The Annexes to Regulation (EC) No 1580/2007 are amended as follows:

1. In Annex VIII, the second subparagraph of point 15 is replaced by the following:

'Promotional material for generic promotion and promotion of quality labels shall bear the emblem of the European Community (in the case of visual media only) and include the following legend: "Campaign financed with the aid of the European Community". Producer organisations, associations of producer organisations and those subsidiaries referred to in Article 52(7) shall not use the emblem of the European Community in promotion of their brands/trademarks.'

2. Annex XIII is amended as follows:

- (a) point (a) of paragraph 1 is replaced by the following:

'(a) National legislation adopted in order to implement Section IVa of Chapter IV of Title I and Section IA of Chapter II of Title II of Part II of Regulation (EC) No 1234/2007, including the national strategy for sustainable operational programmes applicable to operational programmes implemented on the year being reported on.'

- (b) the sixth indent of point (a) of paragraph 2 is replaced by the following:

'— information on the volume of products withdrawn broken down by products and by months and between total volumes withdrawn from the market and volumes disposed of by way of free distribution, expressed in tonnes.'

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**COMMISSION REGULATION (EC) No 1328/2008****of 22 December 2008****amending Annexes I, II, III, V, VII and VIII to Council Regulation (EEC) No 3030/93 on common rules for imports of certain textile products from third countries**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3030/93 of 12 October 1993 on common rules for imports of certain textile products from third countries<sup>(1)</sup>, and in particular Article 19 thereof,

Whereas:

- (1) The common rules for imports of certain textile products from third countries should be updated to take account of a number of recent developments.
- (2) The double-checking surveillance system with China will come to an end on 31 December 2008.
- (3) The Council has approved by Decision 2008/939/EC<sup>(2)</sup> the signing and the provisional application of a bilateral agreement between the European Community and the Republic of Belarus on trade in textile products.

(4) Amendments to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff<sup>(3)</sup> also affect certain codes in Annex I to Regulation (EEC) No 3030/93.

(5) Regulation (EEC) No 3030/93 should therefore be amended accordingly.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Textile Committee set up by Article 17 of Regulation (EEC) No 3030/93,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annexes I, II, III, V, VII and VIII to Regulation (EEC) No 3030/93 are amended in accordance with the Annex to this Regulation.

*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 with effect from 1 January 2009.

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

Done at Brussels, 22 December 2008.

*For the Commission*

Catherine ASHTON

*Member of the Commission*

<sup>(1)</sup> OJ L 275, 8.11.1993, p. 1.

<sup>(2)</sup> OJ L 335, 13.12.2008, p. 39.

<sup>(3)</sup> OJ L 256, 7.9.1987, p. 1.

## ANNEX

Annexes I, II, III, V, VII and VIII to Regulation (EEC) No 3030/93 are amended as follows:

(1) Annex I is replaced by the following:

## 'ANNEX I

TEXTILE PRODUCTS REFERRED TO IN ARTICLE 1 <sup>(1)</sup>

1. Without prejudice to the rules for the interpretation of the combined nomenclature, the wording of the description of goods is considered to be of indicative value only, since the products covered by each category are determined, within this Annex, by CN codes. Where there is an "ex" symbol in front of a CN code, the products covered in each category are determined by the scope of the CN code and by that of the corresponding description.
2. When the constitutive material of the products of categories 1 to 114 originating in China is not specifically mentioned, these products shall be taken to be made exclusively of wool or of fine animal hair, of cotton or of man-made fibres.
3. Garments which are not recognizable as being garments for men or boys or as being garments for women or girls are classified with the latter.
4. Where the expression "babies' garments" is used, this is meant to cover garments up to and including commercial size 86.

Category	Description CN-Code 2009	Table of equivalence	
		pieces/kg	g/piece
(1)	(2)	(3)	(4)
<b>GROUP I A</b>			
1	Cotton yarn, not put up for retail sale 5204 11 00 5204 19 00 5205 11 00 5205 12 00 5205 13 00 5205 14 00 5205 15 10 5205 15 90 5205 21 00 5205 22 00 5205 23 00 5205 24 00 5205 26 00 5205 27 00 5205 28 00 5205 31 00 5205 32 00 5205 33 00 5205 34 00 5205 35 00 5205 41 00 5205 42 00 5205 43 00 5205 44 00 5205 46 00 5205 47 00 5205 48 00 5206 11 00 5206 12 00 5206 13 00 5206 14 00 5206 15 00 5206 21 00 5206 22 00 5206 23 00 5206 24 00 5206 25 00 5206 31 00 5206 32 00 5206 33 00 5206 34 00 5206 35 00 5206 41 00 5206 42 00 5206 43 00 5206 44 00 5206 45 00 ex 5604 90 90		
2	Woven fabrics of cotton, other than gauze, terry fabrics, narrow woven fabrics, pile fabrics, chenille fabrics, tulle and other net fabrics 5208 11 10 5208 11 90 5208 12 16 5208 12 19 5208 12 96 5208 12 99 5208 13 00 5208 19 00 5208 21 10 5208 21 90 5208 22 16 5208 22 19 5208 22 96 5208 22 99 5208 23 00 5208 29 00 5208 31 00 5208 32 16 5208 32 19 5208 32 96 5208 32 99 5208 33 00 5208 39 00 5208 41 00 5208 42 00 5208 43 00 5208 49 00 5208 51 00 5208 52 00 5208 59 10 5208 59 90 5209 11 00 5209 12 00 5209 19 00 5209 21 00 5209 22 00 5209 29 00 5209 31 00 5209 32 00 5209 39 00 5209 41 00 5209 42 00 5209 43 00 5209 49 00 5209 51 00 5209 52 00 5209 59 00 5210 11 00 5210 19 00 5210 21 00 5210 29 00 5210 31 00 5210 32 00 5210 39 00 5210 41 00 5210 49 00 5210 51 00 5210 59 00 5211 11 00 5211 12 00 5211 19 00 5211 20 00 5211 31 00 5211 32 00 5211 39 00 5211 41 00 5211 42 00 5211 43 00 5211 49 10 5211 49 90 5211 51 00 5211 52 00 5211 59 00 5212 11 10 5212 11 90 5212 12 10 5212 12 90 5212 13 10 5212 13 90 5212 14 10 5212 14 90 5212 15 10 5212 15 90 5212 21 10 5212 21 90 5212 22 10 5212 22 90 5212 23 10 5212 23 90 5212 24 10 5212 24 90 5212 25 10 5212 25 90 ex 5811 00 00 ex 6308 00 00		
2 a)	Of which: Other than unbleached or bleached 5208 31 00 5208 32 16 5208 32 19 5208 32 96 5208 32 99 5208 33 00 5208 39 00 5208 41 00 5208 42 00 5208 43 00 5208 49 00 5208 51 00 5208 52 00 5208 59 10 5208 59 90 5209 31 00 5209 32 00 5209 39 00 5209 41 00 5209 42 00 5209 43 00 5209 49 00 5209 51 00 5209 52 00 5209 59 00 5210 31 00 5210 32 00 5210 39 00 5210 41 00 5210 49 00 5210 51 00 5210 59 00 5211 31 00 5211 32 00 5211 39 00 5211 41 00 5211 42 00 5211 43 00 5211 49 10 5211 49 90 5211 51 00 5211 52 00 5211 59 00 5212 13 10 5212 13 90 5212 14 10 5212 14 90 5212 15 10 5212 15 90 5212 23 10 5212 23 90 5212 24 10 5212 24 90 5212 25 10 5212 25 90 ex 5811 00 00 ex 6308 00 00		

<sup>(1)</sup> N.B.: Covers only categories 1 to 114, with the exception of Belarus, Russian Federation, Uzbekistan and Serbia, for which categories 1 to 161 are covered.



(1)	(2)	(3)	(4)
3	<p>Woven fabrics of synthetic fibres (discontinuous or waste) other than narrow woven fabrics, pile fabrics ( incl. terry fabrics) and chenille fabrics</p> <p>5512 11 00 5512 19 10 5512 19 90 5512 21 00 5512 29 10 5512 29 90 5512 91 00 5512 99 10  5512 99 90 5513 11 20 5513 11 90 5513 12 00 5513 13 00 5513 19 00 5513 21 00 5513 23 10  5513 23 90 5513 29 00 5513 31 00 5513 39 00 5513 41 00 5513 49 00 5514 11 00 5514 12 00  5514 19 10 5514 19 90 5514 21 00 5514 22 00 5514 23 00 5514 29 00 5514 30 10 5514 30 30  5514 30 50 5514 30 90 5514 41 00 5514 42 00 5514 43 00 5514 49 00 5515 11 10 5515 11 30  5515 11 90 5515 12 10 5515 12 30 5515 12 90 5515 13 11 5515 13 19 5515 13 91 5515 13 99  5515 19 10 5515 19 30 5515 19 90 5515 21 10 5515 21 30 5515 21 90 5515 22 11 5515 22 19  5515 22 91 5515 22 99 5515 29 00 5515 91 10 5515 91 30 5515 91 90 5515 99 20 5515 99 40  5515 99 80 ex 5803 00 90 ex 5905 00 70 ex 6308 00 00</p>		
3 a)	<p>Of which: Other than unbleached or bleached</p> <p>5512 19 10 5512 19 90 5512 29 10 5512 29 90 5512 99 10 5512 99 90 5513 21 00 5513 23 10  5513 23 90 5513 29 00 5513 31 00 5513 39 00 5513 41 00 5513 49 00 5514 21 00 5514 22 00  5514 23 00 5514 29 00 5514 30 10 5514 30 30 5514 30 50 5514 30 90 5514 41 00 5514 42 00  5514 43 00 5514 49 00 5515 11 30 5515 11 90 5515 12 30 5515 12 90 5515 13 19 5515 13 99  5515 19 30 5515 19 90 5515 21 30 5515 21 90 5515 22 19 5515 22 99 ex 5515 29 00 5515 91 30  5515 91 90 5515 99 40 5515 99 80 ex 5803 00 90 ex 5905 00 70 ex 6308 00 00</p>		

## GROUP I B

4	<p>Shirts, T-shirts, lightweight fine knit roll, polo or turtle necked jumpers and pullovers (other than of wool or fine animal hair), undervests and the like, knitted or crocheted</p> <p>6105 10 00 6105 20 10 6105 20 90 6105 90 10 6109 10 00 6109 90 20 6110 20 10 6110 30 10</p>	6,48	154
5	<p>Jerseys, pullovers, slip-overs, waistcoats, twinsets, cardigans, bed-jackets and jumpers (others than jackets and blazers), anoraks, wind-cheaters, waister jackets and the like, knitted or crocheted</p> <p>ex 6101 90 80 6101 20 90 6101 30 90 6102 10 90 6102 20 90 6102 30 90 6110 11 10 6110 11 30  6110 11 90 6110 12 10 6110 12 90 6110 19 10 6110 19 90 6110 20 91 6110 20 99 6110 30 91  6110 30 99</p>	4,53	221
6	<p>Men's or boys' woven breeches, shorts other than swimwear and trousers (incl. slacks); women's or girls' woven trousers and slacks, of wool, of cotton or of man made fibres; lower parts of track suits with lining, others than category 16 or 29, of cotton or of man-made fibres</p> <p>6203 41 10 6203 41 90 6203 42 31 6203 42 33 6203 42 35 6203 42 90 6203 43 19 6203 43 90  6203 49 19 6203 49 50 6204 61 10 6204 62 31 6204 62 33 6204 62 39 6204 63 18 6204 69 18  6211 32 42 6211 33 42 6211 42 42 6211 43 42</p>	1,76	568
7	<p>Women's or girls' blouses, shirts and shirt-blouses, whether or not knitted or crocheted, of wool, of cotton or man-made fibres</p> <p>6106 10 00 6106 20 00 6106 90 10 6206 20 00 6206 30 00 6206 40 00</p>	5,55	180
8	<p>Men's or boys' shirts, other than knitted or crocheted, of wool, cotton or man-made fibres</p> <p>ex 6205 90 80 6205 20 00 6205 30 00</p>	4,60	217

## GROUP II A

9	<p>Terry towelling and similar woven terry fabrics of cotton; toilet linen and kitchen linen, other than knitted or crocheted, of terry towelling and woven terry fabrics, of cotton</p> <p>5802 11 00 5802 19 00 ex 6302 60 00</p>		
20	<p>Bed linen, other than knitted or crocheted</p> <p>6302 21 00 6302 22 90 6302 29 90 6302 31 00 6302 32 90 6302 39 90</p>		

(1)	(2)	(3)	(4)
22	Yarn of staple or waste synthetic fibres, not put up for retail sale 5508 10 10 5509 11 00 5509 12 00 5509 21 00 5509 22 00 5509 31 00 5509 32 00 5509 41 00 5509 42 00 5509 51 00 5509 52 00 5509 53 00 5509 59 00 5509 61 00 5509 62 00 5509 69 00 5509 91 00 5509 92 00 5509 99 00		
22 a)	Of which acrylic ex 5508 10 10 5509 31 00 5509 32 00 5509 61 00 5509 62 00 5509 69 00		
23	Yarn of staple or waste artificial fibres, not put up for retail sale 5508 20 10 5510 11 00 5510 12 00 5510 20 00 5510 30 00 5510 90 00		
32	Woven pile fabrics and chenille fabrics (other than terry towelling or terry fabrics of cotton and narrow woven fabrics) and tufted textile surfaces, of wool, of cotton or of man-made textile fibres 5801 10 00 5801 21 00 5801 22 00 5801 23 00 5801 24 00 5801 25 00 5801 26 00 5801 31 00 5801 32 00 5801 33 00 5801 34 00 5801 35 00 5801 36 00 5802 20 00 5802 30 00		
32 a)	Of which: Cotton corduroy 5801 22 00		
39	Table linen, toilet linen and kitchen linen, other than knitted or crocheted, other than of terry towelling or a similar terry fabrics of cotton 6302 51 00 6302 53 90 ex 6302 59 90 6302 91 00 6302 93 90 ex 6302 99 90		

## GROUP II B

12	Panty-hose and tights, stockings, understockings, socks, ankle-socks, sockettes and the like, knitted or crocheted, other than for babies, including stockings for varicose veins, other than products of category 70 6115 10 10 ex 6115 10 90 6115 22 00 6115 29 00 6115 30 11 6115 30 90 6115 94 00 6115 95 00 6115 96 10 6115 96 99 6115 99 00	24,3 pairs	41
13	Men's or boys' underpants and briefs, women's or girls' knickers and briefs, knitted or crocheted, of wool, of cotton or of man-made fibres 6107 11 00 6107 12 00 6107 19 00 6108 21 00 6108 22 00 6108 29 00 ex 6212 10 10	17	59
14	Men's or boys' woven overcoats, raincoats and other coats, cloaks and capes, of wool, of cotton or of man-made textile fibres (other than parkas) (of category 21) 6201 11 00 ex 6201 12 10 ex 6201 12 90 ex 6201 13 10 ex 6201 13 90 6210 20 00	0,72	1 389
15	Women's or girls' woven overcoats, raincoats and other coats, cloaks and capes; jackets and blazers, of wool, of cotton or of man-made textile fibres (other than parkas) (of category 21) 6202 11 00 ex 6202 12 10 ex 6202 12 90 ex 6202 13 10 ex 6202 13 90 6204 31 00 6204 32 90 6204 33 90 6204 39 19 6210 30 00	0,84	1 190
16	Men's or boys' suits and ensembles, other than knitted or crocheted, of wool, of cotton or of man-made fibres, excluding ski suits; men's or boys' track suits with lining, with an outer shell of a single identical fabric, of cotton or of man-made fibres 6203 11 00 6203 12 00 6203 19 10 6203 19 30 6203 22 80 6203 23 80 6203 29 18 6203 29 30 6211 32 31 6211 33 31	0,80	1 250
17	Men's or boys' jackets or blazers, other than knitted or crocheted, of wool, of cotton or of man-made fibres 6203 31 00 6203 32 90 6203 33 90 6203 39 19	1,43	700

(1)	(2)	(3)	(4)
18	Men's or boys' singlets and other vests, underpants, briefs, nightshirts, pyjamas, bathrobes, dressing gowns and similar articles, other than knitted or crocheted 6207 11 00 6207 19 00 6207 21 00 6207 22 00 6207 29 00 6207 91 00 6207 99 10 6207 99 90 Women's or girls' singlets and other vests, slips, petticoats, briefs, panties, night-dresses, pyjamas, négligees, bathrobes, dressing gowns and similar articles, other than knitted or crocheted 6208 11 00 6208 19 00 6208 21 00 6208 22 00 6208 29 00 6208 91 00 6208 92 00 6208 99 00 ex 6212 10 10		
19	Handkerchiefs, other than knitted or crocheted 6213 20 00 ex 6213 90 00	59	17
21	Parkas; anoraks, windcheaters, waister jackets and the like, other than knitted or crocheted, of wool, of cotton or of man-made fibres; upper parts of tracksuits with lining, other than categories 16 or 29, of cotton or of man-made fibres ex 6201 12 10 ex 6201 12 90 ex 6201 13 10 ex 6201 13 90 6201 91 00 6201 92 00 6201 93 00 ex 6202 12 10 ex 6202 12 90 ex 6202 13 10 ex 6202 13 90 6202 91 00 6202 92 00 6202 93 00 6211 32 41 6211 33 41 6211 42 41 6211 43 41	2,3	435
24	Men's or boys' nightshirts, pyjamas, bathrobes, dressing gowns and similar articles, knitted or crocheted 6107 21 00 6107 22 00 6107 29 00 6107 91 00 ex 6107 99 00 Women's or girls' night-dresses, pyjamas, négligees, bathrobes, dressing gowns and similar articles, knitted or crocheted 6108 31 00 6108 32 00 6108 39 00 6108 91 00 6108 92 00 ex 6108 99 00	3,9	257
26	Women's or girls' dresses, of wool, of cotton or of man-made fibres 6104 41 00 6104 42 00 6104 43 00 6104 44 00 6204 41 00 6204 42 00 6204 43 00 6204 44 00	3,1	323
27	Women's or girls' skirts, including divided skirts 6104 51 00 6104 52 00 6104 53 00 6104 59 00 6204 51 00 6204 52 00 6204 53 00 6204 59 10	2,6	385
28	Trousers, bib and brace overalls, breeches and shorts (other than swimwear), knitted or crocheted, of wool, of cotton or of man-made fibres 6103 41 00 6103 42 00 6103 43 00 ex 6103 49 00 6104 61 00 6104 62 00 6104 63 00 ex 6104 69 00	1,61	620
29	Women's or girls' suits and ensembles, other than knitted or crocheted, of wool, of cotton or of man-made fibres, excluding ski suits; women's or girls' track suits with lining, with an outer shell of an identical fabric, of cotton or of man-made fibres 6204 11 00 6204 12 00 6204 13 00 6204 19 10 6204 21 00 6204 22 80 6204 23 80 6204 29 18 6211 42 31 6211 43 31	1,37	730
31	Brassières, woven, knitted or crocheted ex 6212 10 10 6212 10 90	18,2	55
68	Babies' garments and clothing accessories, excluding babies' gloves, mittens and mitts of categories 10 and 87, and babies' stockings, socks and sockettes, other than knitted or crocheted, of category 88 6111 90 19 6111 20 90 6111 30 90 ex 6111 90 90 ex 6209 90 10 ex 6209 20 00 ex 6209 30 00 ex 6209 90 90		
73	Track suits of knitted or crocheted fabric, of wool, of cotton or of man-made textile fibres 6112 11 00 6112 12 00 6112 19 00	1,67	600

(1)	(2)	(3)	(4)
76	Men's or boys' industrial or occupational clothing, other than knitted or crocheted 6203 22 10 6203 23 10 6203 29 11 6203 32 10 6203 33 10 6203 39 11 6203 42 11 6203 42 51 6203 43 11 6203 43 31 6203 49 11 6203 49 31 6211 32 10 6211 33 10 Women's or girls' aprons, smock overalls and other industrial or occupational clothing, other than knitted or crocheted 6204 22 10 6204 23 10 6204 29 11 6204 32 10 6204 33 10 6204 39 11 6204 62 11 6204 62 51 6204 63 11 6204 63 31 6204 69 11 6204 69 31 6211 42 10 6211 43 10		
77	Ski suits, other than knitted or crocheted ex 6211 20 00		
78	Garments, other than knitted or crocheted, excluding garments of categories 6, 7, 8, 14, 15, 16, 17, 18, 21, 26, 27, 29, 68, 72, 76 and 77 6203 41 30 6203 42 59 6203 43 39 6203 49 39 6204 61 85 6204 62 59 6204 62 90 6204 63 39 6204 63 90 6204 69 39 6204 69 50 6210 40 00 6210 50 00 6211 32 90 6211 33 90 ex 6211 39 00 6211 41 00 6211 42 90 6211 43 90		
83	Overcoats, jackets, blazers and other garments, including ski suits, knitted or crocheted, excluding garments of categories 4, 5, 7, 13, 24, 26, 27, 28, 68, 69, 72, 73, 74, 75 ex 6101 90 20 6101 20 10 6101 30 10 6102 10 10 6102 20 10 6102 30 10 6103 31 00 6103 32 00 6103 33 00 ex 6103 39 00 6104 31 00 6104 32 00 6104 33 00 ex 6104 39 00 6112 20 00 6113 00 90 6114 20 00 6114 30 00 ex 6114 90 00		

## GROUP III A

33	Woven fabrics of synthetic filament yarn obtained from strip or the like of polyethylene or polypropylene, less than 3 m wide 5407 20 11 Sacks and bags, of a kind used for the packing of goods, not knitted or crocheted, obtained from strip or the like 6305 32 19 6305 33 90		
34	Woven fabrics of synthetic filament yarn obtained from strip or the like of polyethylene or polypropylene, 3 m or more wide 5407 20 19		
35	Woven fabrics of synthetic fibres (continuous), other than those for tyres of category 114 5407 10 00 5407 20 90 5407 30 00 5407 41 00 5407 42 00 5407 43 00 5407 44 00 5407 51 00 5407 52 00 5407 53 00 5407 54 00 5407 61 10 5407 61 30 5407 61 50 5407 61 90 5407 69 10 5407 69 90 5407 71 00 5407 72 00 5407 73 00 5407 74 00 5407 81 00 5407 82 00 5407 83 00 5407 84 00 5407 91 00 5407 92 00 5407 93 00 5407 94 00 ex 5811 00 00 ex 5905 00 70		
35 a)	Of which: Other than unbleached or bleached ex 5407 10 00 ex 5407 20 90 ex 5407 30 00 5407 42 00 5407 43 00 5407 44 00 5407 52 00 5407 53 00 5407 54 00 5407 61 30 5407 61 50 5407 61 90 5407 69 90 5407 72 00 5407 73 00 5407 74 00 5407 82 00 5407 83 00 5407 84 00 5407 92 00 5407 93 00 5407 94 00 ex 5811 00 00 ex 5905 00 70		
36	Woven fabrics of continuous artificial fibres, other than those for tyres of category 114 5408 10 00 5408 21 00 5408 22 10 5408 22 90 5408 23 00 5408 24 00 5408 31 00 5408 32 00 5408 33 00 5408 34 00 ex 5811 00 00 ex 5905 00 70		
36 a)	Of which: Other than unbleached or bleached ex 5408 10 00 5408 22 10 5408 22 90 5408 23 00 5408 24 00 5408 32 00 5408 33 00 5408 34 00 ex 5811 00 00 ex 5905 00 70		

(1)	(2)	(3)	(4)
37	Woven fabrics of artificial staple fibres 5516 11 00 5516 12 00 5516 13 00 5516 14 00 5516 21 00 5516 22 00 5516 23 10 5516 23 90 5516 24 00 5516 31 00 5516 32 00 5516 33 00 5516 34 00 5516 41 00 5516 42 00 5516 43 00 5516 44 00 5516 91 00 5516 92 00 5516 93 00 5516 94 00 ex 5803 00 90 ex 5905 00 70		
37 a)	Of which: Other than unbleached or bleached 5516 12 00 5516 13 00 5516 14 00 5516 22 00 5516 23 10 5516 23 90 5516 24 00 5516 32 00 5516 33 00 5516 34 00 5516 42 00 5516 43 00 5516 44 00 5516 92 00 5516 93 00 5516 94 00 ex 5803 00 90 ex 5905 00 70		
38 A	Knitted or crocheted synthetic curtain fabric including net curtain fabric 6005 31 10 6005 32 10 6005 33 10 6005 34 10 6006 31 10 6006 32 10 6006 33 10 6006 34 10		
38 B	Net curtains, other than knitted or crocheted ex 6303 91 00 ex 6303 92 90 ex 6303 99 90		
40	Woven curtains ( including drapes, interior blinds, curtain and bed valances and other furnishing articles), other than knitted or crocheted, of wool, of cotton or of man-made fibres ex 6303 91 00 ex 6303 92 90 ex 6303 99 90 6304 19 10 ex 6304 19 90 6304 92 00 ex 6304 93 00 ex 6304 99 00		
41	Yarn of synthetic filament (continuous), not put up for retail sale, other than non-textured single yarn untwisted or with a twist of not more than 50 turns/m 5401 10 12 5401 10 14 5401 10 16 5401 10 18 5402 11 00 5402 19 00 5402 20 00 5402 31 00 5402 32 00 5402 33 00 5402 34 00 5402 39 00 ex 5402 44 00 5402 48 00 5402 49 00 5402 51 00 5402 52 00 5402 59 10 5402 59 90 5402 61 00 5402 62 00 5402 69 10 5402 69 90 ex 5604 90 10 ex 5604 90 90		
42	Yarn of continuous man-made fibres, not put up for retail sale 5401 20 10 Yarn of artificial fibres; yarn of artificial filaments, not put up for retail sale, other than single yarn of viscose rayon untwisted or with a twist of not more than 250 turns/m and single non textured yarn of cellulose acetate 5403 10 00 5403 31 00 ex 5403 32 00 ex 5403 33 00 5403 39 00 5403 41 00 5403 42 00 5403 49 00 ex 5604 90 10		
43	Yarn of man-made filament, yarn of artificial staple fibres, cotton yarn, put up for retail sale 5204 20 00 5207 10 00 5207 90 00 5401 10 90 5401 20 90 5406 00 00 5508 20 90 5511 30 00		
46	Carded or combed sheep's or lambs' wool or other fine animal hair 5105 10 00 5105 21 00 5105 29 00 5105 31 00 5105 39 00		
47	Yarn of carded sheep's or lambs' wool (woollen yarn) or of carded fine animal hair, not put up for retail sale 5106 10 10 5106 10 90 5106 20 10 5106 20 91 5106 20 99 5108 10 10 5108 10 90		
48	Yarn of combed sheep's or lambs' wool (worsted yarn) or of combed fine animal hair, not put up for retail sale 5107 10 10 5107 10 90 5107 20 10 5107 20 30 5107 20 51 5107 20 59 5107 20 91 5107 20 99 5108 20 10 5108 20 90		
49	Yarn of sheep's or lambs' wool or of combed fine animal hair, put up for retail sale 5109 10 10 5109 10 90 5109 90 00		
50	Woven fabrics of sheep's or lambs' wool or of fine animal hair 5111 11 00 5111 19 10 5111 19 90 5111 20 00 5111 30 10 5111 30 30 5111 30 90 5111 90 10 5111 90 91 5111 90 93 5111 90 99 5112 11 00 5112 19 10 5112 19 90 5112 20 00 5112 30 10 5112 30 30 5112 30 90 5112 90 10 5112 90 91 5112 90 93 5112 90 99		

(1)	(2)	(3)	(4)
51	Cotton, carded or combed 5203 00 00		
53	Cotton gauze 5803 00 10		
54	Artificial staple fibres, including waste, carded, combed or otherwise processed for spinning 5507 00 00		
55	Synthetic staple fibres, including waste, carded, combed or otherwise processed for spinning 5506 10 00 5506 20 00 5506 30 00 5506 90 00		
56	Yarn of synthetic staple fibres (including waste), put up for retail sale 5508 10 90 5511 10 00 5511 20 00		
58	Carpets, carpetines and rugs, knotted (made up or not) 5701 10 10 5701 10 90 5701 90 10 5701 90 90		
59	Carpets and other textile floor coverings, other than the carpets of category 58 5702 10 00 5702 31 10 5702 31 80 5702 32 10 5702 32 90 ex 5702 39 00 5702 41 10 5702 41 90 5702 42 10 5702 42 90 ex 5702 49 00 5702 50 10 5702 50 31 5702 50 39 ex 5702 50 90 5702 91 00 5702 92 10 5702 92 90 ex 5702 99 00 5703 10 00 5703 20 12 5703 20 18 5703 20 92 5703 20 98 5703 30 12 5703 30 18 5703 30 82 5703 30 88 5703 90 20 5703 90 80 5704 10 00 5704 90 00 5705 00 10 5705 00 30 ex 5705 00 90		
60	Tapestries, hand-made, of the type Gobelins, Flanders, Aubusson, Beauvais and the like, and needlework tapestries (e.g. petit point and cross stitch) made in panels and the like by hand 5805 00 00		
61	Narrow woven fabrics, and narrow fabrics (bolduc) consisting of warp without weft, assembled by means of an adhesive, other than labels and similar articles of category 62. Elastic fabrics and trimmings (not knitted or crocheted), made from textile materials assembled from rubber thread ex 5806 10 00 5806 20 00 5806 31 00 5806 32 10 5806 32 90 5806 39 00 5806 40 00		
62	Chenille yarn (incl. flock chenille yarn), gimped yarn (other than metallized yarn and gimped horsehair yarn) 5606 00 91 5606 00 99  Tulle and other net fabrics but not including woven, knitted or crocheted fabrics, hand or mechanically-made lace, in the piece, in strips or in motifs 5804 10 10 5804 10 90 5804 21 10 5804 21 90 5804 29 10 5804 29 90 5804 30 00  Labels, badges and the like of textile materials, not embroidered, in the piece, in strips or cut to shape or size, woven 5807 10 10 5807 10 90  Braids and ornamental trimmings in the piece; tassels, pompons and the like 5808 10 00 5808 90 00  Embroidery, in the piece, in strips or in motifs 5810 10 10 5810 10 90 5810 91 10 5810 91 90 5810 92 10 5810 92 90 5810 99 10 5810 99 90		

