

# Official Journal

## of the European Union

L 257



English edition

Legislation

Volume 52

30 September 2009

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

## I

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

## REGULATIONS

**COMMISSION REGULATION (EC) No 907/2009****of 29 September 2009****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 30 September 2009.

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

Done at Brussels, 29 September 2009.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

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

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

## ANNEX

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

(EUR/100 kg)

CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	MK	32,8
	ZZ	32,8
0707 00 05	TR	121,8
	ZZ	121,8
0709 90 70	TR	110,1
	ZZ	110,1
0805 50 10	AR	89,6
	CL	109,9
	TR	83,3
	UY	88,0
	ZA	70,7
	ZZ	88,3
0806 10 10	EG	109,7
	IL	111,8
	TR	102,8
	US	190,3
	ZZ	128,7
0808 10 80	BR	83,8
	CL	83,2
	NZ	80,0
	US	83,8
	ZA	73,1
	ZZ	80,8
0808 20 50	AR	81,8
	CN	60,5
	TR	100,4
	US	161,5
	ZA	70,4
	ZZ	94,9
0809 30	TR	108,0
	ZZ	108,0
0809 40 05	IL	116,1
	TR	99,1
	ZZ	107,6

<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 908/2009****of 28 September 2009****establishing a prohibition of fishing for skates and rays in EC waters of VIId by vessels flying the flag of Belgium**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

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

*Article 2***Prohibitions**

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

*Article 3***Entry into force**

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

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

Done at Brussels, 28 September 2009.

*For the Commission*

Fokion FOTIADIS

*Director-General for Maritime Affairs and Fisheries*

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

<sup>(2)</sup> OJ L 261, 20.10.1993, p. 1.

<sup>(3)</sup> OJ L 22, 26.1.2009, p. 1.

## ANNEX

No	19/T&Q
Member State	Belgium
Stock	SRX/07D.
Species	Skates and rays ( <i>Rajidae</i> )
Zone	EC waters of VIId
Date	1.9.2009

**COMMISSION REGULATION (EC) No 909/2009**  
**of 28 September 2009**  
**establishing a prohibition of fishing for skates and rays in EC waters of VIII and IX by vessels flying**  
**the flag of Belgium**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

**Quota exhaustion**

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

*Article 2*

**Prohibitions**

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

*Article 3*

**Entry into force**

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

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

Done at Brussels, 28 September 2009.

*For the Commission*

Fokion FOTIADIS

*Director-General for Maritime Affairs and Fisheries*

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

<sup>(2)</sup> OJ L 261, 20.10.1993, p. 1.

<sup>(3)</sup> OJ L 22, 26.1.2009, p. 1.

## ANNEX

No	18/T&Q
Member State	Belgium
Stock	SRX/89-C.
Species	Skates and rays ( <i>Rajidae</i> )
Zone	EC waters of VIII and IX
Date	1.9.2009



## COMMISSION REGULATION (EC) No 910/2009

of 29 September 2009

concerning the authorisation of a new use of the preparation of *Saccharomyces cerevisiae* CNCM I-1077 as a feed additive for horses (holder of authorisation Lallemand SAS)

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

(2) This Regulation authorises a new use of the preparation of *Saccharomyces cerevisiae* CNCM I-1077 as a feed additive for horses.

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

(4) The European Food Safety Authority (the Authority) performed the risk assessment in accordance with Article 8(3) of Regulation (EC) No 1831/2003.

(5) The application concerns the authorisation of a new use of the preparation of *Saccharomyces cerevisiae* CNCM I-1077 as a feed additive for horses, to be classified in the additive category 'zootechnical additives'.

(6) The use of that preparation has been authorised for 10 years by Commission Regulation (EC) No 226/2007<sup>(2)</sup> for dairy goats and sheep and for 10 years by Commission Regulation (EC) No 1293/2008<sup>(3)</sup> for lambs.