(1)	(2)	(3)	(4)
63	Knitted or crocheted fabric of synthetic fibres containing by weight 5 % or more elastomeric yarn and knitted or crocheted fabrics containing by weight 5 % or more of rubber thread 5906 91 00 ex 6002 40 00 6002 90 00 ex 6004 10 00 6004 90 00 Raschel lace and long-pile fabric of synthetic fibres ex 6001 10 00 6003 30 10 6005 31 50 6005 32 50 6005 33 50 6005 34 50		
65	Knitted or crocheted fabric, other than those of categories 38 A and 63, of wool, of cotton or of man-made fibres 5606 00 10 ex 6001 10 00 6001 21 00 6001 22 00 ex 6001 29 00 6001 91 00 6001 92 00 ex 6001 99 00 ex 6002 40 00 6003 10 00 6003 20 00 6003 30 90 6003 40 00 ex 6004 10 00 6005 90 10 6005 21 00 6005 22 00 6005 23 00 6005 24 00 6005 31 90 6005 32 90 6005 33 90 6005 34 90 6005 41 00 6005 42 00 6005 43 00 6005 44 00 6006 10 00 6006 21 00 6006 22 00 6006 23 00 6006 24 00 6006 31 90 6006 32 90 6006 33 90 6006 34 90 6006 41 00 6006 42 00 6006 43 00 6006 44 00		
66	Travelling rugs and blankets, other than knitted or crocheted, of wool, of cotton or of man-made fibres 6301 10 00 6301 20 90 6301 30 90 ex 6301 40 90 ex 6301 90 90		

## GROUP III B

10	Gloves, mittens and mitts, knitted or crocheted 6111 90 11 6111 20 10 6111 30 10 ex 6111 90 90 6116 10 20 6116 10 80 6116 91 00 6116 92 00 6116 93 00 6116 99 00	17 pairs	59
67	Knitted or crocheted clothing accessories other than for babies; household linen of all kinds, knitted or crocheted; curtains (incl. drapes) and interior blinds, curtain or bed valances and other furnishing articles knitted or crocheted; knitted or crocheted blankets and travelling rugs, other knitted or crocheted articles including parts of garments or of clothing accessories 5807 90 90 6113 00 10 6117 10 00 6117 80 10 6117 80 80 6117 90 00 6301 20 10 6301 30 10 6301 40 10 6301 90 10 6302 10 00 6302 40 00 ex 6302 60 00 6303 12 00 6303 19 00 6304 11 00 6304 91 00 ex 6305 20 00 6305 32 11 ex 6305 32 90 6305 33 10 ex 6305 39 00 ex 6305 90 00 6307 10 10 6307 90 10		
67 a)	Of which: Sacks and bags of a kind used for the packing of goods, made from polyethylene or polypropylene strip 6305 32 11 6305 33 10		
69	Women's and girls' slips and petticoats, knitted or crocheted 6108 11 00 6108 19 00	7,8	128
70	Panty-hose and tights of synthetic fibres, measuring per single yarn less than 67 decitex (6,7 tex) ex 6115 10 90 6115 21 00 6115 30 19 Women's full length hosiery of synthetic fibres ex 6115 10 90 6115 96 91	30,4 pairs	33
72	Swimwear, of wool, of cotton or of man-made fibres 6112 31 10 6112 31 90 6112 39 10 6112 39 90 6112 41 10 6112 41 90 6112 49 10 6112 49 90 6211 11 00 6211 12 00	9,7	103
74	Women's or girls' knitted or crocheted suits and ensembles, of wool, of cotton or of man-made fibres, excluding ski suits 6104 13 00 6104 19 20 ex 6104 19 90 6104 22 00 6104 23 00 6104 29 10 ex 6104 29 90	1,54	650

(1)	(2)	(3)	(4)
75	Men's or boys' knitted or crocheted suits and ensembles, of wool, of cotton or of man-made fibres, excluding ski suit 6103 10 10 6103 10 90 6103 22 00 6103 23 00 6103 29 00	0,80	1 250
84	Shawls, scarves, mufflers, mantillas, veils and the like other than knitted or crocheted, of wool, of cotton or of man-made fibres 6214 20 00 6214 30 00 6214 40 00 ex 6214 90 00		
85	Ties, bow ties and cravats other than knitted or crocheted, of wool, of cotton or of man-made fibres 6215 20 00 6215 90 00	17,9	56
86	Corsets, corset-belts, suspender belts, braces, suspenders, garters and the like, and parts thereof, whether or not knitted or crocheted 6212 20 00 6212 30 00 6212 90 00	8,8	114
87	Gloves, mittens and mitts, not knitted or crocheted ex 6209 90 10 ex 6209 20 00 ex 6209 30 00 ex 6209 90 90 6216 00 00		
88	Stockings, socks and sockettes, not knitted or crocheted; other clothing accessories, parts of garments or of clothing accessories other than for babies, other than knitted or crocheted ex 6209 90 10 ex 6209 20 00 ex 6209 30 00 ex 6209 90 90 6217 10 00 6217 90 00		
90	Twine, cordage, ropes and cables of synthetic fibres, plaited or not 5607 41 00 5607 49 11 5607 49 19 5607 49 90 5607 50 11 5607 50 19 5607 50 30 5607 50 90		
91	Tents 6306 22 00 6306 29 00		
93	Sacks and bags, of a kind used for the packing of goods, of woven fabrics, other than made from polyethylene or polypropylene strip ex 6305 20 00 ex 6305 32 90 ex 6305 39 00		
94	Wadding of textile materials and articles thereof; textile fibres, not exceeding 5 mm in length (flock), textile dust and mill neps 5601 10 10 5601 10 90 5601 21 10 5601 21 90 5601 22 10 5601 22 90 5601 29 00 5601 30 00		
95	Felt and articles thereof, whether or not impregnated or coated, other than floor coverings 5602 10 19 5602 10 31 ex 5602 10 38 5602 10 90 5602 21 00 ex 5602 29 00 5602 90 00 ex 5807 90 10 ex 5905 00 70 6210 10 10 6307 90 91		
96	Non-woven fabrics and articles of such fabrics, whether or not impregnated, coated, covered or laminated 5603 11 10 5603 11 90 5603 12 10 5603 12 90 5603 13 10 5603 13 90 5603 14 10 5603 14 90 5603 91 10 5603 91 90 5603 92 10 5603 92 90 5603 93 10 5603 93 90 5603 94 10 5603 94 90 ex 5807 90 10 ex 5905 00 70 6210 10 90 ex 6301 40 90 ex 6301 90 90 6302 22 10 6302 32 10 6302 53 10 6302 93 10 6303 92 10 6303 99 10 ex 6304 19 90 ex 6304 93 00 ex 6304 99 00 ex 6305 32 90 ex 6305 39 00 6307 10 30 ex 6307 90 99		
97	Nets and netting made of twine, cordage or rope and made up fishing nets of yarn, twine, cordage or rope 5608 11 20 5608 11 80 5608 19 11 5608 19 19 5608 19 30 5608 19 90 5608 90 00		



(1)	(2)	(3)	(4)
98	Other articles made from yarn, twine, cordage, cables or rope, other than textile fabrics, articles made from such fabrics and articles of category 97 5609 00 00 5905 00 10		
99	Textile fabrics coated with gum or amylaceous substances, of a kind used for the outer covers of books and the like; tracing cloth; prepared painting canvas; buckram and similar stiffened textile fabrics of a kind used for hat foundations 5901 10 00 5901 90 00 Linoleum, whether or not cut to shape; floor coverings consisting of a coating or covering applied on a textile backing, whether or not cut to shape 5904 10 00 5904 90 00 Rubberised textile fabric, not knitted or crocheted, excluding those for tyres 5906 10 00 5906 99 10 5906 99 90 Textile fabrics otherwise impregnated or coated; painted canvas being theatrical scenery, studio back-cloths, other than of category 100 5907 00 00		
100	Textile fabrics impregnated, coated, covered or laminated with preparations of cellulose derivatives or of other artificial plastic materials 5903 10 10 5903 10 90 5903 20 10 5903 20 90 5903 90 10 5903 90 91 5903 90 99		
101	Twine, cordage, ropes and cables, plaited or not, other than of synthetic fibres ex 5607 90 90		
109	Tarpaulins, sails, awnings and sunblinds 6306 12 00 6306 19 00 6306 30 00		
110	Woven pneumatic mattresses 6306 40 00		
111	Camping goods, woven, other than pneumatic mattresses and tents 6306 91 00 6306 99 00		
112	Other made up textile articles, woven, excluding those of categories 113 and 114 6307 20 00 ex 6307 90 99		
113	Floor cloth, dish cloth and dusters, other than knitted or crocheted 6307 10 90		
114	Woven fabrics and articles for technical uses 5902 10 10 5902 10 90 5902 20 10 5902 20 90 5902 90 10 5902 90 90 5908 00 00 5909 00 10 5909 00 90 5910 00 00 5911 10 00 ex 5911 20 00 5911 31 11 5911 31 19 5911 31 90 5911 32 10 5911 32 90 5911 40 00 5911 90 10 5911 90 90		

(1)	(2)	(3)	(4)
<b>GROUP IV</b>			
115	Flax or ramie yarn 5306 10 10 5306 10 30 5306 10 50 5306 10 90 5306 20 10 5306 20 90 5308 90 12 5308 90 19		
117	Woven fabrics of flax or of ramie 5309 11 10 5309 11 90 5309 19 00 5309 21 00 5309 29 00 5311 00 10 ex 5803 00 90 5905 00 30		
118	Table linen, toilet linen and kitchen linen of flax or ramie, other than knitted or crocheted 6302 29 10 6302 39 20 6302 59 10 ex 6302 59 90 6302 99 10 ex 6302 99 90		
120	Curtains ( incl. drapes), interior blinds, curtain and bed valances and other furnishing articles, not knitted or crocheted, of flax or ramie ex 6303 99 90 6304 19 30 ex 6304 99 00		
121	Twine, cordage, ropes and cables, plaited or not, of flax or ramie ex 5607 90 90		
122	Sacks and bags, of a kind used for the packing of goods, used, of flax, other than knitted or crocheted ex 6305 90 00		
123	Woven pile fabrics and chenille fabrics of flax or ramie, other than narrow woven fabrics 5801 90 10 ex 5801 90 90 Shawls, scarves, mufflers, mantillas, veils and the like, of flax or ramie, other than knitted or crocheted ex 6214 90 00		
<b>GROUP V</b>			
124	Synthetic staple fibres 5501 10 00 5501 20 00 5501 30 00 5501 40 00 5501 90 00 5503 11 00 5503 19 00 5503 20 00 5503 30 00 5503 40 00 5503 90 00 5505 10 10 5505 10 30 5505 10 50 5505 10 70 5505 10 90		
125 A	Synthetic filament yarn (continuous) not put up for retail sale, other than yarn of category 41 ex 5402 44 00 5402 45 00 5402 46 00 5402 47 00		
125 B	Monofilament, strip (artificial straw and the like) and imitation catgut of synthetic materials 5404 11 00 5404 12 00 5404 19 00 5404 90 10 5404 90 90 ex 5604 90 10 ex 5604 90 90		
126	Artificial staple fibres 5502 00 10 5502 00 40 5502 00 80 5504 10 00 5504 90 00 5505 20 00		
127 A	Yarn of artificial filaments (continuous) not put up for retail sale, other than yarn of category 42 ex 5403 31 00 ex 5403 32 00 ex 5403 33 00		
127 B	Monofilament, strip (artificial straw and the like) and imitation catgut of artificial textile materials 5405 00 00 ex 5604 90 90		

(1)	(2)	(3)	(4)
128	Coarse animal hair, carded or combed 5105 40 00		
129	Yarn of coarse animal hair or of horsehair 5110 00 00		
130 A	Silk yarn other than yarn spun from silk waste 5004 00 10 5004 00 90 5006 00 10		
130 B	Silk yarn other than of category 130 A; silk-worm gut 5005 00 10 5005 00 90 5006 00 90 ex 5604 90 90		
131	Yarn of other vegetable textile fibres 5308 90 90		
132	Paper yarn 5308 90 50		
133	Yarn of true hemp 5308 20 10 5308 20 90		
134	Metallized yarn 5605 00 00		
135	Woven fabrics of coarse animal hair or of horse hair 5113 00 00		
136	Woven fabrics of silk or of silk waste 5007 10 00 5007 20 11 5007 20 19 5007 20 21 5007 20 31 5007 20 39 5007 20 41 5007 20 51 5007 20 59 5007 20 61 5007 20 69 5007 20 71 5007 90 10 5007 90 30 5007 90 50 5007 90 90 5803 00 30 ex 5905 00 90 ex 5911 20 00		
137	Woven pile fabric and chenille fabrics and narrow woven fabrics of silk, or of silk waste ex 5801 90 90 ex 5806 10 00		
138	Woven fabrics of paper yarn and other textile fibres other than of ramie 5311 00 90 ex 5905 00 90		
139	Woven fabrics of metal threads or of metallized yarn 5809 00 00		
140	Knitted or crocheted fabric of textile material other than wool or fine animal hair, cotton or man made fibres ex 6001 10 00 ex 6001 29 00 ex 6001 99 00 6003 90 00 6005 90 90 6006 90 00		
141	Travelling rugs and blankets of textile material other than wool or fine animal hair, cotton or man made fibres ex 6301 90 90		

(1)	(2)	(3)	(4)
142	Carpets and other textile floor coverings of sisal, of other fibres of the agave family or the Manila hemp ex 5702 39 00 ex 5702 49 00 ex 5702 50 90 ex 5702 99 00 ex 5705 00 90		
144	Felt of coarse animal hair ex 5602 10 38 ex 5602 29 00		
145	Twine, cordage, ropes and cables plaited or not abaca (Manila hemp) or of true hemp ex 5607 90 20 ex 5607 90 90		
146 A	Binder or baler twine for agricultural machines, of sisal or other fibres of the agave family ex 5607 21 00		
146 B	Twine, cordage, ropes and cables of sisal or other fibres of the agave family, other than the products of category 146 A ex 5607 21 00 5607 29 00		
146 C	Twine, cordage, ropes and cables, whether or not plaited or braided, of jute or of other textile bast fibres of heading No 5303 ex 5607 90 20		
147	Silk waste (incl. cocoons unsuitable for reeling), yarn waste and garnetted stock, other than not carded or combed ex 5003 00 00		
148 A	Yarn of jute or of other textile bast fibres of heading No 5303 5307 10 00 5307 20 00		
148 B	Coir yarn 5308 10 00		
149	Woven fabrics of jute or of other textile bast fibres of a width of more than 150 cm 5310 10 90 ex 5310 90 00		
150	Woven fabrics of jute or of other textile bast fibres of a width of not more than 150 cm; Sacks and bags, of a kind used for the packing of goods, of jute or of other textile bast fibres, other than used 5310 10 10 ex 5310 90 00 5905 00 50 6305 10 90		
151 A	Floor coverings of coconut fibres (coir) 5702 20 00		
151 B	Carpets and other textile floor coverings, of jute or of other textile bast fibres, other than tufted or flopped ex 5702 39 00 ex 5702 49 00 ex 5702 50 90 ex 5702 99 00		
152	Needle loom felt of jute or of other textile bast fibres not impregnated or coated, other than floor coverings 5602 10 11		
153	Used sacks and bags, of a kind used for the packing of goods, of jute or of other textile bast fibres of heading No 5303 6305 10 10		

(1)	(2)	(3)	(4)
154	<p>Silkworm cocoons suitable for reeling</p> <p>5001 00 00</p> <p>Raw silk (not thrown)</p> <p>5002 00 00</p> <p>Silk waste(incl. cocoons unsuitable for reeling), yarn waste and garnetted stock, not carded or combed ex 5003 00 00</p> <p>Wool not carded or combed</p> <p>5101 11 00 5101 19 00 5101 21 00 5101 29 00 5101 30 00</p> <p>Fine or coarse animal hair, not carded or combed</p> <p>5102 11 00 5102 19 10 5102 19 30 5102 19 40 5102 19 90 5102 20 00</p> <p>Waste of wool or of fine or coarse animal hair, including yarn waste but excluding garnetted stock</p> <p>5103 10 10 5103 10 90 5103 20 00 5103 30 00</p> <p>Garnetted stock of wool or of fine or coarse animal hair</p> <p>5104 00 00</p> <p>Flax, raw or processed but not spun: flax tow and waste (including yarn waste and garnetted stock)</p> <p>5301 10 00 5301 21 00 5301 29 00 5301 30 00</p> <p>Ramie and other vegetable textile fibres, raw or processed but not spun: tow, noils and waste, other than coir and abaca</p> <p>5305 00 00</p> <p>Cotton, not carded nor combed</p> <p>5201 00 10 5201 00 90</p> <p>Cotton waste (incl. yarn waste and garnetted stock)</p> <p>5202 10 00 5202 91 00 5202 99 00</p> <p>True hemp (<i>Cannabis sativa</i> L.), raw or processed but not spun: tow and waste of true hemp (including yarn waste and garnetted stock)</p> <p>5302 10 00 5302 90 00</p> <p>Abaca (<i>Manila hemp</i> or <i>Musa Textilis</i> Nees), raw or processed but not spun: tow and waste of abaca (including yarn waste and garnetted stock)</p> <p>5305 00 00</p> <p>Jute or other textile bast fibres (excl. flax, true hemp and ramie), raw or processed but not spun: tow and waste of jute or other textile bast fibres (including yarn waste and garnetted stock)</p> <p>5303 10 00 5303 90 00</p> <p>Other vegetable textile fibres, raw or processed but not spun: tow and waste of such fibres (including yarn waste and garnetted stock)</p> <p>5305 00 00</p>		
156	<p>Blouses and pullovers knitted or crocheted of silk or silk waste for women and girls</p> <p>6106 90 30 ex 6110 90 90</p>		
157	<p>Garments, knitted or crocheted, other than those of categories 1 to 123 and 156</p> <p>ex 6101 90 20 ex 6101 90 80 6102 90 10 6102 90 90 ex 6103 39 00 ex 6103 49 00 ex 6104 19 90 ex 6104 29 90 ex 6104 39 00 6104 49 00 ex 6104 69 00 6105 90 90 6106 90 50 6106 90 90 ex 6107 99 00 ex 6108 99 00 6109 90 90 6110 90 10 ex 6110 90 90 ex 6111 90 90 ex 6114 90 00</p>		

(1)	(2)	(3)	(4)
159	Dresses, blouses and shirt-blouses, not knitted or crocheted, of silk or silk waste 6204 49 10 6206 10 00 Shawls, scarves, mufflers, mantillas, veils and the like, not knitted or crocheted, of silk or silk waste 6214 10 00 Ties, bow ties and cravats of silk or silk waste 6215 10 00		
160	Handkerchiefs of silk or silk waste ex 6213 90 00		
161	Garments, not knitted or crocheted, other than those of categories 1 to 123 and category 159 6201 19 00 6201 99 00 6202 19 00 6202 99 00 6203 19 90 6203 29 90 6203 39 90 6203 49 90 6204 19 90 6204 29 90 6204 39 90 6204 49 90 6204 59 90 6204 69 90 6205 90 10 ex 6205 90 80 6206 90 10 6206 90 90 ex 6211 20 00 ex 6211 39 00 6211 49 00		

## ANNEX I A

Category	Description CN-Code 2009	Table of equivalence	
		pieces/kg	g/piece
(1)	(2)	(3)	(4)
163 <sup>(1)</sup>	Gauze and articles of gauze put up in forms or packings for retail sale 3005 90 31		

<sup>(1)</sup> Only applies to imports from China.

## ANNEX I B

1. This Annex covers textile raw materials (categories 128 and 154), textile products other than those of wool and fine animal hair, cotton and man-made fibres, as well as man-made fibres and filaments and yarns of categories 124, 125A, 125B, 126, 127A and 127B.
2. Without prejudice to the rules for the interpretation of the combined nomenclature, the wording of the description of goods is considered to be of indicative value only, since the products covered by each category are determined, within this Annex, by CN codes. Where there is an "ex" symbol in front of a CN code, the products covered in each category are determined by the scope of the CN code and by that of the corresponding description.
3. Garments which are not recognisable as being garments for men or boys or as being garments for women or girls are classified with the latter.
4. Where the expression "babies' garments" is used, this is meant to cover garments up to and including commercial size 86.

Category	Description CN-Code 2009	Table of equivalence	
		pieces/kg	g/piece
(1)	(2)	(3)	(4)
<b>GROUP I</b>			
ex 20	Bed linen, other than knitted or crocheted ex 6302 29 90 ex 6302 39 90		
ex 32	Woven pile fabrics and chenille fabrics and tufted textile surfaces ex 5802 20 00 ex 5802 30 00		
ex 39	Table linen, toilet and kitchen linen, other than knitted or crocheted and other than those of category 118 ex 6302 59 90 ex 6302 99 90		
<b>GROUP II</b>			
ex 12	Panty-hose and tights, stockings, understockings, socks, ankle socks, sockettes and the like, knitted or crocheted, other than for babies ex 6115 10 90 ex 6115 29 00 ex 6115 30 90 ex 6115 99 00	24,3	41
ex 13	Men's or boys' underpants and briefs, women's or girls' knickers and briefs, knitted or crocheted ex 6107 19 00 ex 6108 29 00 ex 6212 10 10	17	59
ex 14	Men's or boys' woven overcoats, raincoats and other coats, cloaks and capes ex 6210 20 00	0,72	1 389
ex 15	Women's or girls' woven overcoats, raincoats and other coats, cloaks and capes, jackets and blazers, other than parkas ex 6210 30 00	0,84	1 190
ex 18	Men's or boys' singlets and other vests, underpants, briefs, nightshirts, pyjamas, bathrobes, dressing gowns and similar articles, other than knitted or crocheted ex 6207 19 00 ex 6207 29 00 ex 6207 99 90 Women's or girls' singlets and other vests, slips, petticoats, briefs, panties, nightdresses, pyjamas, négligés, bathrobes, dressing gowns and similar articles, other than knitted or crocheted ex 6208 19 00 ex 6208 29 00 ex 6208 99 00 ex 6212 10 10		
ex 19	Handkerchiefs, other than those of silk and silk waste ex 6213 90 00	59	17

(1)	(2)	(3)	(4)
ex 24	Men's or boys' nightshirts, pyjamas, bathrobes, dressing gowns and similar articles, knitted or crocheted ex 6107 29 00 Women's or girls' nightdresses, pyjamas, négligés, bathrobes, dressing gowns and similar articles, knitted or crocheted ex 6108 39 00	3,9	257
ex 27	Women's or girls' skirts, including divided skirts ex 6104 59 00	2,6	385
ex 28	Trousers, bib and brace overalls, breeches and shorts (other than swimwear), knitted or crocheted ex 6103 49 00 ex 6104 69 00	1,61	620
ex 31	Brassières, woven, knitted or crocheted ex 6212 10 10 ex 6212 10 90	18,2	55
ex 68	Babies' garments and clothing accessories, excluding babies' gloves, mittens and mitts of categories ex 10 and ex 87, and babies' stockings, socks and sockettes, other than knitted or crocheted, of category ex 88 ex 6209 90 90		
ex 73	Track suits of knitted or crocheted fabric ex 6112 19 00	1,67	600
ex 78	Woven garments of fabrics of heading No 5903, 5906 and 5907, excluding garments of categories ex 14 and ex 15 ex 6210 40 00 ex 6210 50 00		
ex 83	Garments of knitted or crocheted fabrics of heading No 5903 and 5907 and ski suits, knitted or crocheted ex 6112 20 00 ex 6113 00 90		

**GROUP III A**

ex 38 B	Net curtains, other than knitted or crocheted ex 6303 99 90		
ex 40	Woven curtains (including drapes, interior blinds, curtain and bed valances and other furnishing articles), other than knitted or crocheted ex 6303 99 90 ex 6304 19 90 ex 6304 99 00		
ex 58	Carpets, carportines and rugs, knotted (made up or not) ex 5701 90 10 ex 5701 90 90		
ex 59	Carpets and other textile floor coverings, other than the carpets of category ex 58, 142 and 151B ex 5702 10 00 ex 5702 50 90 ex 5702 99 00 ex 5703 90 20 ex 5703 90 80 ex 5704 10 00 ex 5704 90 00 ex 5705 00 90		
ex 60	Tapestries, hand-made, of the type Gobelins, Flanders, Aubusson, Beauvais and the like, and needlework tapestries (e.g. petit point and cross stitch) made in panels and the like by hand ex 5805 00 00		



(1)	(2)	(3)	(4)
ex 61	Narrow woven fabrics, and narrow fabrics (bolduc) consisting of warp without weft, assembled by means of an adhesive, other than labels and similar articles of category ex 62 and of category 137. Elastic fabrics and trimmings (not knitted or crocheted), made from textile materials assembled from rubber thread ex 5806 10 00 ex 5806 20 00 ex 5806 39 00 ex 5806 40 00		
ex 62	Chenille yarn (incl. flock chenille yarn), gimped yarn (other than metallized yarn and gimped horsehair yarn) ex 5606 00 91 ex 5606 00 99 Tulle and other net fabrics but not including woven, knitted or crocheted fabrics, hand or mechanically-made lace, in the piece, in strips or in motifs ex 5804 10 10 ex 5804 10 90 ex 5804 29 10 ex 5804 29 90 ex 5804 30 00 Labels, badges and the like of textile materials, not embroidered, in the piece, in strips or cut to shape or size, woven ex 5807 10 10 ex 5807 10 90 Braids and ornamental trimmings in the piece; tassels, pompons and the like ex 5808 10 00 ex 5808 90 00 Embroidery, in the piece, in strips or in motifs ex 5810 10 10 ex 5810 10 90 ex 5810 99 10 ex 5810 99 90		
ex 63	Knitted or crocheted fabric of synthetic fibres containing by weight 5 % or more elastomeric yarn and knitted or crocheted fabrics containing by weight 5 % or more of rubber thread ex 5906 91 00 ex 6002 40 00 ex 6002 90 00 ex 6004 10 00 ex 6004 90 00		
ex 65	Knitted or crocheted fabric, other than those of category ex 63 ex 5606 00 10 ex 6002 40 00 ex 6004 10 00		
ex 66	Travelling rugs and blankets, other than knitted or crocheted ex 6301 10 00		
<b>GROUP III B</b>			
ex 10	Gloves, mittens and mitts, knitted or crocheted ex 6116 10 20 ex 6116 10 80 ex 6116 99 00	17 pairs	59
ex 67	Knitted or crocheted clothing accessories other than for babies; household linen of all kinds, knitted or crocheted; curtains (incl. drapes) and interior blinds, curtain or bed valances and other furnishing articles knitted or crocheted; knitted or crocheted blankets and travelling rugs, other knitted or crocheted articles including parts of garments or of clothing accessories ex 5807 90 90 ex 6113 00 10 ex 6117 10 00 ex 6117 80 10 ex 6117 80 80 ex 6117 90 00 ex 6301 90 10 ex 6302 10 00 ex 6302 40 00 ex 6303 19 00 ex 6304 11 00 ex 6304 91 00 ex 6307 10 10 ex 6307 90 10		
ex 69	Women's and girls' slips and petticoats, knitted or crocheted ex 6108 19 00	7,8	128
ex 72	Swimwear ex 6112 39 10 ex 6112 39 90 ex 6112 49 10 ex 6112 49 90 ex 6211 11 00 ex 6211 12 00	9,7	103
ex 75	Men's or boys' knitted or crocheted suits and ensembles ex 6103 10 90 ex 6103 29 00	0,80	1 250
ex 85	Ties, bow ties and cravats other than knitted or crocheted, other than those of category 159 ex 6215 90 00	17,9	56

(1)	(2)	(3)	(4)
ex 86	Corsets, corset-belts, suspender belts, braces, suspenders, garters and the like, and parts thereof, whether or not knitted or crocheted ex 6212 20 00 ex 6212 30 00 ex 6212 90 00	8,8	114
ex 87	Gloves, mittens and mitts, not knitted or crocheted ex 6209 90 90 ex 6216 00 00		
ex 88	Stockings, socks and sockettes, not knitted or crocheted; other clothing accessories, parts of garments or of clothing accessories, other than for babies, other than knitted or crocheted ex 6209 90 90 ex 6217 10 00 ex 6217 90 00		
ex 91	Tents ex 6306 29 00		
ex 94	Wadding of textile materials and articles thereof; textile fibres, not exceeding 5 mm in length (flock), textile dust and mill neps ex 5601 10 90 ex 5601 29 00 ex 5601 30 00		
ex 95	Felt and articles thereof, whether or not impregnated or coated, other than floor coverings ex 5602 10 19 ex 5602 10 38 ex 5602 10 90 ex 5602 29 00 ex 5602 90 00 ex 5807 90 10 ex 6210 10 10 ex 6307 90 91		
ex 97	Nets and netting made of twine, cordage or rope and made up fishing nets of yarn, twine, cordage or rope ex 5608 90 00		
ex 98	Other articles made from yarn, twine, cordage, cables or rope, other than textile fabrics, articles made from such fabrics and articles of category 97 ex 5609 00 00 ex 5905 00 10		
ex 99	Textile fabrics coated with gum or amylaceous substances, of a kind used for the outer covers of books and the like; tracing cloth; prepared painting canvas; buckram and similar stiffened textile fabrics of a kind used for hat foundations ex 5901 10 00 ex 5901 90 00 Linoleum, whether or not cut to shape; floor coverings consisting of a coating or covering applied on a textile backing, whether or not cut to shape ex 5904 10 00 ex 5904 90 00 Rubberised textile fabric, not knitted or crocheted, excluding those for tyres ex 5906 10 00 ex 5906 99 10 ex 5906 99 90 Textile fabrics otherwise impregnated or coated; painted canvas being theatrical scenery, studio back-cloths, other than of category ex 100 ex 5907 00 00		
ex 100	Textile fabrics impregnated, coated, covered or laminated with preparations of cellulose derivatives or of other artificial plastic materials ex 5903 10 10 ex 5903 10 90 ex 5903 20 10 ex 5903 20 90 ex 5903 90 10 ex 5903 90 91 ex 5903 90 99		
ex 109	Tarpaulins, sails, awnings and sunblinds ex 6306 19 00 ex 6306 30 00		
ex 110	Woven pneumatic mattresses ex 6306 40 00		

(1)	(2)	(3)	(4)
ex 111	Camping goods, woven, other than pneumatic mattresses and tents ex 6306 99 00		
ex 112	Other made up textiles articles, woven, excluding those of categories ex 113 and ex 114 ex 6307 20 00 ex 6307 90 99		
ex 113	Floor cloth, dish cloth and dusters, other than knitted or crocheted ex 6307 10 90		
ex 114	Woven fabrics and articles for technical uses, other than those of category 136 ex 5908 00 00 ex 5909 00 90 ex 5910 00 00 ex 5911 10 00 ex 5911 31 19 ex 5911 31 90 ex 5911 32 10 ex 5911 32 90 ex 5911 40 00 ex 5911 90 10 ex 5911 90 90		

**GROUP IV**

115	Flax or ramie yarn 5306 10 10 5306 10 30 5306 10 50 5306 10 90 5306 20 10 5306 20 90 5308 90 12 5308 90 19		
117	Woven fabrics of flax or of ramie 5309 11 10 5309 11 90 5309 19 00 5309 21 00 5309 29 00 5311 00 10 ex 5803 00 90 5905 00 30		
118	Table linen, toilet linen and kitchen linen of flax or ramie, other knitted or crocheted 6302 29 10 6302 39 20 6302 59 10 ex 6302 59 90 6302 99 10 ex 6302 99 90		
120	Curtains (incl. drapes), interior blinds, curtain and bed valances and other furnishing articles, not knitted or crocheted, of flax or ramie ex 6303 99 90 6304 19 30 ex 6304 99 00		
121	Twine, cordage, ropes and cables, plaited or not, of flax or ramie ex 5607 90 90		
122	Sacks and bags, of a kind used for the packing of goods, used, of flax, other than knitted or crocheted ex 6305 90 00		
123	Woven pile fabrics and chenille fabrics of flax or ramie, other than narrow woven fabrics 5801 90 10 ex 5801 90 90		
	Shawls, scarves, mufflers, mantillas, veils and the like, of flax or ramie, other than knitted or crocheted ex 6214 90 00		

**GROUP V**

124	Synthetic staple fibres 5501 10 00 5501 20 00 5501 30 00 5501 40 00 5501 90 00 5503 11 00 5503 19 00 5503 20 00 5503 30 00 5503 40 00 5503 90 00 5505 10 10 5505 10 30 5505 10 50 5505 10 70 5505 10 90		
125 A	Synthetic filament yarn (continuous) not put up for retail sale ex 5402 44 00 5402 45 00 5402 46 00 5402 47 00		
125 B	Monofilament, strip (artificial straw and the like) and imitation catgut of synthetic materials 5404 11 00 5404 12 00 5404 19 00 5404 90 10 5404 90 90 ex 5604 90 10 ex 5604 90 90		

(1)	(2)	(3)	(4)
126	Artificial staple fibres 5502 00 10 5502 00 40 5502 00 80 5504 10 00 5504 90 00 5505 20 00		
127 A	Yarn of artificial filaments (continuous) not put up for retail sale, single yarn or viscose rayon untwisted or with a twist of not more than 250 turns per metre and single non-textured yarn of cellulose acetate ex 5403 31 00 ex 5403 32 00 ex 5403 33 00		
127 B	Monofilament, strip (artificial straw and the like) and imitation catgut of artificial textile materials 5405 00 00 ex 5604 90 90		
128	Coarse animal hair, carded or combed 5105 40 00		
129	Yarn of coarse animal hair or of horsehair 5110 00 00		
130 A	Silk yarn other than yarn spun from silk waste 5004 00 10 5004 00 90 5006 00 10		
130 B	Silk yarn other than of category 130 A; silk-worm gut 5005 00 10 5005 00 90 5006 00 90 ex 5604 90 90		
131	Yarn of other vegetable textile fibres 5308 90 90		
132	Paper yarn 5308 90 50		
133	Yarn of true hemp 5308 20 10 5308 20 90		
134	Metallized yarn 5605 00 00		
135	Woven fabrics of coarse animal hair or of horse hair 5113 00 00		
136 A	Woven fabrics of silk or of silk waste other than unbleached, scoured or bleached 5007 20 19 ex 5007 20 31 ex 5007 20 39 ex 5007 20 41 5007 20 59 5007 20 61 5007 20 69 5007 20 71 5007 90 30 5007 90 50 5007 90 90		
136 B	Woven fabrics of silk or of silk waste other than those of category 136 A ex 5007 10 00 5007 20 11 5007 20 21 ex 5007 20 31 ex 5007 20 39 ex 5007 20 41 5007 20 51 5007 90 10 5803 00 30 ex 5905 00 90 ex 5911 20 00		
137	Woven pile fabric and chenille fabrics and narrow woven fabrics of silk, or of silk waste ex 5801 90 90 ex 5806 10 00		
138	Woven fabrics of paper yarn and other textile fibres other than of ramie 5311 00 90 ex 5905 00 90		

(1)	(2)	(3)	(4)
139	Woven fabrics of metal threads or of metallized yarn 5809 00 00		
140	Knitted or crocheted fabric of textile material other than wool or fine animal hair, cotton or man made fibres ex 6001 10 00 ex 6001 29 00 ex 6001 99 00 6003 90 00 6005 90 90 6006 90 00		
141	Travelling rugs and blankets of textile material other than wool or fine animal hair, cotton or man made fibres ex 6301 90 90		
142	Carpets and other textile floor coverings of sisal, of other fibres of the agave family or the Manila hemp ex 5702 39 00 ex 5702 49 00 ex 5702 50 90 ex 5702 99 00 ex 5705 00 90		
144	Felt of coarse animal hair ex 5602 10 38 ex 5602 29 00		
145	Twine, cordage, ropes and cables plaited or not abaca (Manila hemp) or of true hemp ex 5607 90 20 ex 5607 90 90		
146 A	Binder or baler twine for agricultural machines, of sisal or other fibres of the agave family ex 5607 21 00		
146 B	Twine, cordage, ropes and cables of sisal or other fibres of the agave family, other than the products of category 146 A ex 5607 21 00 5607 29 00		
146 C	Twine, cordage, ropes and cables, whether or not plaited or braided, of jute or of other textile bast fibres of heading No 5303 ex 5607 90 20		
147	Silk waste (incl. cocoons unsuitable for reeling), yarn waste and garnetted stock, other than not carded or combed ex 5003 00 00		
148 A	Yarn of jute or of other textile bast fibres of heading No 5303 5307 10 00 5307 20 00		
148 B	Coir yarn 5308 10 00		
149	Woven fabrics of jute or of other textile bast fibres of a width of more than 150 cm 5310 10 90 ex 5310 90 00		
150	Woven fabrics of jute or of other textile bast fibres of a width of not more than 150 cm; Sacks and bags, of a kind used for the packing of goods, of jute or of other textile bast fibres, other than used 5310 10 10 ex 5310 90 00 5905 00 50 6305 10 90		
151 A	Floor coverings of coconut fibres (coir) 5702 20 00		
151 B	Carpets and other textile floor coverings, of jute or of other textile bast fibres, other than tufted or flocked ex 5702 39 00 ex 5702 49 00 ex 5702 50 90 ex 5702 99 00		

(1)	(2)	(3)	(4)
152	Needle loom felt of jute or of other textile bast fibres not impregnated or coated, other than floor coverings 5602 10 11		
153	Used sacks and bags, of a kind used for the packing of goods, of jute or of other textile bast fibres of heading No 5303 6305 10 10		
154	Silkworm cocoons suitable for reeling 5001 00 00 Raw silk (not thrown) 5002 00 00 Silk waste (incl. cocoons unsuitable for reeling), yarn waste and garnetted stock, not carded or combed ex 5003 00 00 Wool not carded or combed 5101 11 00 5101 19 00 5101 21 00 5101 29 00 5101 30 00 Fine or coarse animal hair, not carded or combed 5102 11 00 5102 19 10 5102 19 30 5102 19 40 5102 19 90 5102 20 00 Waste of wool or of fine or coarse animal hair, including yarn waste but excluding garnetted stock 5103 10 10 5103 10 90 5103 20 00 5103 30 00 Garnetted stock of wool or of fine or coarse animal hair 5104 00 00 Flax, raw or processed but not spun: flax tow and waste (including yarn waste and garnetted stock) 5301 10 00 5301 21 00 5301 29 00 5301 30 00 Ramie and other vegetable textile fibres, raw or processed but not spun: tow, noils and waste, other than coir and abaca 5305 00 00 Cotton, not carded nor combed 5201 00 10 5201 00 90 Cotton waste (incl. yarn waste and garnetted stock) 5202 10 00 5202 91 00 5202 99 00 True hemp ( <i>Cannabis sativa</i> ), raw or processed but not spun: tow and waste of true hemp (including yarn waste and garnetted stock) 5302 10 00 5302 90 00 Abaca ( <i>Manila hemp</i> or <i>Musa Textilis Nee</i> ), raw or processed but not spun: tow and waste of abaca (including yarn waste and garnetted stock) 5305 00 00 Jute or other textile bast fibres (excl. flax, true hemp and ramie), raw or processed but not spun: tow and waste of jute or other textile bast fibres (including yarn waste and garnetted stock) 5303 10 00 5303 90 00 Other vegetable textile fibres, raw or processed but not spun: tow and waste of such fibres (including yarn waste and garnetted stock) 5305 00 00		

(1)	(2)	(3)	(4)
156	Blouses and pullovers knitted or crocheted of silk or silk waste for women and girls 6106 90 30 ex 6110 90 90		
157	Garments, knitted or crocheted, excluding garments of categories ex 10, ex 12, ex 13, ex 24, ex 27, ex 28, ex 67, ex 69, ex 72, ex 73, ex 75, ex 83 and 156 ex 6101 90 20 ex 6101 90 80 6102 90 10 6102 90 90 ex 6103 39 00 ex 6103 49 00 ex 6104 19 90 ex 6104 29 90 ex 6104 39 00 6104 49 00 ex 6104 69 00 6105 90 90 6106 90 50 6106 90 90 ex 6107 99 00 ex 6108 99 00 6109 90 90 6110 90 10 ex 6110 90 90 ex 6111 90 90 ex 6114 90 00		
159	Dresses, blouses and shirt-blouses, not knitted or crocheted, of silk or silk waste 6204 49 10 6206 10 00 Shawls, scarves, mufflers, mantillas, veils and the like, not knitted or crocheted, of silk or silk waste 6214 10 00 Ties, bow ties and cravats of silk or silk waste 6215 10 00		
160	Handkerchiefs of silk or silk waste ex 6213 90 00		
161	Garments, not knitted or crocheted, excluding garments of categories ex 14, ex 15, ex 18, ex 31, ex 68, ex 72, ex 78, ex 86, ex 87, ex 88 and 159 6201 19 00 6201 99 00 6202 19 00 6202 99 00 6203 19 90 6203 29 90 6203 39 90 6203 49 90 6204 19 90 6204 29 90 6204 39 90 6204 49 90 6204 59 90 6204 69 90 6205 90 10 ex 6205 90 80 6206 90 10 6206 90 90 ex 6211 20 00 ex 6211 39 00 6211 49 00'		

(2) Annex II is replaced by the following:

'ANNEX II

**EXPORTING COUNTRIES REFERRED TO IN ARTICLE 1**

Belarus

Russia

Serbia

Uzbekistan'

(3) Annex III is amended as follows:

a) Article 28(6) is replaced by the following:

'6. This number shall be composed of the following elements:

— two letters identifying the exporting country as follows:

— Belarus = BY

— Serbia = RS

— Uzbekistan = UZ

— two letters identifying the intended Member State of destination, or group of such Member States, as follows:

— AT = Austria

— BG = Bulgaria

— BL = Benelux

— CY = Cyprus

- CZ = Czech Republic
  - DE = Federal Republic of Germany
  - DK = Denmark
  - EE = Estonia
  - GR = Greece
  - ES = Spain
  - FI = Finland
  - FR = France
  - GB = United Kingdom
  - HU = Hungary
  - IE = Ireland
  - IT = Italy
  - LT = Lithuania
  - LV = Latvia
  - MT = Malta
  - PL = Poland
  - PT = Portugal
  - RO = Romania
  - SE = Sweden
  - SI = Slovenia
  - SK = Slovakia
- a one-digit number identifying the quota year or the year under which exports were recorded, in the case of products listed in table A of this Annex, corresponding to the last figure in the year in question, e.g. '8' for 2008 and '9' for 2009.
  - a two-digit number identifying the issuing office in the exporting country,
  - a five-digit number running consecutively from 00001 to 99999 allocated to the specific Member State of destination.'

b) Table A is replaced by the following:

'Countries and categories subject to the system of double-checking surveillance

Third country	Group	Category	Unit
Uzbekistan	I A	1	tonnes
		3	tonnes
	I B	4	1 000 pieces
		5	1 000 pieces
		6	1 000 pieces
		7	1 000 pieces
		8	1 000 pieces
	II B	26	1 000 pieces'



- c) Table B has been deleted  
 (4) Annex V is replaced by the following:

## ‘ANNEX V

**COMMUNITY QUANTITATIVE LIMITS**

Applicable for the year 2009

BELARUS	Category	unit	Quota as from 1 January 2009
Group IA	1	tonnes	1 586
	2	tonnes	6 643
	3	tonnes	242
Group IB	4	T pieces	1 839
	5	T pieces	1 105
	6	T pieces	1 705
	7	T pieces	1 377
	8	T pieces	1 160
Group IIA	20	tonnes	329
	22	tonnes	524
Group IIB	15	T pieces	1 726
	21	T pieces	930
	24	T pieces	844
	26/27	T pieces	1 117
	29	T pieces	468
	73	T pieces	329
Group IIIB	67	tonnes	359
Group IV	115	tonnes	420
	117	tonnes	2 312
	118	tonnes	471

T pieces: thousand of pieces'

(5) The table in Annex VII is replaced by the following:

Table

**Community quantitative limits for goods re-imported under outward processing traffic**

Applicable for the year 2009

BELARUS	Category	Unit	As from 1 January 2009
Group IB	4	1 000 pieces	6 610
	5	1 000 pieces	9 215
	6	1 000 pieces	12 290
	7	1 000 pieces	9 225
	8	1 000 pieces	3 140
Group IIB	15	1 000 pieces	5 387
	21	1 000 pieces	3 584
	24	1 000 pieces	922
	26/27	1 000 pieces	4 492
	29	1 000 pieces	1 820
	73	1 000 pieces	6 979'

(6) The tables in Annex VIII are replaced by the following:

1. COUNTRY	2. Advance utilisation	3. Carry-over	4. Transfers from cat 1 to cats 2 and 3	5. Transfers between cats 2 and 3	6. Transfers between cats 4, 5, 6, 7, 8	7. Transfers from Groups I, II, III to Groups II, III, IV	8. Maximum increase in any cat.	9. Additional conditions
Belarus	5 %	7 %	4 %	4 %	4 %	5 %	13,5 %	With regard to column 7, transfers can also be made from and to Group V. For Group I categories the limit in column 8 is 13 %
Serbia	5 %	10 %	12 %	12 %	12 %	12 %	17 %	With regard to column 7, transfers can be made from any category in Groups I, II and III to Groups II and III.'

**COMMISSION REGULATION (EC) No 1329/2008****of 22 December 2008****adopting emergency support measures for the pigmeat market in form of private storage aid in part of the United Kingdom**

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 Articles 37, 43(a) and (d), 191, in conjunction with Article 4 thereof,

Whereas:

- (1) Article 37 of Regulation (EC) No 1234/2007 provides that when the average Community market price for pig carcasses as established by reference to the prices recorded in each Member State on the representative markets of the Community and weighted by means of coefficients reflecting the relative size of the pig herd in each Member State is, and is likely to remain, at less than 103 % of the reference price, the Commission may decide to grant aid for private storage.
- (2) Market prices have fallen below that level and, given seasonal and cyclical trends, this situation could persist.
- (3) The situation of the pigmeat market in Ireland and Northern Ireland is particularly critical taken into account the recent findings of elevated levels of dioxins in pigmeat originating in Ireland. The competent authorities have taken various measures to address the situation.
- (4) Contaminated animal feed was delivered to pig farms in Ireland. The contaminated feed constitutes a very large portion of the pig diet resulting in high levels of dioxins in meat from pigs from the affected farms. Given the difficulties in tracing back the pigmeat to farms and given the high levels of dioxin found in the affected pigmeat, the competent authorities decided to recall, as a precautionary measure, all pigmeat and pigmeat products from the market.
- (5) The application of those measures is causing very serious disturbance of the pigmeat market in Northern Ireland. Given the exceptional circumstances and the practical difficulties that the pigmeat market in Northern Ireland is experiencing, it is therefore appropriate to provide for Community emergency market support measures by granting aid for private storage in Northern Ireland, for a limited period and relating to a limited quantity of products.
- (6) Article 31 of Regulation (EC) No 1234/2007 provides that a private storage aid may be granted for pigmeat and that aid shall be fixed by the Commission in advance or by means of tendering procedure.
- (7) As the situation on the pigmeat market in Northern Ireland requires rapid practical action, the most appropriate procedure to grant an aid for private storage would be fixing it in advance.
- (8) Commission Regulation (EC) No 826/2008 of 20 August 2008 laying down common rules for the granting of private storage aid for certain agricultural products <sup>(2)</sup> has established common rules for the implementation of the private storage aid scheme.
- (9) Pursuant to Article 6 of Regulation (EC) No 826/2008, an aid fixed in advance is to be granted in accordance with the detailed rules and conditions provided for in Chapter III of that Regulation.
- (10) In view of the particular circumstances, it is necessary to require that the products to be placed into storage are derived from pigs that were reared on farms for which it is ascertained that these were not affected by contaminated feed. Moreover, it is necessary to provide that the products concerned originate from pigs raised in Ireland or Northern Ireland and slaughtered in Northern Ireland.
- (11) In order to facilitate the management of the measure, the pigmeat products are classified according to similarities with regard to the level of storage cost.

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

<sup>(2)</sup> OJ L 223, 21.8.2008, p. 3.

- (12) In order to facilitate the administrative and control work relating to the conclusion of contracts, minimum quantities of products each applicant must provide for should be fixed.
- (13) A security should be fixed in order to ensure the operators fulfil their contractual obligations and that the measure will have its desired effect on the market.
- (14) Exports of pigmeat products contribute to restoring the balance on the market. Therefore, provisions of Article 28(3) of Regulation (EC) No 826/2008 should apply when the storage period is shortened where products removed from storage are intended for export. Daily amounts to be applied for the reduction of the amount of the aid as referred to in that Article should be fixed.
- (15) For the purpose of application of the first subparagraph of Article 28(3) of Regulation (EC) No 826/2008 and for reason of consistency and clarity for operators, it is necessary to express in days the period of 2 months referred therein.
- (16) 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

##### Scope

1. Aid for private storage shall be granted in respect of pigmeat products fulfilling the following conditions:
- (a) they come from pigs which were raised in Ireland or Northern Ireland for at least the last two months before slaughtering in Northern Ireland;
- (b) they are of sound, fair and marketable quality and come from pigs reared on farms for which it is established that they have not used feed contaminated by elevated levels of dioxins and polychlorinated biphenyls (PCBs).
2. The list of categories of products eligible for aid and the relevant amounts are set out in the Annex.

#### Article 2

##### Applicable rules

Regulation (EC) No 826/2008 shall apply save as otherwise provided for in this Regulation.

#### Article 3

##### Submission of applications

1. From the date of entry into force of this Regulation, applications for private storage aid for the categories of pigmeat products eligible for aid under Article 1 may be lodged in Northern Ireland.
2. Applications shall relate to a storage period of 90, 120, 150 or 180 days.
3. Applications shall be lodged for only one of the categories of products listed in the Annex, indicating the relevant CN code within that category.
4. The competent authorities shall take all measures necessary to ensure compliance with Article 1(1).

#### Article 4

##### Minimum quantities

The minimum quantities per application shall be:

- (a) 10 tonnes for boned products;
- (b) 15 tonnes for other products.

#### Article 5

##### Securities

The applications shall be accompanied by a security equal to 20 % of the amounts of the aid fixed in columns 3 to 6 of the Annex.

#### Article 6

##### Total quantity

The total quantity for which contracts may be concluded, in accordance with Article 19 of Regulation (EC) No 826/2008, shall not exceed 15 000 tonnes of product weight.

#### Article 7

##### Removal from storage of product intended for export

1. For the purpose of the application of the first subparagraph of Article 28(3) of Regulation (EC) No 826/2008 the expiry of a minimum storage period of 60 days shall be required.
2. For the purpose of the application of the third subparagraph of Article 28(3) of Regulation (EC) No 826/2008, the daily amounts are set in column 7 of the Annex to this Regulation.

*Article 8***Entry into force**

This Regulation shall enter into force on the third 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, 22 December 2008.

*For the Commission*  
Mariann FISCHER BOEL  
*Member of the Commission*

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## ANNEX

Categories of products	Products in respect of which aid is granted	Amount of aid for a storage period of (EUR/tonne)				Deduction (EUR) per day
		90 days	120 days	150 days	180 days	
1	2	3	4	5	6	7
<b>Category 1</b>						
ex 0203 11 10	Half-carcases without the forefoot, tail, kidney, thin skirt and spinal cord <sup>(1)</sup>	278	315	352	389	1,24
<b>Category 2</b>						
ex 0203 12 11	Hams					
ex 0203 12 19	Shoulders					
ex 0203 19 11	Fore-ends					
ex 0203 19 13	Loins, with or without the neck-end, or neck-ends separately, loins with or without the chump <sup>(2)</sup> <sup>(3)</sup>	337	379	421	463	1,41
ex 0203 19 55	Legs, shoulders, fore-ends, loins with or without the neck-end, or neck-ends separately, loins with or without the chump, boned <sup>(4)</sup> <sup>(5)</sup>					
<b>Category 3</b>						
ex 0203 19 15	Bellies, whole or trimmed by rectangular cut	164	197	230	263	1,09
ex 0203 19 55	Bellies, whole or trimmed by rectangular cut, without rind and ribs					
<b>Category 4</b>						
ex 0203 19 55	Cuts corresponding to 'middles', with or without rind or fat, boned <sup>(6)</sup>	255	290	325	360	1,17

<sup>(1)</sup> The aid may also be granted for half-carcases presented as Wiltshire sides, i.e. without the head, cheek, chap, feet, tail, flare fat, kidney, tenderloin, blade bone, sternum, vertebral column, pelvic bone and diaphragm.

<sup>(2)</sup> Loins and neck-ends may be with or without rind but the adherent layer of fat may not exceed 25 mm in depth.

<sup>(3)</sup> The quantity contracted may cover any combination of the products referred to.

<sup>(4)</sup> Loins and neck-ends may be with or without rind but the adherent layer of fat may not exceed 25 mm in depth.

<sup>(5)</sup> The quantity contracted may cover any combination of the products referred to.

<sup>(6)</sup> Same presentation as for products falling within CN code 0210 19 20.

**COMMISSION REGULATION (EC) No 1330/2008****of 22 December 2008****amending for the 103rd 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 of 27 May 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,<sup>(1)</sup> 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 21 and 27 October 2008 and on 12 November 2008, the Sanctions Committee of the United Nations Security Council decided to amend the list of natural and legal persons, groups and entities to whom the freezing of funds and economic resources should apply, adding seven natural persons to the list given the information related to their association with Al-Qaida. The statements of reasons regarding the amendments have been provided to the Commission.

(3) Annex I should be amended accordingly.

(4) In order to ensure that the measures provided for in this Regulation are effective, this Regulation must enter into force immediately.

(5) Since the UN list does not provide the current addresses for the natural persons concerned, a notice should be published in the Official Journal so that the persons concerned can contact the Commission and that the Commission can subsequently communicate the grounds on which this Regulation is based to the natural persons concerned, provide them with the opportunity to comment on these grounds and review this Regulation in view of the comments and possible available additional information,

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 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, 22 December 2008.

*For the Commission*  
Eneko LANDÁBURU  
*Director-General for External Relations*

<sup>(1)</sup> OJ L 139, 29.5.2002, p. 9.