(7) New data were submitted in support of the application for authorisation for horses. The Authority concluded in its opinions of 12 September 2006<sup>(4)</sup> and 1 April 2009<sup>(5)</sup> that the preparation of *Saccharomyces cerevisiae* CNCM I-1077 does not have an adverse effect on animal health, human health or the environment and that the use of that preparation can have a significant benefit for fibre digestion. The Authority did not consider that there is a need for specific requirements of post-market monitoring. It also verified the report on the method of analysis of the feed additive in feed submitted by the Community Reference Laboratory set up by Regulation (EC) No 1831/2003.

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

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

HAS ADOPTED THIS REGULATION:

## Article 1

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

<sup>(2)</sup> OJ L 64, 2.3.2007, p. 26.

<sup>(3)</sup> OJ L 340, 19.12.2008, p. 38.

<sup>(4)</sup> The EFSA Journal (2006) 385, p. 1.

<sup>(5)</sup> The EFSA Journal (2009) 1040, p. 1.

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

*Article 2*

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

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

Done at Brussels, 29 September 2009.

*For the Commission*  
Androulla VASSILOU  
*Member of the Commission*

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## ANNEX

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

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

4a1711	Lallemand SAS	<i>Saccharomyces cerevisiae</i> CNCM I-1077	<p>Additive composition:</p> <p>Solid form:</p> <p>Preparation of <i>Saccharomyces cerevisiae</i> CNCM I-1077 of viable dried cells with a guaranteed minimal concentration of <math>2 \times 10^{10}</math> CFU/g</p> <p>Coated form:</p> <p>Preparation of <i>Saccharomyces cerevisiae</i> CNCM I-1077 of viable dried cells with a guaranteed minimal concentration of <math>1 \times 10^{10}</math> CFU/g</p> <p>Characterisation of the active substance:</p> <p><i>Saccharomyces cerevisiae</i> CNCM I-1077: 80 % of viable dried cells and 14 % of non viable cells</p> <p>Analytical method <sup>(1)</sup>:</p> <p>Pour plate method and molecular identification (PCR)</p>	Horses	—	$3,0 \times 10^9$	—	<p>1. In the directions for use of the additive and premixtures, indicate the storage temperature, storage life, and stability to pelleting.</p> <p>2. Coated form, only for inclusion through a pelleted feed.</p> <p>3. If the product is handled or mixed in a confined atmosphere safety glasses and masks shall be used for mixing if the mixers are not equipped with exhaust systems.</p>	20 October 2019
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<sup>(1)</sup> Details of the analytical methods are available at the following address of the Community Reference Laboratory: [www.irmm.jrc.be/crl-feed-additives](http://www.irmm.jrc.be/crl-feed-additives)

## COMMISSION REGULATION (EC) No 911/2009

of 29 September 2009

concerning the authorisation of a new use of the preparation of *Pediococcus acidilactici* CNCM MA 18/5M as a feed additive for salmonids and shrimps (holder of authorisation Lallemand SAS)

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation.
- (2) In accordance with Article 7 of Regulation (EC) No 1831/2003, an application was submitted for the authorisation of the preparation set out in the Annex to this Regulation. That application was accompanied by the particulars and documents required pursuant to Article 7(3) of Regulation (EC) No 1831/2003.
- (3) The application concerns the authorisation of a new use of the preparation of *Pediococcus acidilactici* CNCM MA 18/5M as a feed additive for salmonids and shrimps, to be classified in the additive category 'zootechnical additives'.
- (4) The use of that micro-organism preparation has been authorised without a time limit by Commission Regulation (EC) No 1200/2005 <sup>(2)</sup> for chickens for fattening and by Commission Regulation (EC) No 2036/2005 <sup>(3)</sup> for pigs for fattening.
- (5) New data were submitted in support of the application for authorisation for salmonids and shrimps. The

European Food Safety Authority (the Authority) concluded in its opinions of 1 April 2009 <sup>(4)</sup> that the preparation of *Pediococcus acidilactici* CNCM MA 18/5M does not have an adverse effect on animal health, human health or the environment and that the use of that preparation can have beneficial effects, increasing the number of well-conformed salmonids and improving survivability and growth performance in shrimps. The Authority does not consider that there is a need for specific requirements of post market monitoring. It also verified the report on the method of analysis of the feed additive in feed submitted by the Community Reference Laboratory set up by Regulation (EC) No 1831/2003.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

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

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

Done at Brussels, 29 September 2009.