## ANNEX

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

The following entries shall be added under the heading 'Natural persons':

- (1) Abdulbasit **Abdulrahim** (*alias* (a) Abdul Basit Fakil **Abdul Rahim**, (b) Abdelbasit **Abdelrahim**, (c) Abdullah Mansour, (d) Abdallah Mansour, (e) Adbulrahim Abdulbasit Fakil Mahoud). Address: London, United Kingdom. Date of birth: 2.7.1968. Place of birth: Gdabia, Libya. Passport No: 800220972 (British passport). Nationality: British. Other information: (a) British National Insurance Number PX053496A; (b) Involved in fundraising on behalf of the Libyan Islamic Fighting Group; (c) Held senior positions within the LIFG in the United Kingdom; (d) Associated with the Directors of the SANABEL Relief Agency, Ghuma Abd'rabbah, Taher Nasuf and Abdulbaqi Mohammed Khaled and with members of the LIFG in the United Kingdom, including Ismail Kamoka, a senior member of the LIFG in the United Kingdom who has been convicted and sentenced in the United Kingdom in June 2007 based on charges of terrorist funding.
- (2) Redouane **El Habhab** (*alias* Abdelrahman). Address: Itlisstrasse 58, 24143 Kiel, Germany (previous address). Date of birth: 20.12.1969; Place of birth: Casablanca, Morocco. Nationality: German. Passport No: 1005552350 (issued on 27.3.2001 by Municipality of Kiel, Germany, expires on 26.3.2011). Identity card No: 1007850441 (German federal identity card issued on 27.3.2001 by Municipality of Kiel, Germany, expires on 26 Mar. 2011). Other information: Currently in prison in Lübeck, Germany.
- (3) Maftah Mohamed **Elmabruk** (*alias* (a) Muftah **Al Mabrook**, (b) Mustah **ElMabruk**, (c) Maftah **El Mobruk**, (d) Muftah **El Mabruk**, (e) Maftah **Elmobruk**, (f) Al Hajj Abd Al Haqq, (g) Al Haj Abd Al Hak). Address: London, United Kingdom. Date of birth: 1.5.1950. Place of birth: Libya. Nationality: Libyan. Other information: (a) British National Insurance Number: PW503042C; (b) British resident; (c) Involved in fundraising on behalf of the Libyan Islamic Fighting Group (LIFG). Associated with members of the LIFG in the United Kingdom, including Mohammed Benhammedi and Ismail Kamoka, a senior member of the LIFG in the United Kingdom who has been convicted and sentenced in the United Kingdom in June 2007 based on charges of terrorist funding.
- (4) Abdelrazag Elsharif **Elosta** (*alias* Abdelrazag Elsharif **Al Usta**) Address: London, United Kingdom. Date of birth 20.6.1963. Place of birth: Soguma, Libya. Passport No: 304875071 (British passport). Nationality: British. Other information: (a) British National Insurance Number: PW669539D; (b) Involved in fundraising and financial facilitation on behalf of the Libyan Islamic Fighting Group (LIFG). Associated with members of the LIFG in the United Kingdom, including Mohammed Benhammedi, Taher Nasuf and Ismail Kamoka, a senior member of the LIFG in the United Kingdom who has been convicted and sentenced in the United Kingdom in Jun. 2007 based on charges of terrorist funding.
- (5) Fritz Martin **Gelowicz** (*alias* Robert Konars (born 10.4.1979 in Liège, Belgium), (b) Markus Gebert, (c) Malik, (d) Benzl, (e) Bentley). Address: Böfingerg Weg 20, 89075 Ulm, Germany (previous address). Date of birth: 1.9.1979. Place of birth: Munich, Germany. Nationality: German. Passport No: 7020069907 (German passport issued in Ulm, Germany, valid until 11 May 2010). National identification No: 7020783883 (German Federal Identity Card, issued in Ulm, Germany, expired on 10.6.2008). Other information: (a) Associated with the Islamic Jihad Union (IJU), also known as the Islamic Jihad Group since at least the beginning of 2006. Associated with Daniel Martin Schneider and Adem Yilmaz. Trained in the manufacture and use of explosives; (b) Arrested on 4 September 2007 in Medebach, Germany, and in detention in Germany since 5 September 2007 (October 2008).
- (6) Daniel Martin **Schneider** (*alias* Abdullah). Address: Petrusstrasse 32, 66125 Herrensohr, Dudweiler, Saarbrücken, Germany (previous address). Date of birth: 9.9.1985. Place of birth: Neunkirchen (Saar), Germany. Nationality: German. Passport No: 2318047793 (German passport issued in Friedrichsthal, Germany, on 17.5.2006, valid until 16.5.2011). National identification No: 2318229333 (German Federal Identity Card issued in Friedrichsthal, Germany, on 17.5.2006, valid until 16.5.2011 (reported lost)). Other information: (a) Associated with the Islamic Jihad Union (IJU), also known as the Islamic Jihad Group since at least the beginning of 2006. Associate of Fritz Martin Gelowicz and Adem Yilmaz; (b) Arrested on 4 September 2007 in Medebach, Germany, and in detention in Germany since 5 September 2007 (October 2008).
- (7) Adem **Yilmaz** (*alias* Talha) Date of birth: 4.11.1978. Place of birth: Bayburt, Turkey. Nationality: Turkish. Passport No: TR-P 614166 (Turkish passport issued by the Turkish Consulate General in Frankfurt/Main on 22.3.2006, valid until 15.9.2009. Address: Südliche Ringstrasse 133, 63225 Langen, Germany (previous address). Other information: (a) Associated with the Islamic Jihad Union (IJU), also known as the Islamic Jihad Group since at least the beginning of 2006. Associate of Fritz Martin Gelowicz and Daniel Martin Schneider; (b) Arrested on 4 September 2007 in Medebach, Germany, and in detention in Germany since 5 September 2007 (October 2008).



## DIRECTIVES

## DIRECTIVE 2008/110/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 16 December 2008

amending Directive 2004/49/EC on safety on the Community's railways (Railway Safety Directive)

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 71(1) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee <sup>(1)</sup>,

After consulting the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty <sup>(2)</sup>,

Whereas:

- (1) With a view to pursuing the efforts to create a single market in rail transport services, the European Parliament and the Council have adopted Directive 2004/49/EC <sup>(3)</sup> establishing a common regulatory framework for railway safety.
- (2) Originally, authorisation procedures for placing in service railway vehicles were dealt with by Council Directive 96/48/EC of 23 July 1996 on the interoperability of the trans-European high-speed rail system <sup>(4)</sup> and Directive 2001/16/EC of the European Parliament and of the Council of 19 March 2001 on the interoperability of the conventional rail system <sup>(5)</sup> for new or upgraded parts of the Community rail system, and Directive

2004/49/EC for vehicles already in use. In accordance with better regulation, and with a view to simplifying and modernising Community legislation, all provisions regarding authorisations for placing railway vehicles in service should be incorporated in a single legal text. Therefore, the current Article 14 of Directive 2004/49/EC should be deleted and a new provision regarding authorisation of placing in service vehicles already in use should be included in Directive 2008/57/EC of the European Parliament and of the Council of 17 June 2008 on the interoperability of the rail system within the Community (recast) <sup>(6)</sup>, (hereinafter referred to as the 'Railway Interoperability Directive'), that has replaced Directives 96/48/EC and 2001/16/EC.

- (3) The entry into force of the 1999 Convention concerning International Carriage by Rail (COTIF) on 1 July 2006 brought in new rules governing contracts for the use of vehicles. According to the CUV (Uniform Rules concerning Contracts of Use of Vehicles in International Rail Traffic) appended thereto, wagon keepers are no longer obliged to register their wagons with a railway undertaking. The former 'Regolamento Internazionale Veicoli' (RIV) Agreement between railway undertakings has ceased to apply and was partially replaced by a new private and voluntary agreement (General Contract of Use for Wagons, GCU) between railway undertakings and wagon keepers whereby the latter are in charge of the maintenance of their wagons. In order to reflect these changes and to facilitate the implementation of Directive 2004/49/EC as far as safety certification of railway undertakings is concerned, the concept of the 'keeper' and the concept of 'entity in charge of maintenance' should be defined, as well as the specification of the relationship between these entities and railway undertakings.
- (4) The definition of the keeper should be as close as possible to the definition used in the 1999 COTIF Convention. Many entities can be identified as a keeper of a vehicle, for example, the owner, a company making business out of a fleet of wagons, a company leasing vehicles to a railway undertaking, a railway undertaking or an infrastructure manager using vehicles for maintaining its infrastructure. These entities have the control over the vehicle with a view to its use as a means of transport by the railway undertakings and the infrastructure managers. In order to avoid any doubt, the keeper should be clearly identified in the National Vehicle Register (NVR) provided for in Article 33 of the Railway Interoperability Directive.

<sup>(1)</sup> OJ C 256, 27.10.2007, p. 39.

<sup>(2)</sup> Opinion of the European Parliament of 29 November 2007 (OJ C 297 E, 20.11.2008, p. 133), Council Common Position of 3 March 2008 (OJ C 122 E, 20.5.2008, p. 10) and Position of the European Parliament of 9 July 2008 (not yet published in the Official Journal). Council Decision of 1 December 2008.

<sup>(3)</sup> Directive 2004/49/EC of the European Parliament and of the Council of 29 April 2004 on safety on the Community's railways and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification (Railway Safety Directive) (OJ L 164, 30.4.2004, p. 44). Corrected by OJ L 220, 21.6.2004, p. 16.

<sup>(4)</sup> OJ L 235, 17.9.1996, p. 6.

<sup>(5)</sup> OJ L 110, 20.4.2001, p. 1.

<sup>(6)</sup> OJ L 191, 18.7.2008, p. 1.

- (5) In order to ensure consistency with existing railway legislation and avoid undue burden, Member States should be allowed to exclude heritage, museum and tourist railways from the scope of this Directive.
- (6) Before a vehicle is placed in service or used on the network, an entity in charge of its maintenance should be identified in the NVR. A railway undertaking, an infrastructure manager or a keeper could be an entity in charge of maintenance.
- (7) Member States should be allowed to fulfil the obligations to identify the entity in charge of maintenance and to certify it through alternative measures in the case of vehicles registered in a third country and maintained according to the law of that country, vehicles which are used on networks or lines the track gauge of which is different from that of the main rail network within the Community and for which the requirement to identify an entity in charge of maintenance is ensured alternatively by international agreements with third countries and vehicles used by heritage, museum and tourist railways or military equipment and special transport requiring an ad hoc national safety authority permit to be delivered prior to the service. In these situations the relevant Member State should be allowed to accept vehicles on the network for which it is competent without an entity in charge of maintenance being assigned to these vehicles or without such an entity being certified. However, such derogations should be subject to formal decisions of the relevant Member State and be analysed by the European Railway Agency (hereinafter referred to as the 'Agency') in the context of its report on safety performance.
- (8) When a railway undertaking or infrastructure manager uses a vehicle for which no entity in charge of maintenance is registered or for which the entity in charge of maintenance is not certified, it should control all risks associated with the use of such a vehicle. The capacity to control such risks should be demonstrated by the railway undertaking or the infrastructure manager through the certification of their safety management system and, where applicable, through their safety certification or authorisation.
- (9) For freight wagons, the entity in charge of maintenance should be certified according to a system to be developed by the Agency and to be adopted by the Commission. Where the entity in charge of maintenance is a railway undertaking or an infrastructure manager, this certification should be included in the procedure for safety certification or authorisation. The certificate delivered to such an entity would guarantee that the maintenance requirements of this Directive are met for any freight wagon of which it is in charge. This certificate should be valid in the whole Community and should be delivered by a body able to audit the maintenance system set up by such entities. As freight wagons are frequently used in international traffic and as an entity in charge of maintenance may want to use workshops established in more than one Member State, the certification body should be able to perform its controls in the whole Community.
- (10) Maintenance requirements are being developed in the context of the Railway Interoperability Directive, in particular as part of the 'rolling stock' technical specifications for interoperability (TSIs). As a result of the entry into force of this Directive there is a need to ensure coherence between these TSIs and the certification requirements for the entity in charge of maintenance to be adopted by the Commission. The Commission will achieve this by modifying, where appropriate, the relevant TSIs using the procedure envisaged by the Railway Interoperability Directive.
- (11) Since the objective of this Directive, namely further developing and improving safety on the Community's railways, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale of the action, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.
- (12) The measures necessary for the implementation of Directive 2004/49/EC should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission <sup>(1)</sup>.
- (13) In particular, the Commission should be empowered to revise and adapt the Annexes to Directive 2004/49/EC, to adopt and revise common safety methods and common safety targets, and also to establish a maintenance certification system. Since those measures are of general scope and are designed to amend non-essential elements of Directive 2004/49/EC, inter alia, by supplementing it with new non-essential elements, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.
- (14) A Member State which has no railway system and which does not envisage having one in the near future, would be under a disproportionate and pointless obligation if it had to transpose and implement this Directive. Therefore, such a Member State should be exempted, for as long as it has no railway system, from the obligation to transpose and implement this Directive.

<sup>(1)</sup> OJ L 184, 17.7.1999, p. 23.

- (15) In accordance with point 34 of the Interinstitutional Agreement on better law-making <sup>(1)</sup>, Member States are encouraged to draw up, for themselves and in the interests of the Community, their own tables illustrating, as far as possible, the correlation between this Directive and the transposition measures, and make them public.
- (16) Directive 2004/49/EC should therefore be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

#### Article 1

#### Amendments

Directive 2004/49/EC is hereby amended as follows:

1. the following points shall be added to Article 2(2):

- (d) heritage vehicles that run on national networks provided that they comply with national safety rules and regulations with a view to ensuring safe circulation of such vehicles;
- (e) heritage, museum and tourist railways that operate on their own network, including workshops, vehicles and staff.;

2. the following points shall be added to Article 3:

- (s) “keeper” means the person or entity that, being the owner of a vehicle or having the right to use it, exploits the vehicle as a means of transport and is registered as such in the National Vehicle Register (NVR) provided for in Article 33 of Directive 2008/57/EC of the European Parliament and of the Council of 17 June 2008 on the interoperability of the rail system within the Community (recast) (\*), (hereinafter referred to as the “Railway Interoperability Directive”);
- (t) “entity in charge of maintenance” means an entity in charge of maintenance of a vehicle, and registered as such in the NVR;
- (u) “vehicle” means a railway vehicle suitable for circulation on its own wheels on railway lines, with or without traction. A vehicle is composed of one or more structural and functional subsystems or parts of such subsystems.

(\*) OJ L 191, 18.7.2008, p. 1.;

<sup>(1)</sup> OJ C 321, 31.12.2003, p. 1.

3. in Article 4(4) the term ‘wagon keeper’ shall be replaced by ‘keeper’;

4. Article 5(2) shall be replaced by the following:

‘2. Before 30 April 2009 Annex I shall be revised, in particular to incorporate therein the common definitions of the CSIs and the common methods for calculating accident costs. This measure, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 27(2a).’;

5. Article 6 shall be amended as follows:

- (a) paragraph 1 shall be replaced by the following:

‘1. An initial series of CSMs covering, as a minimum, the methods described in paragraph 3(a) shall be adopted by the Commission before 30 April 2008. They shall be published in the *Official Journal of the European Union*.

A second series of CSMs covering the remaining methods described in paragraph 3 shall be adopted by the Commission before 30 April 2010. They shall be published in the *Official Journal of the European Union*.

These measures, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 27(2a).’;

- (b) point (c) of paragraph 3 shall be replaced by the following:

‘(c) as far as they are not yet covered by TSIs, methods to check that the structural subsystems of the railway system are operated and maintained in accordance with the relevant essential requirements.’;

- (c) paragraph 4 shall be replaced by the following:

‘4. The CSMs shall be revised at regular intervals, taking into account the experience gained from their application and the global development of railway safety and the obligations on Member States as laid down in Article 4(1). This measure, designed to amend non-essential elements of this Directive, inter alia, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 27(2a).’;

6. Article 7 shall be amended as follows:

- (a) the first and second subparagraphs of paragraph 3 shall be replaced by the following:

'3. The first set of draft CSTs shall be based on an examination of existing targets and safety performance in the Member States and shall ensure that the current safety performance of the rail system is not reduced in any Member State. It shall be adopted by the Commission before 30 April 2009 and shall be published in the *Official Journal of the European Union*. This measure, designed to amend non-essential elements of this Directive, inter alia, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 27(2a).

The second set of draft CSTs shall be based on the experience gained from the first set of CSTs and their implementation. It shall reflect any priority areas where safety needs to be further improved. It shall be adopted by the Commission before 30 April 2011 and shall be published in the *Official Journal of the European Union*. This measure, designed to amend non-essential elements of this Directive, inter alia, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 27(2a).;

- (b) paragraph 5 shall be replaced by the following:

'5. The CSTs shall be revised at regular intervals, taking into account the global development of railway safety. This measure, designed to amend non-essential elements of this Directive, inter alia, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 27(2a).;

7. Article 10 shall be amended as follows:

- (a) the second subparagraph of paragraph 1 shall be replaced by the following:

'The purpose of the safety certificate is to provide evidence that the railway undertaking has established its safety management system and can meet requirements laid down in TSIs and other relevant Community legislation and in national safety rules in order to control risks and provide transport services safely on the network.';

- (b) point (b) of paragraph 2 shall be replaced by the following:

'(b) certification confirming acceptance of the provisions adopted by the railway undertaking to meet specific requirements necessary for the safe supply of its services on the relevant network. These requirements may concern the application of the TSIs and national safety rules, including the network operating rules, acceptance of staff certificates and authorisation to operate vehicles used by railway undertakings. The certification shall be based on documentation submitted by the railway undertaking as described in Annex IV.';

8. the following Article shall be inserted:

'Article 14a

#### **Maintenance of vehicles**

1. Each vehicle, before it is placed in service or used on the network, shall have an entity in charge of maintenance assigned to it and this entity shall be registered in the NVR in accordance with Article 33 of the Railway Interoperability Directive.

2. A railway undertaking, an infrastructure manager or a keeper may be an entity in charge of maintenance.

3. Without prejudice to the responsibility of the railway undertakings and infrastructure managers for the safe operation of a train as provided for in Article 4, the entity shall ensure that the vehicles for which it is in charge of maintenance are in a safe state of running by means of a system of maintenance. To this end, the entity in charge of maintenance shall ensure that vehicles are maintained in accordance with:

(a) the maintenance file of each vehicle;

(b) the requirements in force including maintenance rules and TSI provisions.

The entity in charge of maintenance shall carry out the maintenance itself or make use of contracted maintenance workshops.

4. In the case of freight wagons, each entity in charge of maintenance shall be certified by a body accredited or recognised in accordance with paragraph 5, or by a national safety authority. The accreditation process shall be based on criteria of independence, competence and impartiality, such as the relevant EN 45 000 series European standards. The recognition process shall also be based on criteria of independence, competence and impartiality.

Where the entity in charge of maintenance is a railway undertaking or an infrastructure manager, compliance with the requirements to be adopted under paragraph 5 shall be checked by the relevant national safety authority pursuant to the procedures referred to in Articles 10 or 11 and shall be confirmed on the certificates specified in those procedures.

5. Based on a recommendation by the Agency, the Commission shall, by 24 December 2010, adopt a measure establishing a system of certification of the entity in charge of maintenance for freight wagons. Certificates granted in accordance with this system shall confirm compliance with the requirements referred to in paragraph 3.

The measure shall include the requirements concerning:

- (a) the maintenance system established by the entity;
- (b) the format and validity of the certificate granted to the entity;
- (c) the criteria for accreditation or recognition of body or bodies responsible for issuing certificates and ensuring controls necessary for the functioning of the certification system;
- (d) the date of application of the certification system, including a transition period of one year for existing entities in charge of maintenance.

This measure, designed to amend non-essential elements of this Directive, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 27(2a).

Based on a recommendation by the Agency, the Commission shall, by 24 December 2018 review this measure in order to include all vehicles and to update, if necessary, the certification system applicable to freight wagons.

6. The certificates granted in accordance with paragraph 5 shall be valid throughout the Community.

7. The Agency shall evaluate the certification process implemented in accordance with paragraph 5 by submitting a report to the Commission, no later than three years after the entry into force of the relevant measure.

8. Member States may decide to fulfil the obligations to identify the entity in charge of maintenance and to certify it through alternative measures, in the following cases:

- (a) vehicles registered in a third country and maintained according to the law of that country;
- (b) vehicles which are used on networks or lines the track gauge of which is different from that of the main rail network within the Community and for which fulfilment of the requirements referred to in paragraph 3 are ensured by international agreements with third countries;
- (c) vehicles identified in Article 2(2), and military equipment and special transport requiring an ad hoc national safety authority permit to be delivered prior to the service. In this case derogations shall be granted for periods not longer than five years.

Such alternative measures shall be implemented through derogations to be granted by the relevant national safety authority:

- (a) when registering vehicles pursuant to Article 33 of the Railway Interoperability Directive, as far as the identification of the entity in charge of maintenance is concerned;
- (b) when delivering safety certificates and authorisations to railway undertakings and infrastructure managers pursuant to Articles 10 and 11 of this Directive, as far as the identification or certification of the entity in charge of maintenance is concerned.

Such derogations shall be identified and justified in the annual safety report referred to in Article 18 of this Directive. Where it appears that undue safety risks are being taken on the Community rail system, the Agency shall immediately inform the Commission thereof. The Commission shall make contact with the parties involved and, where appropriate, request the Member State to withdraw its derogation decision.;

9. Article 16(2) shall be amended as follows:

(a) point (a) shall be replaced by the following:

- ‘(a) authorising the placing in service of the structural subsystems constituting the rail system in accordance with Article 15 of the Railway Interoperability Directive and checking that they are operated and maintained in accordance with the relevant essential requirements;’;

(b) point (b) shall be deleted;

(c) point (g) shall be replaced by the following:

'(g) supervising that vehicles are duly registered in the NVR and that safety related information contained therein, is accurate and kept up to date;'

10. the following point shall be added to Article 18:

'(e) the derogations that have been decided in accordance with Article 14a(8).';

11. Article 26 shall be replaced by the following:

'Article 26

#### **Adaptation of the Annexes**

The Annexes shall be adapted to scientific and technical progress. This measure, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 27(2a).';

12. Article 27 shall be amended as follows:

(a) the following paragraph shall be inserted:

'2a. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.;

(b) paragraph 4 shall be deleted;

13. point 3 of Annex II shall be deleted.

#### *Article 2*

#### **Implementation and transposition**

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 24 December 2010. They shall forthwith communicate to the Commission the text of those provisions.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by the Member States.

The obligations for transposition and implementation of this Directive shall not apply to the Republic of Cyprus and the Republic of Malta for as long as no railway system is established within their respective territories.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

#### *Article 3*

#### **Entry into force**

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

#### *Article 4*

#### **Addressees**

This Directive is addressed to the Member States.

Done at Strasbourg, 16 December 2008.

*For the European Parliament*

*The President*

H.-G. PÖTTERING

*For the Council*

*The President*

B. LE MAIRE

**DIRECTIVE 2008/112/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**of 16 December 2008**

**amending Council Directives 76/768/EEC, 88/378/EEC, 1999/13/EC and Directives 2000/53/EC, 2002/96/EC and 2004/42/EC of the European Parliament and of the Council in order to adapt them to Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures**

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 and Article 175(1) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee <sup>(1)</sup>,

Having consulted the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty <sup>(2)</sup>,

Whereas:

(1) Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures <sup>(3)</sup> provides for the harmonisation of the classification and labelling of substances and mixtures within the Community. That Regulation will replace Council Directive 67/548/EEC of 27 June 1967 on the approximation of the laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances <sup>(4)</sup> as well as Directive 1999/45/EC of the European Parliament and of the Council of 31 May 1999 concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations <sup>(5)</sup>.

(2) Regulation (EC) No 1272/2008 builds on the experience with Directives 67/548/EEC and 1999/45/EC and incorporates the criteria for classification and labelling of substances and mixtures provided for by the Globally Harmonised System of Classification and Labelling of Chemicals (GHS) which has been adopted at the international level, within the structure of the United Nations.

(3) Certain provisions on classification and labelling laid down in Directives 67/548/EEC and 1999/45/EC also serve for the purpose of application of other Community legislation, such as Council Directive 76/768/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to cosmetic products <sup>(6)</sup>, Council Directive 88/378/EEC of 3 May 1988 on the approximation of laws of the Member States concerning the safety of toys <sup>(7)</sup>, Council Directive 1999/13/EC of 11 March 1999 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations <sup>(8)</sup>, Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of-life vehicles <sup>(9)</sup>, Directive 2002/96/EC of the European Parliament and of the Council of 27 January 2003 on waste electrical and electronic equipment (WEEE) <sup>(10)</sup> and Directive 2004/42/EC of the European Parliament and of the Council of 21 April 2004 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products <sup>(11)</sup>.

(4) The incorporation of the GHS criteria into Community legislation leads to the introduction of new hazard classes and categories only partially corresponding to the classification and labelling arrangements provided for by Directives 67/548/EEC and 1999/45/EC. An analysis of the potential effects of the transition from the old to the new system of classification and labelling has led to the conclusion that, by adapting the references to the classification criteria in Directives 76/768/EEC, 88/378/EEC, 2000/53/EC and 2002/96/EC to the new system introduced by Regulation (EC) No 1272/2008, the scope of the respective acts should be maintained.

<sup>(1)</sup> OJ C 120, 16.5.2008, p. 50.

<sup>(2)</sup> Opinion of the European Parliament of 3 September 2008 (not yet published in the Official Journal) and Council Decision of 28 November 2008.

<sup>(3)</sup> OJ L 353, 31.12.2008, p. 1.

<sup>(4)</sup> OJ 196, 16.8.1967, p. 1.

<sup>(5)</sup> OJ L 200, 30.7.1999, p. 1.

<sup>(6)</sup> OJ L 262, 27.9.1976, p. 169.

<sup>(7)</sup> OJ L 187, 16.7.1988, p. 1.

<sup>(8)</sup> OJ L 85, 29.3.1999, p. 1.

<sup>(9)</sup> OJ L 269, 21.10.2000, p. 34.

<sup>(10)</sup> OJ L 37, 13.2.2003, p. 24.

<sup>(11)</sup> OJ L 143, 30.4.2004, p. 87.

- (5) It is also necessary to adapt Directive 76/768/EEC to take into account the adoption of Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC<sup>(1)</sup>.
- (6) It is appropriate to bring Directive 1999/13/EC into line with the replacement of risk phrase R40 by two new risk phrases R40 and R68 under Directive 67/548/EEC, so as to ensure a correct transition to the hazard statements laid down in Regulation (EC) No 1272/2008.
- (7) The transition from the criteria for classification contained in Directives 67/548/EEC and 1999/45/EC should be fully completed on 1 June 2015. Manufacturers of cosmetics, toys, paints, varnishes, vehicle refinishing products, vehicles and electric and electronic equipment are manufacturers, importers or downstream users within the meaning of Regulation (EC) No 1272/2008, as are the operators whose activities are covered by Directive 1999/13/EC. All of them should be enabled to design their transition strategy under this Directive in a similar timeframe as under Regulation (EC) No 1272/2008.
- (8) In accordance with point 34 of the Interinstitutional Agreement on better law-making<sup>(2)</sup>, Member States are encouraged to draw up, for themselves and in the interests of the Community, their own tables illustrating, as far as possible, the correlation between this Directive and the transposition measures, and make them public.
- (9) Directives 76/768/EEC, 88/378/EEC, 1999/13/EC, 2000/53/EC, 2002/96/EC and 2004/42/EC should be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

#### Article 1

#### Amendments to Directive 76/768/EEC

Directive 76/768/EEC is hereby amended as follows:

<sup>(1)</sup> OJ L 396, 30.12.2006, p. 1; corrected by OJ L 136, 29.5.2007, p. 3.  
<sup>(2)</sup> OJ C 321, 31.12.2003, p. 1.

1. the word 'preparation' or 'preparations' within the meaning of Article 3(2) of Regulation (EC) No 1907/2006, in its version of 30 December 2006, shall be replaced by 'mixture' or 'mixtures' respectively throughout the text;

2. in Article 4a(1), point d shall be replaced by the following:

'(d) the performance on their territory of animal testing of ingredients or combinations of ingredients in order to meet the requirements of this Directive, no later than the date on which such tests are required to be replaced by one or more validated methods listed in Commission Regulation (EC) No 440/2008 of 30 May 2008 laying down test methods pursuant to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (\*) or in Annex IX to this Directive.

(\*) OJ L 142, 31.5.2008, p. 1.;

3. from 1 December 2010, Article 4b shall be replaced by the following:

#### 'Article 4b

The use in cosmetic products of substances classified as carcinogenic, germ cell mutagenic or toxic for reproduction, of category 1A, 1B and 2, under part 3 of Annex VI to Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures (\*) shall be prohibited. To that end the Commission shall adopt the necessary measures in accordance with the regulatory procedure referred to in Article 10(2). A substance classified in category 2 may be used in cosmetics if the substance has been evaluated by the Scientific Committee on Consumer Safety (SCCS) and found acceptable for use in cosmetic products.

(\*) OJ L 353, 31.12.2008, p. 1.;

4. from 1 December 2010, in Article 7a(1), the last sentence of the second subparagraph of point (h) shall be replaced by the following:

'The quantitative information required under (a) to be made publicly accessible shall be limited to substances fulfilling the criteria for any of the following hazard classes or categories set out in Annex I to Regulation (EC) No 1272/2008:

- (a) hazard classes 2.1 to 2.4, 2.6 and 2.7, 2.8 types A and B, 2.9, 2.10, 2.12, 2.13 categories 1 and 2, 2.14 categories 1 and 2, 2.15 types A to F;



(b) hazard classes 3.1 to 3.6, 3.7 adverse effects on sexual function and fertility or on development, 3.8 effects other than narcotic effects, 3.9 and 3.10;

(c) hazard class 4.1;

(d) hazard class 5.1.;

5. in Annex IX, the first sentence shall be replaced by the following:

'This Annex lists the alternative methods validated by the European Centre on Validation of Alternative Methods (ECVAM) of the Joint Research Centre available to meet the requirements of this Directive and which are not listed in Regulation (EC) No 440/2008.'

#### Article 2

#### Amendments to Directive 88/378/EEC

Directive 88/378/EEC is hereby amended as follows:

1. the word 'preparation' or 'preparations' within the meaning of Article 3(2) of Regulation (EC) No 1907/2006, in its version of 30 December 2006, shall be replaced by 'mixture' or 'mixtures' respectively throughout the text;

2. from 1 December 2010, in section 2 of part II of Annex II, point (b) shall be replaced by the following:

'(b) Toys must not contain, as such, substances or mixtures which may become flammable due to the loss of non-flammable volatile components if, for reasons essential to their functioning, in particular materials and equipment for chemistry experiments, model assembly, plastic or ceramic moulding, enamelling, photography or similar activities, such toys contain mixtures which are dangerous as defined in Directive 67/548/EEC or substances fulfilling the criteria for any of the following hazard classes or categories set out in Annex I to Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures (\*):

(i) hazard classes 2.1 to 2.4, 2.6 and 2.7, 2.8 types A and B, 2.9, 2.10, 2.12, 2.13 categories 1 and 2, 2.14 categories 1 and 2, 2.15 types A to F;

(ii) hazard classes 3.1 to 3.6, 3.7 adverse effects on sexual function and fertility or on development, 3.8 effects other than narcotic effects, 3.9 and 3.10;

(iii) hazard class 4.1;

(iv) hazard class 5.1.

(\*) OJ L 353, 31.12.2008, p. 1.;

3. from 1 June 2015, in section 2 of part II of Annex II, point (b) shall be replaced by the following:

'(b) Toys must not contain, as such, substances or mixtures which may become flammable due to the loss of non-flammable volatile components if, for reasons essential to their functioning, in particular materials and equipment for chemistry experiments, model assembly, plastic or ceramic moulding, enamelling, photography or similar activities, such toys contain substances or mixtures fulfilling the criteria for any of the following hazard classes or categories set out in Annex I of Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures (\*):

(i) hazard classes 2.1 to 2.4, 2.6 and 2.7, 2.8 types A and B, 2.9, 2.10, 2.12, 2.13 categories 1 and 2, 2.14 categories 1 and 2, 2.15 types A to F;

(ii) hazard classes 3.1 to 3.6, 3.7 adverse effects on sexual function and fertility or on development, 3.8 effects other than narcotic effects, 3.9 and 3.10;

(iii) hazard class 4.1;

(iv) hazard class 5.1.

(\*) OJ L 353, 31.12.2008, p. 1.;

4. from 1 December 2010, in section 3 of part II of Annex II, the first paragraph of point 3 shall be replaced by the following:

'3. Toys must not contain mixtures which are dangerous within the meaning of Directive 1999/45/EC of the European Parliament and of the Council of 31 May 1999 concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations (\*) or substances fulfilling the criteria for any of the following hazard classes or categories set out in Annex I to Regulation (EC) No 1272/2008:

(a) hazard classes 2.1 to 2.4, 2.6 and 2.7, 2.8 types A and B, 2.9, 2.10, 2.12, 2.13 categories 1 and 2, 2.14 categories 1 and 2, 2.15 types A to F;

(b) hazard classes 3.1 to 3.6, 3.7 adverse effects on sexual function and fertility or on development, 3.8 effects other than narcotic effects, 3.9 and 3.10;

(c) hazard class 4.1;

(d) hazard class 5.1,

in amounts which may harm the health of children using them. In any event it is strictly forbidden to include, in a toy, such substances or mixtures if they are intended to be used as such while the toy is being used.

(\*) OJ L 200, 30.7.1999, p. 1.;

5. from 1 June 2015, in section 3 of part II of Annex II, the first paragraph of point 3 shall be replaced by the following:

‘3. Toys must not contain substances or mixtures fulfilling the criteria for any of the following hazard classes or categories set out in Annex I to Regulation (EC) No 1272/2008:

(a) hazard classes 2.1 to 2.4, 2.6 and 2.7, 2.8 types A and B, 2.9, 2.10, 2.12, 2.13 categories 1 and 2, 2.14 categories 1 and 2, 2.15 types A to F;

(b) hazard classes 3.1 to 3.6, 3.7 adverse effects on sexual function and fertility or on development, 3.8 effects other than narcotic effects, 3.9 and 3.10;

(c) hazard class 4.1;

(d) hazard class 5.1;

in amounts which may harm the health of children using them. In any event it is strictly forbidden to include, in a toy, such substances or mixtures if they are intended to be used as such while the toy is being used.’

6. from 1 December 2010, in section 4 of Annex IV, the title and point (a) shall be replaced by the following:

**‘4. Toys containing inherently dangerous substances or mixtures. Chemical toys**

(a) Without prejudice to the application of the provisions laid down in Regulation (EC) No 1272/2008, the instructions for use of toys containing mixtures which are inherently dangerous or substances fulfilling the criteria for any of the following hazard classes or categories set out in Annex I to Regulation (EC) No 1272/2008:

(i) hazard classes 2.1 to 2.4, 2.6 and 2.7, 2.8 types A and B, 2.9, 2.10, 2.12, 2.13 categories 1 and 2, 2.14 categories 1 and 2, 2.15 types A to F;

(ii) hazard classes 3.1 to 3.6, 3.7 adverse effects on sexual function and fertility or on development, 3.8 effects other than narcotic effects, 3.9 and 3.10;

(iii) hazard class 4.1;

(iv) hazard class 5.1;

shall bear a warning of the hazardous nature of these substances or mixtures and an indication of the precautions to be taken by the user in order to avoid hazards associated with them, which shall be specified concisely according to the type of toy. The first aid to be given in the event of serious accidents resulting from the use of this type of toy shall also be mentioned. It shall also be stated that the toys must be kept out of reach of very young children.’

7. from 1 June 2015, in section 4 of Annex IV, the title and point (a) shall be replaced by the following:

**‘4. Toys containing inherently dangerous substances or mixtures. Chemical toys**

(a) Without prejudice to the application of the provisions laid down in Regulation (EC) No 1272/2008, the instructions for use of toys containing substances or mixtures fulfilling the criteria for any of the following hazard classes or categories set out in Annex I to that Regulation:

(i) hazard classes 2.1 to 2.4, 2.6 and 2.7, 2.8 types A and B, 2.9, 2.10, 2.12, 2.13 categories 1 and 2, 2.14 categories 1 and 2, 2.15 types A to F;

(ii) hazard classes 3.1 to 3.6, 3.7 adverse effects on sexual function and fertility or on development, 3.8 effects other than narcotic effects, 3.9 and 3.10;

(iii) hazard class 4.1;

(iv) hazard class 5.1;

shall bear a warning of the hazardous nature of these substances or mixtures and an indication of the precautions to be taken by the user in order to avoid hazards associated with them, which shall be specified concisely according to the type of toy. The first aid to be given in the event of serious accidents resulting from the use of this type of toy shall also be mentioned. It shall also be stated that the toys must be kept out of reach of very young children.’

## Article 3

**Amendments to Directive 1999/13/EC**

Directive 1999/13/EC is hereby amended as follows:

1. the word 'preparation' or 'preparations' within the meaning of Article 3(2) of Regulation (EC) No 1907/2006, in its version of 30 December 2006, shall be replaced by 'mixture' or 'mixtures' respectively throughout the text;

2. Article 5 shall be amended as follows:

(a) from 1 December 2010, paragraph 6 shall be replaced by the following:

'6. Substances or mixtures which, because of their content of VOCs classified as carcinogens, mutagens or toxic to reproduction under Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures (\*) are assigned or need to carry the hazard statements H340, H350, H350i, H360D or H360F or the risk phrases R45, R46, R49, R60 or R61 shall be replaced, as far as possible and by taking into account the guidance referred to in Article 7(1), by less harmful substances or mixtures within the shortest possible time.

(\*) OJ L 353, 31.12.2008, p. 1.;

(b) from 1 June 2015, paragraph 6 shall be replaced by the following:

'6. Substances or mixtures which, because of their content of VOCs classified as carcinogens, mutagens or toxic to reproduction under Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures (\*) are assigned or need to carry the hazard statements H340, H350, H350i, H360D or H360F shall be replaced, as far as possible and by taking into account the guidance as mentioned in Article 7(1), by less harmful substances or mixtures within the shortest possible time.

(\*) OJ L 353, 31.12.2008, p. 1.;

(c) paragraph 8 shall be amended as follows:

(i) the words 'the risk phrase R40' shall be replaced by 'the risk phrases R40 or R68';

(ii) the words 'the labelling R40' shall be replaced by 'the labelling R40 or R68';

(iii) from 1 June 2015, the words 'the risk phrases R40 or R68' shall be replaced by 'the hazard statements H341 or H351';

(iv) from 1 June 2015, the words 'the labelling R40 or R68' shall be replaced by 'the hazard statements H341 or H351';

(d) from 1 June 2015, in paragraph 9, the words 'risk phrases' shall be replaced by 'hazard statements';

(e) paragraph 13 shall be amended as follows:

(i) the words 'the labelling R40, R60 or R61' shall be replaced by 'the risk phrases R40, R68, R60 or R61';

(ii) from 1 June 2015, the words 'the risk phrases R40, R68, R60 or R61' are replaced by 'the hazard statements H341, H351, H360F or H360D'.

## Article 4

**Amendment to Directive 2000/53/EC**

From 1 December 2010, in Article 2 of Directive 2000/53/EC, point 11 shall be replaced by the following:

'11. "hazardous substance" means any substance which fulfils the criteria for any of the following hazard classes or categories set out in Annex I of Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures (\*);

(a) hazard classes 2.1 to 2.4, 2.6 and 2.7, 2.8 types A and B, 2.9, 2.10, 2.12, 2.13 categories 1 and 2, 2.14 categories 1 and 2, 2.15 types A to F;

(b) hazard classes 3.1 to 3.6, 3.7 adverse effects on sexual function and fertility or on development, 3.8 effects other than narcotic effects, 3.9 and 3.10;

(c) hazard class 4.1;

(d) hazard class 5.1.

(\*) OJ L 353, 31.12.2008, p. 1.;

## Article 5

**Amendments to Directive 2002/96/EC**

Directive 2002/96/EC is hereby amended as follows:

1. the word 'preparation' or 'preparations' within the meaning of Article 3(2) of Regulation (EC) No 1907/2006, in its version of 30 December 2006, shall be replaced by 'mixture' or 'mixtures' respectively throughout the text;

2. from 1 December 2010, in Article 3, point (l) shall be replaced by the following:

'(l) "dangerous substance or mixture" means any mixture which has to be considered dangerous under Directive 1999/45/EC of the European Parliament and of the Council of 31 May 1999 concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations (\*) or any substance which fulfils the criteria for any of the following hazard classes or categories set out in Annex I of Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures (\*\*):

(i) hazard classes 2.1 to 2.4, 2.6 and 2.7, 2.8 types A and B, 2.9, 2.10, 2.12, 2.13 categories 1 and 2, 2.14 categories 1 and 2, 2.15 types A to F;

(ii) hazard classes 3.1 to 3.6, 3.7 adverse effects on sexual function and fertility or on development, 3.8 effects other than narcotic effects, 3.9 and 3.10;

(iii) hazard class 4.1;

(iv) hazard class 5.1.

(\*) OJ L 200, 30.7.1999, p. 1.

(\*\*) OJ L 353, 31.12.2008, p. 1.;

3. from 1 June 2015, in Article 3, point (l) shall be replaced by the following:

'(l) "dangerous substance or mixture" means any substance or mixture which fulfils the criteria for any of the following hazard classes or categories set out in Annex I to Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures (\*):

(i) hazard classes 2.1 to 2.4, 2.6 and 2.7, 2.8 types A and B, 2.9, 2.10, 2.12, 2.13 categories 1 and 2, 2.14 categories 1 and 2, 2.15 types A to F;

(ii) hazard classes 3.1 to 3.6, 3.7 adverse effects on sexual function and fertility or on development, 3.8 effects other than narcotic effects, 3.9 and 3.10;

(iii) hazard class 4.1;

(iv) hazard class 5.1;

(\*) OJ L 353, 31.12.2008, p. 1.;

4. in section 1 of Annex II, the thirteenth indent shall be replaced by the following:

— components containing refractory ceramic fibres as described in part 3 of Annex VI to Regulation (EC) No 1272/2008'.

## Article 6

**Amendment to Directive 2004/42/EC**

Article 2 of Directive 2004/42/EC is hereby amended as follows:

(a) in paragraph 3, the word 'preparation' shall be replaced by 'mixture';

(b) in paragraph 8, the word 'preparation' shall be replaced by 'mixture'.

## Article 7

**Transposition**

1. Member States shall adopt and publish by 1 April 2010, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply those provisions from 1 June 2010.

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

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

*Article 8***Entry into Force**

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

*Article 9***Addressees**

This Directive is addressed to the Member States.

Done at Strasbourg, 16 December 2008.

*For the European Parliament*  
*The President*  
H.-G. PÖTTERING

*For the Council*  
*The President*  
B. LE MAIRE

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**COUNCIL DIRECTIVE 2008/114/EC****of 8 December 2008****on the identification and designation of European critical infrastructures and the assessment of the need to improve their protection****(Text with EEA relevance)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 308 thereof,

Having regard to the proposal from the Commission,

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

Having regard to the opinion of the European Central Bank <sup>(2)</sup>,

Whereas:

(1) In June 2004 the European Council asked for the preparation of an overall strategy to protect critical infrastructures. In response, on 20 October 2004, the Commission adopted a Communication on critical infrastructure protection in the fight against terrorism which put forward suggestions as to what would enhance European prevention of, preparedness for and response to terrorist attacks involving critical infrastructures.

(2) On 17 November 2005 the Commission adopted a Green Paper on a European programme for critical infrastructure protection which provided policy options on the establishment of the programme and the Critical Infrastructure Warning Information Network. The responses received to the Green Paper emphasised the added value of a Community framework concerning critical infrastructure protection. The need to increase the critical infrastructure protection capability in Europe and to help reduce vulnerabilities concerning critical infrastructures was acknowledged. The importance of the key principles of subsidiarity, proportionality and complementarity, as well as of stakeholder dialogue was emphasised.

(3) In December 2005 the Justice and Home Affairs Council called upon the Commission to make a proposal for a European programme for critical infrastructure protection

(EPCIP) and decided that it should be based on an all-hazards approach while countering threats from terrorism as a priority. Under this approach, man-made, technological threats and natural disasters should be taken into account in the critical infrastructure protection process, but the threat of terrorism should be given priority.

(4) In April 2007 the Council adopted conclusions on the EPCIP in which it reiterated that it was the ultimate responsibility of the Member States to manage arrangements for the protection of critical infrastructures within their national borders while welcoming the efforts of the Commission to develop a European procedure for the identification and designation of European critical infrastructures (ECIs) and the assessment of the need to improve their protection.

(5) This Directive constitutes a first step in a step-by-step approach to identify and designate ECIs and assess the need to improve their protection. As such, this Directive concentrates on the energy and transport sectors and should be reviewed with a view to assessing its impact and the need to include other sectors within its scope, *inter alia*, the information and communication technology (ICT) sector.

(6) The primary and ultimate responsibility for protecting ECIs falls on the Member States and the owners/operators of such infrastructures.

(7) There are a certain number of critical infrastructures in the Community, the disruption or destruction of which would have significant cross-border impacts. This may include transboundary cross-sector effects resulting from interdependencies between interconnected infrastructures. Such ECIs should be identified and designated by means of a common procedure. The evaluation of security requirements for such infrastructures should be done under a common minimum approach. Bilateral schemes for cooperation between Member States in the field of critical infrastructure protection constitute a well-established and efficient means of dealing with transboundary critical infrastructures. EPCIP should build on such cooperation. Information pertaining to the designation of a particular infrastructure as an ECI should be classified at an appropriate level in accordance with existing Community and Member State legislation.

<sup>(1)</sup> Opinion of 10 July 2007 (not yet published in the Official Journal).

<sup>(2)</sup> OJ C 116, 26.5.2007, p. 1.

- (8) Since various sectors have particular experience, expertise and requirements concerning critical infrastructure protection, a Community approach to critical infrastructure protection should be developed and implemented taking into account sector specificities and existing sector based measures including those already existing at Community, national or regional level, and where relevant cross-border mutual aid agreements between owners/operators of critical infrastructures already in place. Given the very significant private sector involvement in overseeing and managing risks, business continuity planning and post-disaster recovery, a Community approach needs to encourage full private sector involvement.
- (9) In terms of the energy sector and in particular the methods of electricity generation and transmission (in respect of supply of electricity), it is understood that where deemed appropriate, electricity generation may include electricity transmission parts of nuclear power plants, but exclude the specifically nuclear elements covered by relevant nuclear legislation including treaties and Community law.
- (10) This Directive complements existing sectoral measures at Community level and in the Member States. Where Community mechanisms are already in place, they should continue to be used and will contribute to the overall implementation of this Directive. Duplication of, or contradiction between, different acts or provisions should be avoided.
- (11) Operator security plans ('OSPs') or equivalent measures comprising an identification of important assets, a risk assessment and the identification, selection and prioritisation of counter measures and procedures should be in place in all designated ECIs. With a view to avoiding unnecessary work and duplication, each Member State should first assess whether the owners/operators of designated ECIs possess relevant OSPs or similar measures. Where such plans do not exist, each Member State should take the necessary steps to make sure that appropriate measures are put in place. It is up to each Member State to decide on the most appropriate form of action with regard to the establishment of OSPs.
- (12) Measures, principles, guidelines, including Community measures as well as bilateral and/or multilateral cooperation schemes that provide for a plan similar or equivalent to an OSP or provide for a Security Liaison Officer or equivalent, should be deemed to satisfy the requirements of this Directive in relation to the OSP or the Security Liaison Officer respectively.
- (13) Security Liaison Officers should be identified for all designated ECIs in order to facilitate cooperation and communication with relevant national critical infrastructure protection authorities. With a view to avoiding unnecessary work and duplication, each Member State should first assess whether the owners/operators of designated ECIs already possess a Security Liaison Officer or equivalent. Where such a Security Liaison Officer does not exist, each Member State should take the necessary steps to make sure that appropriate measures are put in place. It is up to each Member State to decide on the most appropriate form of action with regard to the designation of Security Liaison Officers.
- (14) The efficient identification of risks, threats and vulnerabilities in the particular sectors requires communication both between owners/operators of ECIs and the Member States, and between the Member States and the Commission. Each Member State should collect information concerning ECIs located within its territory. The Commission should receive generic information from the Member States concerning risks, threats and vulnerabilities in sectors where ECIs were identified, including where relevant information on possible improvements in the ECIs and cross-sector dependencies, which could be the basis for the development of specific proposals by the Commission on improving the protection of ECIs, where necessary.
- (15) In order to facilitate improvements in the protection of ECIs, common methodologies may be developed for the identification and classification of risks, threats and vulnerabilities to infrastructure assets.
- (16) Owners/operators of ECIs should be given access primarily through relevant Member State authorities to best practices and methodologies concerning critical infrastructure protection.
- (17) Effective protection of ECIs requires communication, coordination, and cooperation at national and Community level. This is best achieved through the nomination of European critical infrastructure protection contact points ('ECIP contact points') in each Member State, who should coordinate European critical infrastructure protection issues internally, as well as with other Member States and the Commission.

(18) In order to develop European critical infrastructure protection activities in areas which require a degree of confidentiality, it is appropriate to ensure a coherent and secure information exchange in the framework of this Directive. It is important that the rules of confidentiality according to applicable national law or Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents<sup>(1)</sup> are observed with regard to specific facts about critical infrastructure assets, which could be used to plan and act with a view to causing unacceptable consequences for critical infrastructure installations. Classified information should be protected in accordance with relevant Community and Member State legislation. Each Member State and the Commission should respect the relevant security classification given by the originator of a document.

(19) Information sharing regarding ECIs should take place in an environment of trust and security. The sharing of information requires a relationship of trust such that companies and organisations know that their sensitive and confidential data will be sufficiently protected.

(20) Since the objectives of this Directive, namely the creation of a procedure for the identification and designation of ECIs, and a common approach to the assessment of the need to improve the protection of such infrastructures, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale of the action, be better achieved at Community level, the Community may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.

(21) This Directive respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union,

HAS ADOPTED THIS DIRECTIVE:

#### Article 1

##### Subject matter

This Directive establishes a procedure for the identification and designation of European critical infrastructures ('ECIs'), and a common approach to the assessment of the need to improve

the protection of such infrastructures in order to contribute to the protection of people.

#### Article 2

##### Definitions

For the purpose of this Directive:

- (a) 'critical infrastructure' means an asset, system or part thereof located in Member States which is essential for the maintenance of vital societal functions, health, safety, security, economic or social well-being of people, and the disruption or destruction of which would have a significant impact in a Member State as a result of the failure to maintain those functions;
- (b) 'European critical infrastructure' or 'ECI' means critical infrastructure located in Member States the disruption or destruction of which would have a significant impact on at least two Member States. The significance of the impact shall be assessed in terms of cross-cutting criteria. This includes effects resulting from cross-sector dependencies on other types of infrastructure;
- (c) 'risk analysis' means consideration of relevant threat scenarios, in order to assess the vulnerability and the potential impact of disruption or destruction of critical infrastructure;
- (d) 'sensitive critical infrastructure protection related information' means facts about a critical infrastructure, which if disclosed could be used to plan and act with a view to causing disruption or destruction of critical infrastructure installations;
- (e) 'protection' means all activities aimed at ensuring the functionality, continuity and integrity of critical infrastructures in order to deter, mitigate and neutralise a threat, risk or vulnerability;
- (f) 'owners/operators of ECIs' means those entities responsible for investments in, and/or day-to-day operation of, a particular asset, system or part thereof designated as an ECI under this Directive.

#### Article 3

##### Identification of ECIs

1. Pursuant to the procedure provided in Annex III, each Member State shall identify potential ECIs which both satisfy the cross-cutting and sectoral criteria and meet the definitions set out in Article 2(a) and (b).

<sup>(1)</sup> OJ L 145, 31.5.2001, p. 43.



The Commission may assist Member States at their request to identify potential ECIs.

The Commission may draw the attention of the relevant Member States to the existence of potential critical infrastructures which may be deemed to satisfy the requirements for designation as an ECI.

Each Member State and the Commission shall continue on an ongoing basis the process of identifying potential ECIs.

2. The cross-cutting criteria referred to in paragraph 1 shall comprise the following:

- (a) casualties criterion (assessed in terms of the potential number of fatalities or injuries);
- (b) economic effects criterion (assessed in terms of the significance of economic loss and/or degradation of products or services; including potential environmental effects);
- (c) public effects criterion (assessed in terms of the impact on public confidence, physical suffering and disruption of daily life; including the loss of essential services).

The cross-cutting criteria thresholds shall be based on the severity of the impact of the disruption or destruction of a particular infrastructure. The precise thresholds applicable to the cross-cutting criteria shall be determined on a case-by-case basis by the Member States concerned by a particular critical infrastructure. Each Member State shall inform the Commission on an annual basis of the number of infrastructures per sector for which discussions were held concerning the cross-cutting criteria thresholds.

The sectoral criteria shall take into account the characteristics of individual ECI sectors.

The Commission together with the Member States shall develop guidelines for the application of the cross-cutting and sectoral criteria and approximate thresholds to be used to identify ECIs. The criteria shall be classified. The use of such guidelines shall be optional for the Member States.

3. The sectors to be used for the purposes of implementing this Directive shall be the energy and transport sectors. The subsectors are identified in Annex I.

If deemed appropriate and in conjunction with the review of this Directive as laid down in Article 11, subsequent sectors to

be used for the purpose of implementing this Directive may be identified. Priority shall be given to the ICT sector.

#### Article 4

##### Designation of ECIs

1. Each Member State shall inform the other Member States which may be significantly affected by a potential ECI about its identity and the reasons for designating it as a potential ECI.

2. Each Member State on whose territory a potential ECI is located shall engage in bilateral and/or multilateral discussions with the other Member States which may be significantly affected by the potential ECI. The Commission may participate in these discussions but shall not have access to detailed information which would allow for the unequivocal identification of a particular infrastructure.

A Member State that has reason to believe that it may be significantly affected by the potential ECI, but has not been identified as such by the Member State on whose territory the potential ECI is located, may inform the Commission about its wish to be engaged in bilateral and/or multilateral discussions on this issue. The Commission shall without delay communicate this wish to the Member State on whose territory the potential ECI is located and endeavour to facilitate agreement between the parties.

3. The Member State on whose territory a potential ECI is located shall designate it as an ECI following an agreement between that Member State and those Member States that may be significantly affected.

The acceptance of the Member State on whose territory the infrastructure to be designated as an ECI is located, shall be required.

4. The Member State on whose territory a designated ECI is located shall inform the Commission on an annual basis of the number of designated ECIs per sector and of the number of Member States dependent on each designated ECI. Only those Member States that may be significantly affected by an ECI shall know its identity.

5. The Member States on whose territory an ECI is located shall inform the owner/operator of the infrastructure concerning its designation as an ECI. Information concerning the designation of an infrastructure as an ECI shall be classified at an appropriate level.

6. The process of identifying and designating ECIs pursuant to Article 3 and this Article shall be completed by 12 January 2011 and reviewed on a regular basis.

#### Article 5

##### Operator security plans

1. The operator security plan ('OSP') procedure shall identify the critical infrastructure assets of the ECI and which security solutions exist or are being implemented for their protection. The minimum content to be addressed by an ECI OSP procedure is set out in Annex II.

2. Each Member State shall assess whether each designated ECI located on its territory possesses an OSP or has in place equivalent measures addressing the issues identified in Annex II. If a Member State finds that such an OSP or equivalent exists and is updated regularly, no further implementation action shall be necessary.

3. If a Member State finds that such an OSP or equivalent has not been prepared, it shall ensure by any measures deemed appropriate, that the OSP or equivalent is prepared addressing the issues identified in Annex II.

Each Member State shall ensure that the OSP or equivalent is in place and is reviewed regularly within one year following designation of the critical infrastructure as an ECI. This period may be extended in exceptional circumstances, by agreement with the Member State authority and with a notification to the Commission.

4. In a case where supervisory or oversight arrangements already exist in relation to an ECI such arrangements are not affected by this Article and the relevant Member State authority referred to in this Article shall be the supervisor under those existing arrangements.

5. Compliance with measures including Community measures which in a particular sector require, or refer to a need to have, a plan similar or equivalent to an OSP and oversight by the relevant authority of such a plan, is deemed to satisfy all the requirements of Member States under, or adopted pursuant to, this Article. The guidelines for application referred to in Article 3(2) shall contain an indicative list of such measures.

#### Article 6

##### Security Liaison Officers

1. The Security Liaison Officer shall function as the point of contact for security related issues between the owner/operator of the ECI and the relevant Member State authority.

2. Each Member State shall assess whether each designated ECI located on its territory possesses a Security Liaison Officer or equivalent. If a Member State finds that such a Security Liaison Officer is in place or an equivalent exists, no further implementation action shall be necessary.

3. If a Member State finds that a Security Liaison Officer or equivalent does not exist in relation to a designated ECI, it shall ensure by any measures deemed appropriate, that such a Security Liaison Officer or equivalent is designated.

4. Each Member State shall implement an appropriate communication mechanism between the relevant Member State authority and the Security Liaison Officer or equivalent with the objective of exchanging relevant information concerning identified risks and threats in relation to the ECI concerned. This communication mechanism shall be without prejudice to national requirements concerning access to sensitive and classified information.

5. Compliance with measures including Community measures which in a particular sector require, or refer to a need to have, a Security Liaison Officer or equivalent, is deemed to satisfy all the requirements of Member States in, or adopted pursuant to, this Article. The guidelines for application referred to in Article 3(2) shall contain an indicative list of such measures.

#### Article 7

##### Reporting

1. Each Member State shall conduct a threat assessment in relation to ECI subsectors within one year following the designation of critical infrastructure on its territory as an ECI within those subsectors.

2. Each Member State shall report every two years to the Commission generic data on a summary basis on the types of risks, threats and vulnerabilities encountered per ECI sector in which an ECI has been designated pursuant to Article 4 and is located on its territory.

A common template for these reports may be developed by the Commission in cooperation with the Member States.

Each report shall be classified at an appropriate level as deemed necessary by the originating Member State.

3. Based on the reports referred to in paragraph 2, the Commission and the Member States shall assess on a sectoral basis whether further protection measures at Community level should be considered for ECIs. This process shall be undertaken in conjunction with the review of this Directive as laid down in Article 11.

4. Common methodological guidelines for carrying out risk analyses in respect of ECIs may be developed by the Commission in cooperation with the Member States. The use of such guidelines shall be optional for the Member States.

#### Article 8

##### Commission support for ECIs

The Commission shall support, through the relevant Member State authority, the owners/operators of designated ECIs by providing access to available best practices and methodologies as well as support training and the exchange of information on new technical developments related to critical infrastructure protection.

#### Article 9

##### Sensitive European critical infrastructure protection-related information

1. Any person handling classified information pursuant to this Directive on behalf of a Member State or the Commission shall have an appropriate level of security vetting.

Member States, the Commission and relevant supervisory bodies shall ensure that sensitive European critical infrastructure protection-related information submitted to the Member States or to the Commission is not used for any purpose other than the protection of critical infrastructures.

2. This Article shall also apply to non-written information exchanged during meetings at which sensitive subjects are discussed.

#### Article 10

##### European critical infrastructure protection contact points

1. Each Member State shall appoint a European critical infrastructure protection contact point ('ECIP contact point').

2. ECIP contact points shall coordinate European critical infrastructure protection issues within the Member State, with other Member States and with the Commission. The appointment of an ECIP contact point does not preclude other authorities in a Member State from being involved in European critical infrastructure protection issues.

#### Article 11

##### Review

A review of this Directive shall begin on 12 January 2012.

#### Article 12

##### Implementation

Member States shall take the necessary measures to comply with this Directive by 12 January 2011. They shall forthwith inform the Commission thereof and communicate the text of those measures and their correlation with this Directive.

When they are adopted by Member States, these measures shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

#### Article 13

##### Entry into force

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

#### Article 14

##### Addressees

This Directive is addressed to the Member States.

Done at Brussels, 8 December 2008.

For the Council

The President

B. KOUCHNER

## ANNEX I

**List of ECI sectors**

Sector	Subsector	
I Energy	1. Electricity	Infrastructures and facilities for generation and transmission of electricity in respect of supply electricity
	2. Oil	Oil production, refining, treatment, storage and transmission by pipelines
	3. Gas	Gas production, refining, treatment, storage and transmission by pipelines LNG terminals
II Transport	4. Road transport 5. Rail transport 6. Air transport 7. Inland waterways transport 8. Ocean and short-sea shipping and ports	

The identification by the Member States of critical infrastructures which may be designated as ECIs is undertaken pursuant to Article 3. Therefore the list of ECI sectors in itself does not generate a generic obligation to designate an ECI in each sector.

## ANNEX II

**ECI OSP PROCEDURE**

The OSP will identify critical infrastructure assets and which security solutions exist or are being implemented for their protection. The ECI OSP procedure will cover at least:

1. identification of important assets;
2. conducting a risk analysis based on major threat scenarios, vulnerability of each asset, and potential impact; and
3. identification, selection and prioritisation of counter-measures and procedures with a distinction between:
  - permanent security measures, which identify indispensable security investments and means which are relevant to be employed at all times. This heading will include information concerning general measures such as technical measures (including installation of detection, access control, protection and prevention means); organisational measures (including procedures for alerts and crisis management); control and verification measures; communication; awareness raising and training; and security of information systems,
  - graduated security measures, which can be activated according to varying risk and threat levels.

## ANNEX III

**Procedure for the identification by the Member States of critical infrastructures which may be designated as an ECI pursuant to Article 3**

Article 3 requires each Member State to identify the critical infrastructures which may be designated as an ECI. This procedure shall be implemented by each Member State through the following series of consecutive steps.

A potential ECI which does not satisfy the requirements of one of the following sequential steps is considered to be 'non-ECI' and is excluded from the procedure. A potential ECI which does satisfy the requirements shall be subjected to the next steps of this procedure.

**Step 1**

Each Member State shall apply the sectoral criteria in order to make a first selection of critical infrastructures within a sector.

**Step 2**

Each Member State shall apply the definition of critical infrastructure pursuant to Article 2(a) to the potential ECI identified under step 1.

The significance of the impact will be determined either by using national methods for identifying critical infrastructures or with reference to the cross-cutting criteria, at an appropriate national level. For infrastructure providing an essential service, the availability of alternatives, and the duration of disruption/recovery will be taken into account.

**Step 3**

Each Member State shall apply the transboundary element of the definition of ECI pursuant to Article 2(b) to the potential ECI that has passed the first two steps of this procedure. A potential ECI which does satisfy the definition will follow the next step of the procedure. For infrastructure providing an essential service, the availability of alternatives, and the duration of disruption/recovery will be taken into account.

**Step 4**

Each Member State shall apply the cross-cutting criteria to the remaining potential ECIs. The cross-cutting criteria shall take into account: the severity of impact; and, for infrastructure providing an essential service, the availability of alternatives; and the duration of disruption/recovery. A potential ECI which does not satisfy the cross-cutting criteria will not be considered to be an ECI.

A potential ECI which has passed through this procedure shall only be communicated to the Member States which may be significantly affected by the potential ECI.

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## II

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

## DECISIONS

## COUNCIL

## COUNCIL DECISION

of 16 December 2008

on the equivalence of forest reproductive material produced in third countries

(2008/971/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 1999/105/EC of 22 December 1999 on the marketing of forest reproductive material <sup>(1)</sup>, and in particular Article 19(1) and (2) thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) The national rules for the certification of forest reproductive material in Canada, Croatia, Norway, Serbia, Switzerland, Turkey and the United States of America provide for an official field inspection to be carried out during the collection and processing of seed and the production of planting stock.

(2) According to those rules, the systems for the approval and registration of basic material and the subsequent production of reproductive material from this basic material should follow the OECD Scheme for the certification of forest reproductive material moving in international trade (OECD Forest seed and plant scheme). In

addition, those rules require seed and planting stock of the 'source identified' and 'selected' categories to be officially certified and the seed packages officially closed in accordance with the OECD Forest seed and plant scheme.

(3) An examination of those rules has shown that the conditions for approval of basic material satisfy the requirements laid down in Directive 1999/105/EC. Furthermore, to the exception of conditions regarding seed quality, species purity and planting stock quality, the rules of these third countries afford the same assurances as regards the conditions applicable to seed and planting stock of the 'source identified' and 'selected' categories as those set out in Directive 1999/105/EC. It follows that the rules for certification of forestry material of the 'source identified' and 'selected' categories in Canada, Croatia, Norway, Serbia, Switzerland, Turkey and the United States of America should be considered as equivalent to those set out in Directive 1999/105/EC, provided that the additional conditions as regards seed and planting stocks, are satisfied.

(4) The rules of these aforementioned third countries cannot, however, be considered as equivalent for the 'qualified' and 'tested' categories to which the OECD Forest seed and plant scheme does not apply. It is therefore appropriate to limit the scope of this Decision to reproductive material falling into the 'source identified' and 'selected' categories.

(5) The definitions set out in Directive 1999/105/EC should be used for the purposes of this Decision in view of ensuring consistency between the two acts.

<sup>(1)</sup> OJ L 11, 15.1.2000, p. 17.

- (6) Forest reproductive material complying with the conditions of this Decision should satisfy the plant health conditions laid down Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community<sup>(1)</sup>. Where applicable, genetically modified forest reproductive material should comply with the requirements of Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms<sup>(2)</sup>.
- (7) It is appropriate for the additional conditions for seed and planting stocks in respect of quality and species purity as set out by this Decision to mirror the ones provided by Directive 1999/105/EC.
- (8) In order to guarantee the same level of traceability as that foreseen in Directive 1999/105/EC, it is appropriate to include in this Decision rules concerning the issuing of a Master Certificate for seed and planting stock upon entry to the Community. This Master Certificate should be based on the official OECD Certificate of Provenance and should indicate that the material is imported under an equivalence regime,

HAS ADOPTED THIS DECISION:

*Article 1*

**Scope**

This Decision determines the conditions under which forest reproductive material of the 'source identified' and 'selected' categories produced in a third country listed in Annex I shall be imported into the Community.

It applies, provided that the conditions set out in Annex II and in Directives 2000/29/EC and 2001/18/EC are satisfied.

*Article 2*

**Definitions**

Definitions set out in Article 2 of Directive 1999/105/EC shall apply to this Decision.

*Article 3*

**Equivalence**

1. Systems for approval and registration of basic material and subsequent production of reproductive material from this

basic material, under control of third country authorities set out in Annex I to this Decision, or under official supervision of these authorities, applied in the third countries listed in that Annex, shall be considered equivalent to those carried out by the Member States in accordance with Directive 1999/105/EC.

2. Seed and planting stock of the 'source identified' and 'selected' categories of species listed in Annex I to Directive 1999/105/EC, produced in the third countries listed in Annex I to this Decision and officially certified by the third country authorities listed in that Annex, shall be considered equivalent to seed and planting stock complying with Directive 1999/105/EC, provided that the conditions laid down in Annex II to this Decision are satisfied.

*Article 4*

**Master Certificate**

When seed and planting stock enter into the Community, the supplier importing this material shall inform the official body of that Member State in advance of the import. The official body shall issue a Master Certificate based on the official OECD Certificate of Provenance before the material is placed on the market.

The Master Certificate shall indicate that the material has been imported under an equivalence regime.

*Article 5*

**Entry into force and application**

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

It shall apply from 1 January 2009.

*Article 6*

**Addressees**

This Decision is addressed to the Member States.

Done at Brussels, 16 December 2008.

*For the Council*

*The President*

R. BACHELOT-NARQUIN

<sup>(1)</sup> OJ L 169, 10.7.2000, p. 1.

<sup>(2)</sup> OJ L 106, 17.4.2001, p. 1.

## ANNEX I

## Countries and authorities

Country (*)	Authority responsible for the approval and control of production
CA	National Forest Genetic Resources Centre/Centre national des ressources génétiques forestières Natural Resources Canada/Ressources naturelles Canada Canadian Forest Service — Atlantic/Service canadien des forêts — Atlantique PO Box 4000, Fredericton/Frédéricton New Brunswick/Nouveau-Brunswick E3B 5P7
CH	Federal Office for Environment (FOEN) Department of the Environment, Transport, Energy and Communications (UVEK) Forest Division Federal Plant Protection Service Birmensdorf
HV	Forest Research Institute Cvjetno naselje 41 10450 Jastrebarsko
NO	Norwegian Forest Genetic Resource Centre Norwegian Forest and Research Institute PO Box 115 N-1431 Ås
SR	Directorate for forest Ministry of agriculture, forestry and water management Omladinskih brigada 1 11 000 Belgrade
TR	Ministry of Environment and Forestry (Çevre ve Orman Bakanlığı) — General directorate for afforestation and erosion control (Ağaçlandırma ve erozyon kontrolü genel müdürlüğü) Gazi — Ankara
US	National Tree Seed Laboratory USDA Forest Service Purdue University West Lafayette, Indiana

(\*) CA — Canada, CH — Switzerland, HV — Croatia, NO — Norway, SR — Serbia, TR — Turkey, US — United States of America.



## ANNEX II

## A. Conditions relating to seed produced in third countries

1. Seed shall be officially certified as being derived from approved basic material and the packages closed in accordance with national rules for the application of the OECD Forest seed and plant scheme. An official OECD Label shall be attached to each seed lot and accompanied by either a copy of the official OECD Certificate of Provenance or a document from the supplier giving all the information contained in the official OECD Certificate of Provenance, together with the name of the supplier.
2. In the case of seeds, the OECD label or supplier's document shall also include the following additional information assessed, as far as possible, by internationally accepted techniques:
  - (a) purity: the percentage by weight of pure seed, other seed and inert matter of the product marketed as a seed lot;
  - (b) the germination percentage of pure seed, or, where the germination percentage is impossible or impractical to assess, the viability percentage assessed by reference to a specified method;
  - (c) the weight of 1 000 pure seeds;
  - (d) the number of germinable seeds per kilogram of product marketed as seed, or, where the number of germinable seeds is impossible or impractical to assess, the number of viable seeds per kilogram.
3. By way of derogation to paragraph 2, the additional information referred to therein concerning seed testing procedures using internationally accepted techniques may be provided by the supplier importing seed before it is first marketed in the Community.
4. In order to make seed of the current year's crop rapidly available, seed may be marketed by the supplier importing it, as far as the first buyer, without having to fulfil the requirements of paragraphs 2(b) and 2(d). The supplier importing that material must state as soon as possible that he respects the requirements under paragraphs 2(b) and 2(d).
5. Requirements of paragraphs 2(b) and 2(d) do not apply in the case of small quantities of seed, as defined by Commission Regulation (EC) No 2301/2002 of 20 December 2002, laying down detailed rules for the application of Council Directive 1999/105/EC as regards the definition of small quantities of seed <sup>(1)</sup>.
6. Seed lots shall reach a minimum species purity level of 99 %. However, in the case of closely related species, excluding artificial hybrids, the species purity of the fruit or seed lot, where it does not reach 99 %, shall be stated on the suppliers label or document.
7. By way of derogation to paragraph 1, seed in appropriate quantities may be derived from non-approved basic material:
  - (a) for tests, scientific purposes or genetic conservation;
  - (b) where seed units are clearly shown not to be intended for forestry purposes.

<sup>(1)</sup> OJ L 348, 21.12.2002, p. 75.

B. Conditions relating to planting stock produced in third countries

1. The production of the planting stock shall take place in a nursery registered with the third country authorities set out in Annex I to this Decision or under the official supervision of these authorities, in the third country. An OECD label shall be attached to each consignment and accompanied either by a copy of the official OECD Certificate of Provenance or a document from the supplier giving all information contained in the official OECD Certificate of Provenance and the name of the supplier.
  2. Planting stock shall comply with the requirements laid down in Annex VII, Part D, to Directive 1999/105/EC.
  3. Planting stock to be marketed to the end-user in regions having a Mediterranean climate shall comply with the requirements laid down in Annex VII, Part E, to Directive 1999/105/EC.
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## COUNCIL DECISION

of 18 December 2008

## amending Annex 13 to the Common Consular Instructions on filling in visa stickers

(2008/972/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Regulation (EC) No 789/2001 of 24 April 2001 reserving to the Council implementing powers with regard to certain detailed provisions and practical procedures for examining visa applications <sup>(1)</sup>, and in particular Article 1(1) thereof,

Having regard to the initiative of France,

Whereas:

- (1) Annex 13 to the Common Consular Instructions lays down common rules on filling in visa stickers in the form of examples corresponding to the different categories of uniform visa.
- (2) Example 9 in Annex 13 on the short-stay travel visa states that said visa is valid for periods of over six months, namely, 1, 2, 3, or 5 years (C1, C2, C3, C5).
- (3) Those distinctions (C1, C2, C3 and C5) no longer correspond to any of the legal provisions of the Common Consular Instructions following Council Decision 2006/440/EC of 1 June 2006 <sup>(2)</sup> harmonising the administrative costs for processing visa applications. The example given in the Annex should therefore be amended accordingly.
- (4) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark, annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application. Given that this Decision builds upon the Schengen *acquis* under the provisions of Title IV of Part Three of the Treaty establishing the European Community, Denmark shall, in accordance with Article 5 of that Protocol, decide within a period of six months after the Council has adopted this Decision whether it will implement the Decision in its national law.
- (5) As regards Iceland and Norway, this Decision constitutes a development of provisions of the Schengen *acquis*

within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis*, which fall within the area referred to in Article 1, point B, of Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of that Agreement <sup>(3)</sup>.

- (6) As regards Switzerland, this Decision constitutes a development of provisions of the Schengen *acquis* within the meaning of the Agreement concluded between the European Union, the European Community and the Swiss Confederation concerning the association of the Swiss Confederation with the implementation, application and development of the Schengen *acquis* <sup>(4)</sup>, which fall within the area referred to in Article 1, point B, of Decision 1999/437/EC, read in conjunction with Article 3 of Decision 2008/146/EC <sup>(5)</sup> and Article 3 of Decision 2008/149/JHA <sup>(6)</sup>.
- (7) As regards Liechtenstein, this Decision constitutes a development of provisions of the Schengen *acquis* within the meaning of the Protocol signed between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* <sup>(7)</sup>, which fall within the area referred to in Article 1, point B, of Decision 1999/437/EC read in conjunction with Article 3 of Decision 2008/261/EC <sup>(8)</sup> and Article 3 of Decision 2008/262/EC <sup>(9)</sup>.
- (8) This Decision constitutes a development of provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* <sup>(10)</sup>; the United Kingdom is therefore not taking part in its adoption and is not bound by it or subject to its application.

<sup>(1)</sup> OJ L 116, 26.4.2001, p. 2.

<sup>(2)</sup> OJ L 175, 29.6.2006, p. 77.

<sup>(3)</sup> OJ L 176, 10.7.1999, p. 31.

<sup>(4)</sup> OJ L 53, 27.2.2008, p. 52.

<sup>(5)</sup> OJ L 53, 27.2.2008, p. 1.

<sup>(6)</sup> OJ L 53, 27.2.2008, p. 50.

<sup>(7)</sup> OJ L 83, 26.3.2008, p. 3.

<sup>(8)</sup> OJ L 83, 26.3.2008, p. 3.

<sup>(9)</sup> OJ L 83, 26.3.2008, p. 5.

<sup>(10)</sup> OJ L 131, 1.6.2000, p. 43.

- (9) This Decision constitutes a development of provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* <sup>(1)</sup>; Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application.
- (10) As regards Cyprus, this Decision constitutes an act building on the Schengen *acquis* or otherwise related to it within the meaning of Article 3(2) of the 2003 Act of Accession.
- (11) This Decision constitutes an act building on the Schengen *acquis* or otherwise related to it within the meaning of Article 4(2) of the 2005 Act of Accession,

HAS ADOPTED THIS DECISION:

*Article 1*

In Example 9 in Annex 13 to the Common Consular Instructions, the first indent shall be replaced by the following:

‘— This is a multiple-entry short stay travel visa with a validity of up to five years. In the example shown here the validity is three years.’.

*Article 2*

This Decision shall apply from the date of its publication in the *Official Journal of the European Union*.

*Article 3*

This Decision is addressed to the Member States in accordance with the Treaty establishing the European Community.

Done at Brussels, 18 December 2008.

*For the Council*  
*The President*  
M. BARNIER

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<sup>(1)</sup> OJ L 64, 7.3.2002, p. 20.

# COMMISSION

## COMMISSION DECISION

of 15 December 2008

**amending Council Directive 2002/56/EC as regards the date laid down in Article 21(3) until which Member States are authorised to extend the validity of decisions concerning equivalence of seed potatoes from third countries**

(notified under document number C(2008) 8135)

(Text with EEA relevance)

(2008/973/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2002/56/EC of 13 June 2002 on the marketing of seed potatoes <sup>(1)</sup>, and in particular the second subparagraph of Article 21(3) thereof,

Whereas:

(1) Directive 2002/56/EC provides that, with effect from certain dates, Member States may no longer determine for themselves the equivalence of seed potatoes harvested in third countries with seed potatoes harvested within the Community and complying with that Directive.

(2) However, as work to establish a Community equivalence for seed potatoes from all the third countries concerned had not been completed, Directive 2002/56/EC permitted Member States to extend until 31 March 2008 the validity of equivalence decisions which they had already taken for seed potatoes from certain third countries not covered by a Community equivalence. This date was chosen by reference to the end of the period where seed potatoes are placed on the market.

(3) Since this work still has not been completed and as a new marketing season will start by the end of the year 2008, it is necessary to authorise Member States to extend the validity of their national equivalence decisions.

(4) Directive 2002/56/EC should therefore be amended accordingly.

(5) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

### *Article 1*

In the first subparagraph of Article 21(3) of Directive 2002/56/EC, '31 March 2008' is replaced by '31 March 2011'.

### *Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 15 December 2008.

*For the Commission*  
Androulla VASSILIOU  
*Member of the Commission*

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<sup>(1)</sup> OJ L 193, 20.7.2002, p. 60.

## III

(Acts adopted under the EU Treaty)

## ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

## COUNCIL DECISION 2008/974/CFSP

of 18 December 2008

**in support of the Hague Code of Conduct against Ballistic Missile Proliferation in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 13(3) and Article 23(1) thereof,

Whereas:

(1) On 12 December 2003, the European Council adopted the EU Strategy against Proliferation of Weapons of Mass Destruction, Chapter III of which contains a list of measures that need to be taken both within the European Union (EU) and in third countries to combat such proliferation.

(2) The EU is actively implementing this Strategy and giving effect to the measures listed in Chapters II and III thereof, for example by releasing financial resources to support specific projects leading to the enhancement of a multilateral non-proliferation system and multilateral confidence building measures. The Hague Code of Conduct against ballistic missile proliferation (hereinafter 'the Code' or 'HCoC' is an integral part of that system. It aims at preventing and curbing the proliferation of ballistic missile systems capable of delivering weapons of mass destruction and related technologies.

(3) On 17 November 2003, the Council adopted Common Position 2003/805/CFSP <sup>(1)</sup> on the universalisation and reinforcement of multilateral agreements in the field of non-proliferation of weapons of mass destruction and means of delivery. That Common Position calls, inter alia, for the promotion of the subscription of as many countries as possible to the Code, especially those with ballistic missile capabilities, as well as for the further development and implementation of the Code, especially its confidence building measures, and for the promotion of a closer relationship between the Code and the UN multilateral non-proliferation system.

(4) On 23 May 2007, the Council decided to take action to promote the universality of the Code and compliance with its principles. To that end, a workshop was organised in the margins of the 2007 Annual Meeting of Subscribing States which brought together States with major ballistic missile capabilities, including those which did not subscribe to the Code. It is a priority of the EU to continue this dialogue among subscribing and non-subscribing States with the aim of further promoting the universality of the Code as well as its better implementation and enhancement. This Decision should contribute to this process,

HAS DECIDED AS FOLLOWS:

*Article 1*

1. For the purposes of ensuring the continuous and practical implementation of certain elements of the EU Strategy against Proliferation of Weapons of Mass Destruction, the EU shall support the activities of subscribing States to the Code in order to further the following objectives:

- (a) promoting the universality of the Code, and in particular the subscription to the Code by all States with ballistic missile capabilities;
- (b) supporting the implementation of the Code;
- (c) promoting further enhancement of the Code.

2. In this context, the projects to be supported by the European Union shall cover the following specific activities:

- (a) providing means for the organisation of targeted outreach, for example in the form of a workshop, aiming at the promotion of new subscriptions to the Code for the region with the lowest level of subscription to the Code;

<sup>(1)</sup> OJ L 302, 20.11.2003, p. 34.

- (b) providing financial and technical means to facilitate, on the one hand, the exchange of information among subscribing States, and, on the other, a visit by international observers to Space Launch Vehicles (SLV) testing launching sites, which subscribing States have resolved to consider on a voluntary basis under Article 4a (ii) of the Code;
- (c) providing means to pursue a debate among subscribing States on how to preserve the relevance and the viability of the Code. The debate shall in particular take into account new developments in the area of ballistic missile proliferation and the developments in international institutional and legal frameworks related to ballistic missiles.

These projects shall be carried out for the benefit of subscribing and non-subscribing States to the Code.

A detailed description of the projects is set out in the Annex.

#### *Article 2*

1. The Presidency, assisted by the Secretary-General of the Council/High Representative for the Common Foreign and Security Policy (SG/HR), shall be responsible for the implementation of this Decision. The Commission shall be fully associated.

2. The technical implementation of the projects referred to in Article 1(2) shall be carried out by the Foundation for Strategic Research in Paris (FRS).

The FRS shall perform this task under the control of the SG/HR, in support of the Presidency and in close consultation with the Chair of the Annual Meetings of the subscribing States to the Code as well as with Austria in its capacity as Immediate Central Contact (ICC)/Executive Secretariat of the Code. For this purpose, the SG/HR shall enter into the necessary arrangements with the FRS.

3. The Presidency, the SG/HR and the Commission shall keep each other regularly informed about the implementation of this Decision, in accordance with their respective competences.

#### *Article 3*

1. The financial reference amount for the implementation of the projects referred to in Article 1(2) shall be 1 015 000 EUR.

2. The expenditure financed by the amount stipulated in paragraph 1 shall be managed in accordance with the procedures and rules applicable to the general budget of the European Communities.

3. The Commission shall supervise the proper management of the expenditure referred to in paragraph 2, which shall take the form of a grant. For this purpose, it shall conclude a financing agreement with the FRS. The financing agreement shall stipulate that the FRS is to ensure visibility of the EU contribution, appropriate to its size.

4. The Commission shall endeavour to conclude the financing agreement referred to in paragraph 3 as soon as possible after the entry into force of this Decision. It shall inform the Council of any difficulties in that process and of the date of conclusion of the financing agreement.

#### *Article 4*

The Presidency, assisted by the SG/HR, shall report to the Council on the implementation of this Decision on the basis of regular reports prepared by the FRS. These reports shall form the basis for the evaluation carried out by the Council. The Commission shall be fully associated. It shall report on the financial aspects of the implementation of this Decision.

#### *Article 5*

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

It shall expire 6 months after the date of its taking effect, unless the Commission concludes a financing agreement with FRS before expiry of that period, in which case this Decision shall expire 24 months after the date of conclusion of the financing agreement.

#### *Article 6*

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

Done at Brussels, 18 December 2008.

*For the Council*  
*The President*  
M. BARNIER

## ANNEX

**EU support to the Hague Code of Conduct against Ballistic Missile Proliferation in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction****1. Objectives**

The European Union has strongly supported the Code from its inception. The European Union considers the Code as an important multilateral instrument which aims at curbing the proliferation of ballistic missiles systems and related technologies through transparency and confidence building measures. All the European Union Member States have subscribed to the Code and are implementing the Code in good faith.

In the past, the European Union tried to overcome remaining loopholes in the implementation of the Code and its universality by organising a workshop of subscribing and non-subscribing States to the Code in the margins of the 2007 Annual Meeting. Encouraged by the outcome of the workshop, the European Union wishes to pursue this initiative and support three aspects of the Code as follows:

- Universality of the Code,
- Implementation of the Code,
- Enhancement and improved functioning of the Code.

**2. Description of the projects****2.1. Project 1: Promotion of the universality of the Code****2.1.1. Purpose of the project**

While the number of subscribing States has attained the level of two thirds of all UN Member States, more needs to be done to achieve universality of the Code. At the Annual Meetings, the subscribing States noted that the reasons behind the reluctance of non-subscribing States to subscribe to the Code vary extensively, from general lack of awareness and understanding of the Code to more political reasons.

**2.1.2. Results of the project**

- increase awareness about, understanding and support of the Code,
- enhance interaction among subscribing and non-subscribing States to the Code,
- increase the number of subscribing States to the Code.

**2.1.3. Description of the project**

The project provides for the organisation of two workshops:

- an awareness raising workshop for the region with the greatest number of non-subscribing States.

In Africa, the following countries have not subscribed to the Code: Algeria, Angola, Botswana, Central African Republic, Côte d'Ivoire, Democratic Republic of the Congo, Egypt, Lesotho, Namibia, Republic of Congo, Somalia, Swaziland, Togo and Zimbabwe.

- a general workshop, following the model of the workshop that was organised in the margins of the 2007 Annual Meeting of subscribing States with focused and structured exchanges on technical and politico-security considerations related to ballistic missile proliferation and the relevance of the Code.

**2.2. Project 2: Support for the implementation of the Code among subscribing States****2.2.1. Purpose of the project**

While the Code represents an important instrument for curbing the proliferation of ballistic missiles and related technologies through confidence-building and transparency measures, more needs to be done to promote better exchanges among subscribing States. The project will focus on those aspects of exchanges where tangible results can be achieved.

**2.2.2. Results of the project**

- creation of a prototype of a secure internet-based information and communication mechanism (e-ICC), which could enable faster, easier and securitized exchange of information among subscribing States and provide for the electronic distribution of documents,



- in the event that the subscribing States decide to establish an e-ICC at their Annual Meeting, such a prototype could be made operational,
- greater support for a visit by observers to SLV testing launch sites.

### 2.2.3. Description of the project

The project provides for two types of measures:

- (a) Facilitation of the exchange of information and communication among subscribing States through the creation of an e-ICC. The experience of France with the Missile Technology Control Regime (MTCR) e-POC system is of particular relevance to this project.

Given the fact that it is for the subscribing States of the Code at the Annual Meeting to decide whether to establish such a system, the project will be implemented in two phases. The implementation of the second phase will be subject to prior deliberation by the subscribing States on the e-ICC at the Annual Meeting.

Phase 1: Proposal of the EU to the subscribing States of the Code to create an e-ICC

A prototype of an e-ICC will be prepared with a view to presenting it to the subscribing States, possibly in 2009 and to receiving feedback on its operation from the subscribing States.

Phase 2: Operationalisation of the e-ICC prototype

In the event that the subscribing States decide to establish an e-ICC at the Annual Meeting, such a prototype could be made operational. To that end, the know-how and material aspects of the prototype would be transferred to the ICC/Executive secretariat for management and training would be provided to the ICC and the subscribing States;

- (b) Providing financial means for a visit of international observers to SLVs' testing launch sites of the EU Member States.

## 2.3. *Project 3: Promotion of the further enhancement and improved functioning of the Code*

### 2.3.1. Purpose of the project

The security environment is evolving constantly, including in the area of proliferation of the means capable to deliver Weapons of Mass Destruction. The subscribing States meet annually and assess the implementation of the Code as well as the new trends in the proliferation of ballistic missiles and related technologies.

The project will promote more in-depth discussion among subscribing States, and, when appropriate, include non-subscribing States in a more informal setting and will provide for access to technical expertise concerning ballistic missile proliferation outside governmental circles. The outcomes of the project could be submitted as a food-for-thought paper at the Annual Meeting of subscribing States.

### 2.3.2. Results of the project

- better understanding of current trends in ballistic missile proliferation and SLV programmes with recommendations for the subscribing States,
- analysis of options how to motivate the subscribing States to undergo the Ballistic Missile and SLV programmes,
- better understanding of the interface between the Code, the MTCR and bilateral and regional arrangements concerning confidence building measures in pursuit of the goal of missile non-proliferation and a definition of policy recommendations,
- working papers or other forms of documentation from the workshops, which could be submitted by the EU to the HCoC Annual Meeting.

### 2.3.3. Description of the project

The project will provide for two types of activities:

- (a) Financing of a study on the current trends in ballistic missiles and the dynamics in their proliferation, as well as SLV programmes, which could be submitted as a food-for-thought paper at the Annual Meeting of the subscribing States. In conducting this study, FRS will ensure that there is no duplication of work with the UN Group of Governmental Experts;

(b) Financing of workshops of experts from the subscribing and non-subscribing States, both from the governmental and non-governmental sectors. The workshops could be organised in the margins of the Annual Meetings. The outcomes could be submitted as a working paper to the Annual Meeting of the subscribing States. The workshops will address the following issues:

- The interface between the Code, the MTCR and bilateral and regional confidence building measure arrangements in pursuit of the goal of missile non-proliferation as well as between the Code and the UN system (UNGA),
- How to motivate the subscribing States to undergo the ballistic missile and SLV programmes.

3. **Duration**

The total estimated duration of the implementation of the projects is 24 months.

4. **Beneficiaries**

The beneficiaries of the projects in this Decision are both subscribing and non-subscribing States to the Code.

The final choice of the beneficiary States will be made in consultation between the implementing entity and the Presidency, assisted by the SG/HR in close consultation with Member States and the Commission in the framework of the competent Council Working Party. The final decision will be based on proposals by the implementing entity in accordance with Article 2(2).

5. **Implementing entity**

FRS will be entrusted with the technical implementation of the projects. The projects will be implemented directly by staff of the FRS or of its cooperative partners, the Institute of Peace Research and Security Policy of Hamburg University and the Polish Space Research Centre in Warsaw.

The implementing entity will prepare:

- (a) Quarterly reports on the implementation of the projects;
- (b) A final report not later than one month after the end of the implementation of the projects.

Reports will be sent to the Presidency, assisted by the SG/HR.

The FRS will ensure the visibility of the EU contribution, appropriate to its size.

6. **Third party participants**

The projects will be financed in their entirety by the Decision. Experts from subscribing States to the Code or non-subscribing States may be considered as third party participants. They will work in accordance with the standard rules of the FRS.

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**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)**

THE COUNCIL OF THE EUROPEAN UNION,

particular by setting up, by 1 March 2004 at the latest, a permanent financing mechanism to assume charge of the financing of common costs of any future Union military operation.

Having regard to the Treaty on European Union, and in particular Articles 13(3) and 28(3) thereof,

Whereas:

- (1) The European Council, meeting in Helsinki on 10 and 11 December 1999, agreed in particular that, 'cooperating voluntarily in EU-led operations, Member States must be able, by 2003, to deploy within 60 days and sustain for at least 1 year, military forces of up to 50 000 to 60 000 persons capable of the full range of Petersberg tasks'.
- (2) On 17 June 2002, the Council approved the arrangements for the financing of EU-led crisis-management operations having military or defence implications.
- (3) The Council, in its conclusions of 14 May 2003, confirmed the need for a rapid reaction capability, in particular for humanitarian and rescue tasks.
- (4) The European Council, meeting in Thessaloniki on 19 and 20 June 2003, welcomed the conclusions of the Council meeting on 19 May 2003, which in particular confirmed the need for a European Union military rapid reaction capability.
- (5) On 22 September 2003, the Council decided that the European Union should acquire the capacity to flexibly manage the financing of common costs of military operations of any scale, complexity or urgency, in particular by setting up, by 1 March 2004 at the latest, a permanent financing mechanism to assume charge of the financing of common costs of any future Union military operation.
- (6) On 23 February 2004, the Council adopted Decision 2004/197/CFSP establishing a mechanism to administer the financing of the common costs of European Union operations having military or defence implications <sup>(1)</sup> (ATHENA). The Decision has subsequently been amended several times. The Council therefore codified the Decision by adopting Decision 2007/384/CFSP <sup>(2)</sup> on 14 May 2007.
- (7) The EU Military Committee defined in detail the concept of EU Military Rapid Response in its Report of 3 March 2004. It further defined the EU Battle Groups concept on 14 June 2004.
- (8) The European Council on 17 June 2004 endorsed a Report on European Security and Defence Policy (ESDP) which underlined that work on EU Rapid Response capacities should be taken forward with a view to an initial operational capability by early 2005.
- (9) In that context, the pre-financing of the European Union's military operations should be improved. The scheme for early financing is therefore intended first and foremost for Rapid Response operations.
- (10) The Council decides on a case-by-case basis whether an operation has military or defence implications, within the meaning of Article 28(3) of the Treaty.

<sup>(1)</sup> OJ L 63, 28.2.2004, p. 68.

<sup>(2)</sup> OJ L 152, 13.6.2007, p. 14.

- (11) The second subparagraph of Article 28(3) of the Treaty provides that Member States whose representatives in the Council have made a formal declaration pursuant to Article 23(1), second subparagraph, shall not be obliged to contribute to the financing of the operation having military or defence implications concerned.
- (12) In conformity with Article 6 of the Protocol on the position of Denmark annexed to the Treaty on European Union and the Treaty establishing the European Community, Denmark does not participate in the elaboration and implementation of decisions and actions of the European Union which have defence implications, and Denmark does not participate in the financing of the mechanism.
- (13) Pursuant to Article 43 of Decision 2007/384/CFSP, the Council has reviewed that Decision and agreed to amend it.
- (14) For the sake of clarity, Decision 2007/384/CFSP should be repealed and replaced by a new Decision,

HAS DECIDED AS FOLLOWS:

*Article 1*

**Definitions**

For the purpose of this Decision:

- (a) 'Participating Member States' shall mean the Member States of the European Union, except Denmark;
- (b) 'contributing States' shall mean the Member States contributing to the financing of the military operation in question in accordance with Article 28(3) of the Treaty on European Union and the third States contributing to the financing of the common costs of this operation pursuant to agreements between themselves and the European Union;
- (c) 'operations' shall mean the European Union operations having military or defence implications;
- (d) 'military supporting actions' shall mean the EU operations, or parts thereof, decided by the Council in support of a third State or a third organisation, which have military or defence implications, but which are not under the authority of European Union Headquarters.

CHAPTER 1

**MECHANISM**

*Article 2*

**Establishment of the mechanism**

1. A mechanism to administer the financing of the common costs of operations is hereby established.
2. The mechanism shall be called ATHENA.
3. ATHENA shall act on behalf of the participating Member States or, regarding the specific operations, the contributing States as defined in Article 1.

*Article 3*

**Legal capacity**

With a view to the administrative management of the financing of European Union operations with military or defence implications, ATHENA shall have the necessary legal capacity, in particular, to hold a bank account, acquire, hold or dispose of property, enter into contracts and administrative arrangements and be a party to legal proceedings. ATHENA shall be non-profit-making.

*Article 4*

**Coordination with third parties**

To the extent necessary to achieve its tasks, and in conformity with the objectives and policies of the European Union, ATHENA shall coordinate its activities with the Member States, Community institutions and international organisations.

CHAPTER 2

**ORGANISATIONAL STRUCTURE**

*Article 5*

**Management bodies and staff**

1. ATHENA shall be managed, under the authority of the Special Committee, by:
  - (a) the administrator;
  - (b) the commander of each operation, in relation to the operation which he/she commands (hereinafter referred to as the 'operation commander');
  - (c) the accounting officer.

2. ATHENA shall use existing administrative structures of the European Union to the greatest possible extent. ATHENA shall resort to staff made available as necessary by the EU institutions or seconded by Member States.

3. The Secretary-General of the Council may provide the administrator or the accounting officer with the staff needed for them to carry out their functions, which may be on the basis of a proposal by a participating Member State.

4. ATHENA's bodies and staff shall be mobilised on the basis of operational needs.

#### Article 6

##### The Special Committee

1. A Special Committee composed of one representative of each participating Member State is established (hereinafter the 'Special Committee'). The Commission shall attend the meetings of the Special Committee without taking part in its votes.

2. ATHENA shall be managed under the authority of the Special Committee.

3. When the Special Committee is discussing the financing of the common costs of a given operation:

(a) the Special Committee shall be composed of one representative of each contributing Member State;

(b) the representatives of contributing third States shall participate in the proceedings of the Special Committee. They shall neither take part in nor be present at its votes;

(c) the operation commander or his/her representative shall participate in the proceedings of the Special Committee, without taking part in its votes.

4. The Presidency of the Council of the European Union shall convene and chair the meetings of the Special Committee. The administrator shall provide the secretariat for the Special Committee. He/she shall draw up the minutes of the result of the Committee's discussions. He/she shall not take part in its votes.

5. The accounting officer shall participate as necessary in the proceedings of the Special Committee, without taking part in its votes.

6. If a participating Member State, the administrator or the operation commander so requests, the Presidency shall convene the Special Committee within at most 15 days.

7. The administrator shall suitably inform the Special Committee of any claim or dispute addressed to ATHENA.

8. The Special Committee shall decide unanimously amongst its members, taking into account its composition as defined in paragraphs 1 and 3. Its decisions shall be binding.

9. The Special Committee approves all budgets, taking into account the relevant reference amounts, and generally exercises the competences foreseen by Articles 19, 20, 21, 22, 25, 26, 28, 30, 32, 33, 37, 38, 39, 40, 41 and 42.

10. The Special Committee shall be informed by the administrator, the operation commander and the accounting officer as provided for in this Decision.

11. The text of the acts approved by the Special Committee pursuant to Articles 19, 20, 21, 22, 23, 25, 28, 30, 32, 33, 39, 40, 41 and 42 shall be signed by the chairman of the Special Committee at the time of their approval and by the administrator.

#### Article 7

##### The administrator

1. The Secretary-General of the Council, after informing the Special Committee, shall appoint the administrator and at least one deputy administrator for a period of three years.

2. The administrator shall discharge his/her duties on behalf of ATHENA.

3. The administrator:

(a) shall draw up and submit to the Special Committee any draft budget. The 'expenditure' section for an operation in any draft budget shall be drawn up on the basis of a proposal from the operation commander;

(b) shall adopt the budgets after their approval by the Special Committee;

(c) shall be the authorising officer for the sections 'revenue', 'common costs incurred in preparation for, or further to, operations' and 'operational common costs' incurred outside the active phase of the operation;

(d) as regards revenue, shall implement the financial arrangements made with third parties in relation to the financing of the common costs of the Union's military operations.

4. The administrator shall ensure that the rules established by this Decision are complied with, and that the decisions of the Special Committee are applied.

5. The administrator shall be authorised to adopt any measures which he/she deems necessary to implement the expenditure financed through ATHENA. He/she shall inform the Special Committee thereof.

6. The administrator shall coordinate work on financial questions relating to the Union's military operations. He/she shall be the contact point with national administrations and, as appropriate, international organisations on these matters.

7. The administrator shall be accountable before the Special Committee.

#### Article 8

##### The operation commander

1. The operation commander shall discharge his/her duties on behalf of ATHENA in relation to the financing of the common costs of the operation which he/she commands.

2. For the operation which he/she commands, the operation commander shall:

(a) send the administrator his/her proposals for the 'expenditure — operational common costs' section of the draft budgets;

(b) as authorising officer, implement the appropriations relating to the operational common costs; he/she shall exercise his/her authority over any person participating in the implementation of those appropriations, including pre-financing; he/she may award contracts and enter into contracts on behalf of ATHENA; he/she shall open a bank account on behalf of ATHENA for the operation which he/she commands.

3. The operation commander shall be authorised to adopt any measures which he/she deems necessary to implement the expenditure financed through ATHENA, for the operation

which he/she commands. He/she shall inform the administrator and the Special Committee thereof.

#### Article 9

##### The accounting officer

1. The Secretary-General of the Council shall appoint the accounting officer and at least one deputy accounting officer for a period of two years.

2. The accounting officer shall discharge his/her duties on behalf of ATHENA.

3. The accounting officer shall be responsible for:

(a) proper implementation of payments, collection of revenue and recovery of amounts established as being receivable;

(b) preparing the accounts for ATHENA each year, and, after completion of each operation, the accounts for that operation;

(c) supporting the administrator when he/she submits the annual accounts or the accounts for an operation to the Special Committee for approval;

(d) keeping the accounts for ATHENA;

(e) laying down the accounting rules and methods and the chart of accounts;

(f) laying down and validating the accounting systems for revenue and, where appropriate, validating systems laid down by the authorising officer to supply or justify accounting information;

(g) keeping supporting documents;

(h) treasury management, jointly with the administrator.

4. The administrator and the operation commander shall provide the accounting officer with all the information necessary for the production of accounts which accurately represent ATHENA's financial assets and budget implementation administered by ATHENA. They shall guarantee its reliability.

5. The accounting officer shall be accountable before the Special Committee.

*Article 10***General provisions applicable to the administrator, the accounting officer and ATHENA's staff**

1. The functions of administrator or deputy administrator, on the one hand, and accounting officer or deputy accounting officer, on the other, shall be mutually incompatible.
2. Any deputy administrator shall act under the authority of the administrator. Any deputy accounting officer shall act under the authority of the accounting officer.
3. A deputy administrator shall stand in for the administrator when he/she is absent or prevented from attending. A deputy accounting officer shall stand in for the accounting officer when he/she is absent or prevented from attending.
4. Officials and other servants of the European Communities, when carrying out functions on behalf of ATHENA, shall remain subject to the rules and regulations applicable to them.
5. The staff made available to ATHENA by the Member States shall be subject to the same rules as those set out in the Council decision concerning the rules applicable to national experts on secondment, and to the provisions agreed on by their national administration and the Community institution or ATHENA.
6. Before their appointment, the staff of ATHENA must have received clearance for access to classified information up to at least 'Secret UE' level held by the Council, or equivalent clearance by a Member State.
7. The administrator may negotiate and enter into arrangements with the Member States or Community institutions with a view to designating in advance those staff who could, if need be, be made immediately available to ATHENA.

## CHAPTER 3

**ADMINISTRATIVE ARRANGEMENTS WITH MEMBER STATES, EUROPEAN UNION INSTITUTIONS, THIRD STATES AND INTERNATIONAL ORGANISATIONS***Article 11***Administrative arrangements**

1. Administrative arrangements may be negotiated with Member States, European Union institutions, third States or international organisations in order to facilitate procurement and/or the financial aspects of mutual support in operations in the most cost-effective manner.
2. Such arrangements shall be:

- (a) subject to consultation with the Special Committee if they are concluded with Member States or European Union institutions;
- (b) submitted for approval to the Special Committee if they are concluded with third States or international organisations.

3. These arrangements shall be signed by the operation commander or, in his/her absence, by the administrator, acting as representatives of ATHENA, and by the competent administrative authorities of the abovementioned States or organisations.

*Article 12***Standing and ad hoc administrative arrangements on modalities for the payment of third States' contributions**

1. In the framework of the agreements concluded between the European Union and third States indicated by the Council as potential contributors to EU operations or as contributors to a specific EU operation, the administrator shall negotiate with these third States standing or ad hoc administrative arrangements. These arrangements shall take the form of an exchange of letters between ATHENA and the competent administrative services of the third States concerned establishing the modalities necessary to facilitate swift payment of contributions to any future EU military operation.
2. Pending the conclusion of the agreements referred to in paragraph 1, the administrator may take the necessary measures to facilitate payments by the contributing third States.
3. The administrator shall inform the Special Committee in advance of the envisaged arrangements, before signing them on behalf of ATHENA.
4. When a military operation is launched by the Union, the administrator shall, for the amounts of contributions decided by the Council, implement the arrangements with the third States contributing to that operation.

## CHAPTER 4

**BANK ACCOUNTS***Article 13***Opening and purpose**

1. The administrator shall open one or more bank accounts on behalf of ATHENA.
2. Any bank account shall be opened at a first-rate financial institution with its head office in a Member State.

3. The contributions from contributing States shall be paid into these accounts. They shall be used to pay for the costs administered by ATHENA and to make the necessary advances to the operation commander for the implementation of expenditure relating to the common costs of a military operation. No bank account may be overdrawn.

#### Article 14

### Management of funds

1. Any payment from ATHENA's account shall require the joint signature of the administrator or a deputy administrator on the one hand and the accounting officer or a deputy accounting officer on the other.

2. Funds administered by ATHENA, including those entrusted to an operation commander, may not be deposited other than with a first-rate financial institution in euro in a current or short-term account.

#### CHAPTER 5

### COMMON COSTS

#### Article 15

### Definition of common costs and periods for eligibility

1. The common costs listed in Annex I shall be at the expense of ATHENA whenever they are incurred. When entered in an article of the budget showing the operation to which they are most related, they shall be regarded as operational costs of this operation. Otherwise, they shall be regarded as common costs incurred in preparation for, or following, operations.

2. Furthermore, ATHENA shall bear the operational common costs listed in Annex II during the period from the approval of the Crisis Management Concept for the operation until the appointment of the operation commander. In particular circumstances, after the Political and Security Committee has been consulted, the Special Committee may modify the period during which these costs shall be borne by ATHENA.

3. During the active phase of an operation, which runs from the date on which the operation commander is appointed to the day on which the operation headquarters ceases its activity, ATHENA shall bear as operational common costs:

- (a) the common costs listed in Annex III-A;
- (b) the common costs listed in Annex III-B, when the Council so decides;

(c) the common costs listed in Annex III-C, when the operation commander so requests and if the Special Committee approves it.

4. During the active phase of a military supporting action, as determined by the Council, ATHENA shall bear as operational common costs the common costs defined by the Council on a case-by-case basis by reference to Annex III.

5. The operational common costs of an operation also include the expenditure necessary to wind it up, as listed in Annex IV.

The operation is wound up when the equipment and infrastructure commonly funded for the operation have found their final destination and the accounts for the operation have been drawn up.

6. No expenditure incurred with a view to covering costs which would in any case have been borne by one or more contributing States, a Community institution or an international organisation, independently of the organisation of an operation, may be eligible as a common cost.

7. The Special Committee may decide on a case-by-case basis that, in view of particular circumstances, certain incremental costs other than those listed in Annex IIIB shall be regarded as common costs for one given operation during its active phase.

8. If unanimity cannot be achieved in the Special Committee, the latter may, at the initiative of the Presidency, refer the question to the Council.

#### Article 16

### Exercises

1. The common costs of the European Union's exercises shall be financed through ATHENA following rules and procedures similar to those for operations to which all participating Member States contribute.

2. These exercise common costs shall be composed of, firstly, incremental costs for deployable or fixed headquarters and, secondly, incremental costs incurred by EU recourse to NATO common assets and capabilities when made available for an exercise.

3. Exercise common costs shall not include costs related to:

- (a) capital acquisitions, including those related to buildings, infrastructure and equipment;



(b) the planning and preparatory phase of exercises;

(c) transport, barracks and lodging for forces.

#### Article 17

##### Reference amount

Any joint action by which the Council decides that the Union will conduct a military operation and any joint action or decision by which the Council decides to extend a Union operation shall contain a reference amount for the common costs of this operation. The administrator shall, with the support in particular of the Union military staff and, if he/she is in post, the operation commander, evaluate the amount judged necessary to cover the common costs of the operation for the planned period. The administrator shall propose this amount through the Presidency to the Council bodies responsible for examining the draft joint action or decision. The Special Committee shall at the same time be kept informed by the administrator of the proposal made.

#### CHAPTER 6

##### BUDGET

#### Article 18

##### Budgetary principles

1. The budget, drawn up in euro, is the act which for each financial year lays down and authorises all the revenue and expenditure relating to common costs administered by ATHENA.

2. All expenditure shall be linked to a specific operation, except where appropriate for the costs listed in Annex I.

3. The appropriations entered in the budget are authorised for the duration of a financial year which begins on 1 January and ends on 31 December of the same year.

4. Budget revenue and expenditure must balance.

5. No revenue or expenditure relating to common costs may be implemented other than by allocation to a heading in the budget and within the limit of the appropriations entered there.

#### Article 19

##### Establishment and adoption of the annual budget

1. Each year the administrator shall draw up a draft budget for the following financial year, with the assistance of each operation commander for the 'operational common costs' section. The administrator shall propose the draft budget to the Special Committee by 31 October at the latest.

2. The draft shall include:

(a) the appropriations deemed necessary to cover the common costs incurred in preparation for, or further to, operations;

(b) the appropriations deemed necessary to cover the operational common costs for ongoing or planned operations, including, where appropriate, to reimburse common costs which have been prefinanced by a State or third party;

(c) a forecast of the revenue needed to cover expenditure.

3. The commitment and payment appropriations shall be classified in titles and chapters grouping expenditure together by type or purpose, subdivided as necessary into articles. Detailed comments by chapter or article shall be included in the draft budget. One specific title shall be dedicated to each operation. One specific title shall be the general part of the budget and shall include the common costs incurred in preparation for, or further to, operations.

4. Each title may include a chapter entitled 'provisional appropriations'. These appropriations shall be entered where there is uncertainty, based on serious grounds, about the amount of appropriations needed or the scope for implementing the appropriations entered.

5. Revenue shall consist of:

(a) contributions payable by the participating and contributing Member States and, where appropriate, by contributing third States;

(b) miscellaneous revenue, subdivided by title, which includes interest received, revenue from sales and the budget outturn from the previous financial year, after it has been determined by the Special Committee.

6. The Special Committee shall approve the draft budget by 31 December. The administrator shall adopt the approved budget and notify the participating and contributing States.

#### Article 20

##### Amending budgets

1. In the case of unavoidable, exceptional or unforeseen circumstances, in particular when an operation arises during the course of the financial year, the administrator shall propose a draft amending budget. If the draft amending budget substantially exceeds the reference amount for the operation concerned, the Special Committee may request the Council to approve it.

2. The draft amending budget shall be drawn up, proposed, approved and adopted and notification given in accordance with the same procedure as the annual budget. However, when the amending budget is linked to the launch of a Union military operation, it shall be accompanied by a detailed financial statement on the common costs anticipated for the whole of the operation. The Special Committee shall discuss it taking account of its urgency.

#### Article 21

##### Transfers

1. The administrator, where appropriate on the basis of a proposal by the operation commander, may make transfers of appropriations. The administrator shall inform the Special Committee of his/her intention, insofar as the urgency of the situation permits, at least one week in advance. However, the prior approval of the Special Committee shall be required when:

(a) the planned transfer will amend the total of the appropriations provided for an operation;

or

(b) the planned transfers between chapters during the financial year exceed 10 % of the appropriations entered in the chapter from which the appropriations are being drawn, as appearing in the adopted budget for the financial year on the date when the proposal for the transfer in question is made.

2. When he/she deems this to be necessary for the proper conduct of an operation, in the three months following the date of launching of the operation, the operation commander may make transfers of appropriations allocated for the operation, between articles and between chapters in the 'operational common costs' section of the budget. He/she shall inform the administrator and the Special Committee thereof.

#### Article 22

##### Carryover of appropriations

1. In principle, the appropriations intended to cover the common costs incurred in preparation for, or further to, operations, which have not been committed are cancelled at the end of the financial year.

2. Appropriations intended to cover the cost of storing material and equipment administered by ATHENA may be carried over once to the following financial year, when a commitment to that effect was made before 31 December of the current financial year. Appropriations intended to cover operational common costs may be carried over if they are necessary for an operation which has not been fully wound up.

3. The administrator shall submit proposals for the carrying over of appropriations from the preceding financial year to the Special Committee by 15 February. These proposals shall be deemed approved unless the Special Committee decides otherwise by 15 March.

#### Article 23

##### Anticipated implementation

Once the annual budget has been approved, appropriations may be used to cover commitments and payments insofar as operationally necessary.

#### CHAPTER 7

##### CONTRIBUTIONS AND REIMBURSEMENTS

#### Article 24

##### Determination of contributions

1. Payment appropriations to cover the common costs incurred in preparation for, or further to, operations which are not covered by miscellaneous revenue shall be financed by contributions from the participating Member States.

2. Payment appropriations to cover the operational common costs of an operation shall be covered by contributions from the Member States and third States contributing to the operation.

3. The contributions payable by the contributing Member States for an operation shall be equal to the amount of the payment appropriations entered in the budget and intended to cover the operational common costs of that operation, minus the amounts of the contributions payable for the same operation by contributing third States pursuant to Article 12.

4. The breakdown of contributions between the Member States from whom a contribution is required shall be determined in accordance with the gross national product scale as specified in Article 28(3) of the Treaty on European Union and in accordance with the Council Decision 2000/597/EC, Euratom of 29 September 2000 on the system of the European Communities' own resources<sup>(1)</sup>, or any other Council decision which may replace it.

5. The data for the calculation of contributions shall be those set out in the 'GNI own resources' column in the 'Summary of financing of the general budget by type of own resource and by Member State' table appended to the latest budget adopted by the European Communities. The contribution of each Member State from whom a contribution is due shall be proportional to the share of Gross National Income (GNI) of that Member State in the total GNI aggregate of the Member States from whom a contribution is due.

<sup>(1)</sup> OJ L 253, 7.10.2000, p. 42.

*Article 25***Schedule for payment of contributions**

1. When the Council has adopted a reference amount for a Union military operation, the contributing Member States, shall pay their contributions at the level of 30 % of the reference amount, unless the Council decides on a higher percentage.

2. The Special Committee, on the basis of a proposal by the administrator, may decide that additional contributions will be called before the adoption of an amending budget for the operation. The Special Committee may decide to refer the matter to the competent preparatory bodies at the Council.

3. When the appropriations intended to cover the operational common costs of the operation have been entered in the budget, the Member States shall pay the balance of the contributions which they owe for that operation in application of Article 24 after deduction of the contributions already called from them for the same operation in the same financial year. However, when the operation is planned to last more than six months, the balance of contributions shall be paid in half-yearly instalments. In such a case, the first instalment shall be paid within two months of the launching of the operation; the second instalment shall be paid by a deadline to be set by the Special Committee acting on a proposal from the administrator, taking into account operational needs. The Special Committee may depart from these provisions.

4. When a reference amount or a budget has been adopted, the administrator shall send the corresponding calls for contributions by letter to the national administrations whose details have been communicated to him/her.

5. Without prejudice to the other provisions in this Decision, the contributions shall be paid within 30 days following despatch of the relevant call for contributions.

6. Each contributing State shall pay the bank charges relating to the payment of its own contribution.

7. The administrator shall acknowledge receipt of contributions.

*Article 26***Early financing**

1. In the case of an EU Military Rapid Response operation, contributions shall be due by contributing Member States at the level of the reference amount. Without prejudice to Article 25(3), payments shall be made as defined below.

2. For the purpose of the early financing of EU Military Rapid Response operations, the participating Member States shall:

(a) either pay contributions to ATHENA in anticipation;

(b) or, when the Council decides to conduct an EU Military Rapid Response operation to the financing of which they contribute, pay their contributions to the common costs of that operation within five days following despatch of the call at the level of the reference amount, unless the Council decides otherwise.

3. For the purpose referred to above, the Special Committee, composed of one representative of each of the Member States which have chosen to pay contributions in anticipation (hereafter anticipating Member States), shall establish provisional appropriations in a specific title in the budget. These provisional appropriations shall be covered by contributions payable by the anticipating Member States within 90 days following despatch of the call for these contributions.

4. Without prejudice to Article 25(3), the contributions due by an anticipating Member State for a Rapid Response operation, up to the level of the contribution it has paid to the provisional appropriations referred to in paragraph 3 of this Article, shall be payable within 90 days following despatch of the call. A similar amount may be made available to the operation commander from the contributions paid in anticipation.

5. Notwithstanding Article 21, any provisional appropriations referred to under paragraph 3 of this Article which are used for an operation shall be replenished within 90 days following despatch of the call.

6. Without prejudice to paragraph 1, any anticipating Member State may in specific circumstances authorise the administrator to use its contribution paid in anticipation to cover its contribution to an operation in which it participates, other than a Rapid Response operation. The contribution paid in anticipation shall be replenished by the Member State concerned within 90 days following despatch of the call.

7. Where funds are required for an operation, other than a Rapid Response operation, before sufficient contributions to that operation have been received:

(a) contributions paid in anticipation by Member States which contribute to financing that operation after approval by the anticipating Member States, may be used up to 75 % of their amount to cover contributions due to that operation. The contributions paid in anticipation shall be replenished by the anticipating Member States within 90 days following despatch of the call;

(b) in the case referred to in subparagraph a), contributions due for the operation under Article 25(1) from Member States that had not contributed in anticipation shall be paid, after approval by the Member States concerned, within five days following despatch of the call by the administrator.

8. Notwithstanding Article 32(3), the operation commander may commit and pay the amounts made available to him.

9. Any Member State may reverse its option by notifying the administrator at least three months in advance.

#### Article 27

##### Reimbursement of prefinancing

1. A Member State, a third State or, as appropriate, an international organisation which has been authorised by the Council to prefinance a part of the common costs of an operation may obtain reimbursement from ATHENA by making a request accompanied by the necessary supporting documents and addressed to the administrator at the latest two months after the date of completion of the operation concerned.

2. No request for reimbursement may be honoured if it has not been approved by the operation commander and by the administrator.

3. If a request for reimbursement presented by a contributing State is approved, it may be deducted from the next call for contributions addressed to that State by the administrator.

4. If no call for contributions is anticipated when the request is approved, or if the approved request for reimbursement would exceed the anticipated contribution, the administrator shall make payment of the amount to be reimbursed within 30 days, taking account of ATHENA's cash flow and of what is needed to finance the common costs of the operation concerned.

5. Reimbursement shall be due in accordance with this Decision even if the operation is cancelled.

#### Article 28

##### Management by ATHENA of expenditure not included in common costs

1. The Special Committee, on the basis of a proposal by the administrator or a Member State, may decide that the administrative management of certain expenditure in relation to an operation, particularly in the area of manpower support/messing and laundry, while remaining the responsibility of the Member State which it concerns, should be entrusted to ATHENA.

2. The Special Committee, in its decision, may authorise the operation commander to enter into contracts on behalf of the Member States participating in an operation, for the acquisition of the supplies described. It shall then decide that ATHENA will collect the necessary funds from the Member States in advance to honour the contracts entered into.

3. ATHENA shall keep accounts of the expenditure borne by each Member State the management of which has been entrusted to it. Each month it shall send each Member State a statement of the expenditure borne by it and incurred by it or by its staff during the preceding month, and shall call for the necessary funds to pay for this expenditure. The Member States shall pay ATHENA the funds required within 30 days following despatch of the call for funds.

#### Article 29

##### Interest on late payment

1. If a State does not fulfil its financial obligations, the Community rules on interest on late payment determined by Article 71 of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities <sup>(1)</sup> in relation to the payment of contributions to the Community budget shall be applicable by analogy.

2. When payment is late by no more than ten days, no interest shall be charged. When payment is late by more than ten days, interests shall be charged for the entire delay.

#### CHAPTER 8

##### IMPLEMENTATION OF EXPENDITURE

#### Article 30

##### Principles

1. ATHENA's appropriations shall be used in accordance with the principles of sound financial management, that is in accordance with the principles of economy, effectiveness and efficiency.

2. Authorising officers shall be responsible for implementing ATHENA's revenue or expenditure in accordance with the principles of sound financial management to ensure that the requirements of legality and regularity are complied with. The authorising officers shall make budgetary and legal commitments, clear and authorise expenditure and carry out actions prior to this implementation of appropriations. An authorising officer may delegate his/her duties by a decision determining:

(a) staff at an appropriate level for such delegation;

<sup>(1)</sup> OJ L 248, 16.9.2002, p. 1.

- (b) the extent of the conferred powers;
- (c) the scope for beneficiaries to subdelegate their powers.

3. The implementation of appropriations according to the principle of the segregation of the authorising officer and the accounting officer shall be ensured. The duties of authorising officer and accounting officer shall be mutually incompatible. Any payment made on funds administered by ATHENA shall require the joint signature of an authorising officer and an accounting officer.

4. Without prejudice to this Decision, when the implementation of common expenditure is entrusted to a Member State, a Community institution or, as appropriate, an international organisation, that State, institution or organisation shall apply the rules applicable to the implementation of its own expenditure. When the administrator implements expenditure directly, it shall comply with the rules applicable to the implementation of the 'Council' section of the general budget of the European Communities.

5. However the administrator may provide the Presidency with elements for proposal to the Council or the Special Committee on rules for the implementation of common expenditure.

6. The Special Committee may approve rules for the implementation of common expenditure which depart from paragraph 4.

#### Article 31

##### **Common costs incurred in preparation for, or further to, operations**

The administrator shall perform the duties of authorising officer for expenditure covering the common costs incurred in preparation for, or further to, operations.

#### Article 32

##### **Operational common costs**

1. The operation commander shall carry out the duties of authorising officer for expenditure covering the operational common costs of the operation he/she commands. However, the administrator shall carry out the duties of authorising officer for expenditure covering the operational common costs incurred during the preparatory phase of a specific operation, which are implemented directly by ATHENA, or related to the operation after the end of its active phase.

2. The sums required for the implementation of expenditure on an operation shall be transferred by the administrator from ATHENA's bank account to the operation commander, upon his/her request, into the bank account opened on behalf of ATHENA, of which the operation commander has provided the details.

3. By way of derogation from Article 18(5), the adoption of a reference amount shall activate the right of the administrator and the operation commander, each in his/her area of competence, to commit and pay expenses for the operation concerned up to 30 % of the reference amount, unless the Council should set a higher percentage. The Special Committee, on the basis of a proposal from the administrator, may decide that additional expenditure may be committed and paid. The Special Committee may decide to refer the question to the competent preparatory bodies at the Council through the Presidency. This derogation shall no longer apply from the date of adoption of a budget for the operation concerned.

4. During the period prior to the adoption of a budget for an operation, the administrator and the operation commander or his/her representative shall report to the Special Committee every month, each reporting on the matters concerning him/her, as regards the expenses which are eligible as common costs for that operation. The Special Committee, on the basis of a proposal by the administrator, the operation commander or a Member State, may issue directives on the implementation of expenditure during this period.

5. By way of derogation from Article 18(5), in the case of imminent danger to the lives of personnel involved in a Union military operation, the operation commander for that operation may implement the necessary expenditure to save the lives of those personnel, in excess of the appropriations entered in the budget. He/she shall inform the administrator and the Special Committee as soon as possible. In such a case, the administrator shall, liaising with the operation commander, propose the transfers needed to finance this unexpected expenditure. If it is not possible to ensure sufficient funding for such expenditure by means of a transfer, the administrator shall propose an amending budget.

#### CHAPTER 9

##### **FINAL DESTINATION OF EQUIPMENT AND INFRASTRUCTURE FINANCED IN COMMON**

#### Article 33

1. With a view to winding up the operation which he/she has commanded, the operation commander shall act as necessary to find a final destination for the equipment and infrastructure acquired in common for that operation. He/she shall propose to the Special Committee the relevant rate of depreciation as necessary.

2. The administrator shall manage the equipment and infrastructure remaining after the end of the active phase of the operation, with a view if necessary to finding its final destination. He/she shall propose to the Special Committee the relevant rate of depreciation as necessary.

3. The depreciation rate for equipment, infrastructure and other assets shall be approved by the Special Committee at the earliest time possible.

4. The final destination of equipment and infrastructure financed in common shall be approved by the Special Committee, taking into account operational needs and financial criteria. The final destination may be as follows:

(a) in the case of infrastructure, be sold or transferred through ATHENA to the host country, a Member State or a third party;

(b) in the case of equipment, be sold through ATHENA to a Member State, the host country or a third party, or be stored and maintained by ATHENA, a Member State or a third party.

5. Equipment and infrastructure shall be sold to a contributing State, the host country or a third party for their market value, or, where no market value can be determined, taking account of the relevant rate of depreciation.

6. Sale or transfer to the host country or a third party shall be in accordance with the security rules in force, particularly within the Council, the contributing States or NATO, as appropriate.

7. When it is decided that ATHENA shall retain equipment acquired for an operation, the contributing Member States may ask for financial compensation from the other participating Member States. The Special Committee, composed of the representatives of all the participating Member States, shall take the appropriate decisions on the basis of a proposal from the administrator.

## CHAPTER 10

### ACCOUNTING AND INVENTORY

#### Article 34

#### Principles

When the implementation of common expenditure has been entrusted to a Member State, a Community institution or, as appropriate, an international organisation, that State, institution or organisation shall apply the rules which are applicable to accounting for its own expenditure and its own inventory.

#### Article 35

#### Accounting for operational common costs

The operation commander shall keep accounts of transfers received from ATHENA, of expenditure he/she has committed and of payments made, as well as an inventory of the movable property financed by the ATHENA budget and used for the operation which he/she commands.

#### Article 36

#### Consolidated accounts

1. The accounting officer shall keep the accounts of contributions called for and transfers made. He/she shall also draw up the accounts for the common costs incurred in preparation for, or further to, operations, and for operational expenditure implemented under the direct responsibility of the administrator.

2. The accounting officer shall draw up the consolidated accounts for ATHENA's revenue and expenditure. Each operation commander shall send him/her the accounts for the expenditure he/she has committed and the payments he/she has made, as well as for the prefinancing he/she has approved to cover the operational common costs of the operation which he/she commands.

## CHAPTER 11

### AUDIT AND PRESENTATION OF ACCOUNTS

#### Article 37

#### Regular reports to the Special Committee

Every three months, the administrator shall present to the Special Committee a report on the implementation of revenue and expenditure during the preceding three months and since the beginning of the financial year. To this end, every operation commander shall provide the administrator in good time with a report on expenditure relating to the operational common costs of the operation which he/she commands.

#### Article 38

#### Conditions for the exercise of controls

1. The persons responsible for auditing ATHENA's income and expenditure must, before carrying out their task, have received clearance for access to classified information up to at least 'Secret UE' level held by the Council, or equivalent clearance from a Member State or NATO, as appropriate. Those persons shall ensure that they respect the confidentiality of the information and protect the data of which they acquire knowledge during their audit task, in accordance with the rules applicable to that information and those data.

2. The persons responsible for auditing ATHENA's income and expenditure shall have access without delay and without giving prior notice to the documents and to the contents of all data supports relating to that income and expenditure, and to the premises where those documents and supports are kept. They may make copies. The persons involved in implementing ATHENA's income and expenditure shall give the administrator and the persons responsible for the audit of that income and expenditure the necessary assistance in performing their task.

#### Article 39

##### External auditing of the accounts

1. When the implementation of ATHENA's expenditure has been entrusted to a Member State, a Community institution or an international organisation, that State, institution or organisation shall apply the rules which apply to the auditing of its own expenditure.

2. However, the administrator or persons appointed by him/her may at any time carry out an audit of the common costs of ATHENA incurred in preparation for, or further to, operations, or the operational common costs of an operation. Furthermore, the Special Committee, on the basis of a proposal by the administrator or a Member State, may at any time appoint external auditors, whose tasks and conditions of employment it shall determine.

3. With a view to external audits, a six-member college of auditors shall be established. Each year, the Special Committee shall appoint as of 1 January of the following year two members for a three-year period, renewable once, from candidates proposed by the Member States. The Special Committee may extend a member's mandate by up to six months. The candidates must be members of a national audit body in a Member State and offer adequate guarantees of security and independence. They must be available to carry out tasks on behalf of ATHENA as needed. In carrying out these tasks:

- (a) the members of the college shall continue to be paid by their audit body of origin; ATHENA shall bear their mission expenses in accordance with the rules applicable to officials of the European Communities of an equivalent grade. Candidates must be members of the highest national audit body of a Member State, or recommended by that body, and must offer sufficient guarantees of security and independence;
- (b) they shall neither request nor receive instructions other than from the Special Committee; within its audit mandate the College of Auditors and its members shall be completely independent and solely responsible for the conduct of the external audit;
- (c) they shall only report on their task to the Special Committee;

(d) they shall check during the financial year as well as ex post, through controls on the spot as well as on supporting documents, that expenditure financed or pre-financed through ATHENA is implemented in accordance with the legislation applicable and the principles of sound financial management, i.e. in accordance with the principles of economy, effectiveness and efficiency, and that internal controls are adequate.

Each year, the College of auditors shall elect to change or extend its chairman from amongst its members. It shall adopt the rules applicable to audits carried out by its members in accordance with the highest international standards. The College of Auditors shall approve the audit reports drawn up by its members before their transmission to the administrator and to the Special Committee.

4. The Special Committee may decide on a case-by-case basis and upon specific motivations to use other external bodies.

5. The cost of the audits carried out by auditors acting on behalf of ATHENA shall be considered as a common cost to be borne by ATHENA.

#### Article 40

##### Internal auditing of the accounts

1. On the basis of a proposal by the administrator and after informing the Special Committee, the Secretary-General of the Council shall appoint an internal auditor of the ATHENA mechanism, and at least one deputy internal auditor, for a period of three years, renewable once; internal auditors must have the necessary professional qualifications and offer sufficient guarantees of security and independence.

2. The internal auditor shall report to the administrator on dealing with risks, by issuing independent opinions on the quality of management and control systems and by issuing recommendations for improving the internal audit in operations and promoting sound financial management. He shall be responsible in particular for assessing the suitability and effectiveness of internal management systems and the performance of departments in implementing policies and reaching objectives by reference to the risks associated with them.

3. The internal auditor shall perform his duties on all departments involved in the collection of ATHENA's revenue or the implementation of expenditure financed through ATHENA.

4. The internal auditor shall perform one or more audits during the financial year as appropriate. He/she shall report to the administrator and inform the operation commander of his/her findings and recommendations. The operation commander and the administrator shall ensure that action is taken on recommendations resulting from audits.

5. The administrator shall submit a report each year to the Special Committee on the internal audit work done, indicating the number and type of internal audits carried out, observations made, recommendations put forward and how those recommendations were followed up.

6. Furthermore, each operation commander shall give the internal auditor full access to the operation which he/she commands. The internal auditor shall check that the financial and budgetary systems and procedures function correctly, and shall ensure that robust and effective internal audit systems are in operation. The internal auditor may not be either an authorising officer or accounting officer; he/she may not take part in the preparation of financial statements.

7. The proceedings and reports of the internal auditor shall be made available to the College of Auditors along with all supporting documents relating thereto.

#### Article 41

##### Annual presentation of accounts

1. Each operation commander shall provide ATHENA's accounting officer by 31 March following the end of the financial year, or within four months following the end of the operation which he/she commands, whichever is the earlier, with the necessary information to establish the annual accounts for common costs, the annual accounts for expenditure pre-financed and reimbursed pursuant to Article 28 and the annual activity report.

2. The administrator, with the assistance of the accounting officer and each operation commander, shall establish and provide to the Special Committee and the College of auditors, by 30 April following the end of the financial year, the provisional annual accounts and the annual activity report.

3. The Special Committee shall be provided by 31 July following the end of the financial year, by the College of Auditors with an annual audit report and by the administrator, assisted by the accounting officer and each operation commander, with ATHENA's final annual accounts. The Special Committee shall examine by 30 September following the end of the financial year the annual accounts in the light of the College's audit report, with a view to granting a discharge to the administrator, the accounting officer and each operation commander.

4. All accounts and inventories shall be retained, each at his/her level, by the accounting officer and each operation commander for a period of five years from the date on which the corresponding discharge was granted.

5. The Special Committee shall decide to enter the balance of the budget outturn for a financial year for which the accounts

have been approved in the budget for the following financial year, as revenue or expenditure depending on the circumstances, by means of an amending budget.

6. That part of the balance of the budget outturn for a financial year which comes from the implementation of appropriations intended to cover common costs incurred in preparation for, or further to, operations, shall be entered against the next contributions from participating Member States.

7. That part of the balance of the budget outturn which comes from the implementation of appropriations intended to cover the operational common costs of a given operation shall be entered against the next contributions from the Member States which have contributed to that operation.

8. If reimbursement cannot be done by deduction from the contributions due to ATHENA, the balance of the budget outturn shall be repaid to the Member States concerned.

9. Each Member State participating in an operation shall provide on a voluntary basis information by 31 March each year to the administrator where appropriate through the operation commander, on the incremental costs it has incurred for the operation during the previous financial year. This information shall be broken down to show the main items of expenditure. The administrator shall compile this information in order to provide the Special Committee with an overview of the incremental costs of the operation.

#### Article 42

##### Presentation of the accounts of an operation

1. When an operation is complete, the Special Committee may decide, on the basis of a proposal by the administrator or by a Member State, that the administrator, with the assistance of the accounting officer and of the operation commander, shall submit to the Special Committee the management accounts and the balance sheet for that operation, at least up to the date on which it was completed, and, if possible, up to the date on which it was wound up. The deadline imposed on the administrator may not be less than four months from the date on which the operation was completed.

2. If the management accounts and balance sheet cannot, within the given deadline, include the revenue and expenditure connected with the winding up of that operation, then that revenue and expenditure shall appear in the annual management account and balance sheet for ATHENA and shall be examined by the Special Committee in connection with the annual presentation of accounts.



3. The Special Committee shall approve the management account and balance sheet for the operation which have been submitted to it. It shall grant a discharge to the administrator, the accounting officer and each operation commander for the operation in question.

4. If reimbursement cannot be done by deduction from the contributions due to ATHENA, the balance of the budget outturn shall be repaid to the Member States concerned.

#### CHAPTER 12

#### LEGAL LIABILITY

##### Article 43

1. The conditions governing the disciplinary or criminal liability of the operation commander, the administrator and other staff made available in particular by the Community institutions or Member States in the event of misconduct or negligence in the implementation of the budget shall be governed by the Staff Regulations or the arrangements applicable to them. In addition, ATHENA may at its own initiative or at the request of a contributing State bring a civil action against the abovementioned staff.

2. In no case may the European Communities or the Secretary-General of the Council be held liable by a contributing State as a result of the performance of their duties by the administrator, the accounting officer or the staff assigned to them.

3. The contractual liability which may arise from contracts concluded in the context of implementation of the budget shall be covered through ATHENA by the contributing States. It shall be governed by the law applicable to the contracts in question.

4. In the case of non-contractual liability, any damage caused by the operation headquarters, force headquarters and component headquarters of the crisis structure, the composition of which shall be approved by the operation commander, or by their staff in the course of their duties shall be covered through ATHENA by the contributing States, in accordance with the general principles common to the laws of the Member States and the Staff Regulations of the forces, applicable in the theatre of operations.

5. In no case may the European Communities or the Member States be held liable by a contributing State for contracts concluded in the framework of budget implementation or for damage caused by the units and departments of the crisis structure, the composition of which shall be approved by the operation commander, or by their staff in the course of their duties.

##### Article 44

#### Review and revision

All or part of the present Decision, including its Annexes, shall be reviewed, if necessary, at the request of a Member State or following each operation. It shall be revised at least every three years. In the course of review or revision, all experts relevant to the proceedings, including in ATHENA's management bodies, may be called upon.

##### Article 45

#### Final provisions

Decision 2007/384/CFSP is hereby repealed.

##### Article 46

#### Taking of effect

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

##### Article 47

#### Publication

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

Done at Brussels, 18 December 2008.

*For the Council*  
*The President*  
M. BARNIER

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*ANNEX I***COMMON COSTS BORNE BY ATHENA WHENEVER THEY ARE INCURRED**

In cases when the following common costs cannot be linked directly to a specific operation, the Special Committee may decide to allocate the corresponding appropriations to the general part of the annual budget. These appropriations should, as much as possible, be entered in articles showing the operation to which they are most related.

1. Mission expenditure incurred by the operation commander and his/her staff for submitting an operation's accounts to the Special Committee.
2. Indemnities for damages and costs resulting from claims and actions to be paid through ATHENA.
3. Costs pursuant to any decision to store material which was acquired in common for an operation (where these costs are attributed to the general part of the annual budget, a link to a specific operation shall be indicated).

The general part of the annual budget shall furthermore include appropriations, where necessary, to cover the following common costs in operations to the financing of which the participating Member States contribute:

1. Banking costs;
2. Auditing costs;
3. Common costs relative to the preparatory phase of an operation as defined at Annex II.

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*ANNEX II***OPERATIONAL COMMON COSTS RELATING TO THE PREPARATORY PHASE OF AN OPERATION BORNE BY ATHENA**

Incremental costs necessary for exploratory missions and preparations (in particular fact-finding missions and reconnaissance) by military forces with a view to a specific Union military operation: transport, accommodation, use of operational communications tools, recruitment of local civilian personnel for the execution of the mission, e.g. interpreters and drivers.

Medical services: the cost of emergency medical evacuations (Medevac) of persons taking part in exploratory missions and preparations by military forces with a view to a specific Union military operation, when medical treatment cannot be provided in theatre.

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## ANNEX III

## III-A

**OPERATIONAL COMMON COSTS RELATIVE TO THE ACTIVE PHASE OF OPERATIONS ALWAYS BORNE BY ATHENA**

For any Union military operation, ATHENA will bear as operational common costs the incremental costs required for the operation defined below.

## 1. Incremental costs for (deployable or fixed) headquarters for EU-led operations

## 1.1. Definition of headquarters whose incremental costs are financed in common:

- |                                    |  |
|------------------------------------|--|
| (a) Headquarters (HQ):             | the headquarters (HQ); the command and servicing elements approved in the operation plan (OPLAN).  |
| (b) Operation Headquarters (OHQ):  | the static, out-of-area headquarters of the operation commander, which is responsible for building up, launching, sustaining and recovering an EU force.   |
|                                    | The definition of common costs applicable to an OHQ for an operation shall also be applicable to the General Secretariat of the Council and ATHENA insofar as they are acting directly for that operation.                       |
| (c) Force Headquarters (FHQ):      | the headquarters of an EU force deployed to the area of operations.  |
| (d) Component Headquarters (CCHQ): | the headquarters of an EU component commander deployed for the operation (i.e. air, land, maritime and other special forces commanders whom it could be deemed necessary to designate depending on the nature of the operation). |

## 1.2. Definition of incremental costs financed in common:

- |  |   |
|--|---|
| (a) Transport costs:   | transport to and from the theatre of operations to deploy, sustain and recover FHQs and CCHQs; transport costs incurred by the OHQ necessary to an operation.   |
| (b) Administration:  | additional office and accommodation equipment, contractual services and utilities, maintenance costs of the HQ buildings.   |
| (c) Civilian personnel recruited specifically in the eligible HQs for the requirements of the operation: | civilian personnel working in the European Union, international and local personnel hired in theatre needed for the conduct of the operation over and above the normal operational requirements (including any overtime compensation payments);   |
| (d) Communications between eligible HQs and between eligible HQs and directly subordinate forces:        | capital expenditure for the purchase and use of additional communications and IT equipment and costs for rendered services (lease and maintenance of modems, telephone lines, satphones, cryptofaxes, secure lines, internet providers, data lines, local area networks);   |
| (e) Transportation/travel (excluding 'per diem' costs) within the operations area of HQs:                | expenditure related to vehicle transportation and other travel by other means and freight costs, including travel by national augmentees and visitors; incremental costs of fuel over and above what normal operations would have cost; lease of additional vehicles; costs of official journeys between the operational location and Brussels and/or EU-organised meetings; third-party insurance costs imposed by some countries upon international organisations conducting operations in their territory. |

- (f) Barracks and lodging/infrastructure: expenditure for acquisition, rental or refurbishing of required HQ facilities in theatre (rental of buildings, shelters, tents), if required;
- (g) Public information: costs related to information campaigns and to inform media at OHQ and FHQ, in accordance with the information strategy developed by the operational HQ;
- (h) Representation and hospitality: representational costs; costs at HQ level necessary for the conduct of an operation.

2. Incremental costs incurred for providing support to the force as a whole

The costs defined below are those incurred as a consequence of the force deployment to its location:

- (a) Works for deployment/infrastructure: expenditure absolutely needed for the force as a whole to fulfil its mission (jointly used airport, railway, harbours, main logistical roads, including points of disembarkation and forward assembly areas; water pumping, treatment, distribution and disposal, water and power supply, earthworks and static force protection, storage facilities (in particular for fuel and ammunition), logistical assembly areas; technical support for jointly financed infrastructure).
- (b) Identification marking: specific identification marks, 'European Union' identity cards, badges, medals, flags in European Union colours or other Force or HQ identification marking (excluding clothes, hats or uniforms);
- (c) Medical services: emergency medical evacuations (Medevac). Role 2 and 3 facilities at theatre operational element level, such as airports and disembarkation ports approved in the operation plan (OPLAN).
- (d) Acquisition of information: Satellite images for intelligence approved in the operation plan (OPLAN), if they cannot be financed from the funds available in the budget of the European Union Satellite Centre (EUSC).

3. Incremental costs incurred by European Union recourse to NATO common assets and capabilities made available for an EU-led operation.

The cost for the European Union of the application for one of its military operations of the arrangements between the EU and NATO relating to release, monitoring and return or recall of NATO common assets and capabilities made available for an EU-led operation. Reimbursements by NATO to the EU.

4. Incremental costs incurred by the European Union for goods, services or works included in the list of common costs and made available in an EU-led operation by a Member State, an EU institution, a third State or an international organisation pursuant to an arrangement referred to in Article 11. Reimbursements by a State, an EU institution or an international organisation based on such an arrangement.

*III-B***OPERATIONAL COMMON COSTS RELATING TO THE ACTIVE PHASE OF A SPECIFIC OPERATION, BORNE BY ATHENA WHEN THE COUNCIL SO DECIDES**

Transport costs:	transport to and from the theatre of operations to deploy, support and recover the forces necessary for the operation.
Multinational task force headquarters:	the multinational headquarters of EU task forces deployed in the area of operation.

*III-C***OPERATIONAL COMMON COSTS BORNE BY ATHENA WHEN REQUESTED BY THE OPERATION COMMANDER AND APPROVED BY THE SPECIAL COMMITTEE**

(a) Barracks and lodging/infrastructure:	expenditure for acquisition, rental or refurbishing of premises in theatre (buildings, shelters, tents), as necessary for the forces deployed for the operation.
(b) Essential additional equipment:	the rental or purchase in the course of the operation of unforeseen specific equipment essential for the execution of the operation, insofar as the purchased equipment is not repatriated at the end of the mission.
(c) Medical services:	Role 2 facilities in theatre, other than those mentioned in Annex III-A.
(d) Acquisition of information:	acquisition of information (satellite images; theatre-level intelligence, reconnaissance and surveillance (ISR), including Air-to-Ground Surveillance (AGSR); human intelligence).
(e) Other critical theatre-level capabilities:	demining if needed for the operation, chemical, biological, radiological and nuclear (CBRN) protection; storage and destruction of weapons and ammunitions collected within the area of operation.

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*ANNEX IV***OPERATIONAL COMMON COSTS RELATIVE TO THE WINDING-UP OF AN OPERATION, BORNE BY ATHENA**

Costs incurred for finding the final destination for the equipment and infrastructure commonly funded for the operation.

Incremental costs of drawing up the accounts for the operation. The eligible common costs shall be determined in accordance with Annex III, keeping in view the fact that the staff needed to draw up the accounts belong to the headquarters for that operation, even after the latter has ceased its activities.

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## CORRIGENDA

**Corrigendum to Commission Decision 2008/936/EC of 20 May 2008 concerning aid granted by France to the Fund for the prevention of risks to fishing and fisheries undertakings (State aid C 9/06) (notified under document number C(2007) 5636)**

*(Official Journal of the European Union L 334 of 12 December 2008)*

In the title of the Decision, both on the cover and on page 62:

*for:* '2008/936/EC'

*read:* '2008/964/EC'.

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**Corrigendum to Commission Regulation (EC) No 1337/2007 of 15 November 2007 amending Council Regulation (EC) No 992/95 as regards Community tariff quotas for certain fishery products originating in Norway**

*(Official Journal of the European Union L 298 of 16 November 2007)*

On page 9, in the Annex, point (c), fourth column of the table:

*for:* 'From 16.6.2008 to 14.2.2009: 30 500',

*read:* '16.6-14.2: 30 500'.

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**Corrigendum to Commission Directive 95/45/EC of 26 July 1995 laying down specific purity criteria concerning colours for use in foodstuffs**

(Official Journal of the European Communities L 226 of 22 September 1995)

In the Annex to the Directive, point B 'Specific criteria of purity':

— E 101 (i) RIBOFLAVIN — Identification, A. Spectrometry:

*for:* 'Maximum in water at ca 375 nm',

*read:* 'Maximum in water at ca 444 nm';

— E 101 (ii) RIBOFLAVIN-5'-PHOSPHATE — Identification, A. Spectrometry:

*for:* 'Maximum in water at ca 375 nm',

*read:* 'Maximum in water at ca 444 nm';

— E 141 (ii) COPPER COMPLEXES OF CHLOROPHYLLINS — Identification, Spectrometry:

*for:* 'Maximum in aqueous phosphate buffer at pH 7,5 at ca 405 nm and at 630 nm',

*read:* 'Maximum in aqueous phosphate buffer at pH 7,5 at ca 405 nm and at ca 630 nm';

— E 160d LYCOPENE — Definition:

*for:* 'Assay E1 % 1 cm 3 450 at ca 472 nm in hexane  
E1 % 1 cm 3 450 at ca 472 nm in hexane',

*read:* 'Assay Not less than 5 % of total colouring matters  
E1 % 1 cm 3 450 at ca 472 nm in hexane';

— E 160e BETA-APO-8'-CAROTENAL (C30) — Purity:

*for:* 'Heavy metals (as Pb) Not more than 10 mg/kg',

*read:* 'Heavy metals (as Pb) Not more than 40 mg/kg';

— E 160f ETHYL ESTER OF BETA-APO-8'-CAROTENOIC ACID (C30) — Purity:

*for:* 'Heavy metals (as Pb) Not more than 10 mg/kg',

*read:* 'Heavy metals (as Pb) Not more than 40 mg/kg'.

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