For the Commission

Androulla VASSILIOU

Member of the Commission

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

<sup>(2)</sup> OJ L 195, 27.7.2005, p. 6.

<sup>(3)</sup> OJ L 328, 15.12.2005, p. 13.

<sup>(4)</sup> *The EFSA Journal* (2009) 1038, p. 2 and 1037, p. 1.

## ANNEX

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						CFU/kg of complete feedingstuff with a moisture content of 12 %			
Category of zootechnical additives. Functional group: other zootechnical additives (favourably affect animal growth)									
4d1712	Lallemand SAS	<i>Pediococcus acidilactici</i> CNCM MA 18/5M	Additive composition:  Preparation of viable cells of <i>Pediococcus acidilactici</i> CNCM MA 18/5M containing a minimum of 1 × 10 <sup>10</sup> CFU/g additive  Characterisation of the active substance: Viable cells <i>Pediococcus acidilactici</i> CNCM MA 18/5M  Analytical method <sup>(1)</sup> :  Quantification: spread plate method using MRS agar and 37 °C as incubation temperature.  Identification: pulsed-field gel electrophoresis (PFGE) method.	Salmonids	—	3 × 10 <sup>9</sup>	—	1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life and stability to pelleting.  2. Recommended dose for Salmonids 3 × 10 <sup>9</sup> CFU/kg complete feed.  3. For safety reasons: breathing protection shall be used during handling.	20.10.2019
				Shrimps		1 × 10 <sup>9</sup>			

<sup>(1)</sup> Details of the analytical methods are available at the following address of the Community Reference Laboratory: [www.irmm.jrc.be/crl-feed-additives](http://www.irmm.jrc.be/crl-feed-additives)

# DECISIONS ADOPTED JOINTLY BY THE EUROPEAN PARLIAMENT AND THE COUNCIL

## DECISION No 912/2009/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 16 September 2009

**on the participation by the Community in a European metrology research and development programme undertaken by several Member States**

(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 169 and the second paragraph of Article 172 thereof,

Having regard to the proposal from the Commission,

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

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

Whereas:

(1) Decision No 1982/2006/EC of the European Parliament and of the Council of 18 December 2006 concerning the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007 to 2013) <sup>(3)</sup> (the Seventh Framework Programme) provides for Community participation in research and development (R & D) programmes undertaken by several Member States, including participation in the structures created for the execution of those programmes, within the meaning of Article 169 of the Treaty.

(2) The Seventh Framework Programme has defined a series of criteria for the identification of areas for such Article 169 initiatives: relevance to Community

objectives, a clear definition of the objective to be pursued and its relevance to the objectives of the Framework Programme, the presence of a pre-existing basis (existing or envisaged national research programmes), European added value, a critical mass with regard to the size and the number of programmes involved and the similarity of activities they cover, and the efficiency of Article 169 as the most appropriate means for achieving the objectives.

(3) Council Decision 2006/971/EC of 19 December 2006 concerning the specific programme 'Cooperation' implementing the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007 to 2013) <sup>(4)</sup> (the specific programme Cooperation) encourages a cross-thematic approach to research topics relevant to one or more themes of the Seventh Framework Programme, and in this context identified an Article 169 initiative in the field of metrology as one of the initiatives suitable for Community participation, in national research programmes jointly implemented on the basis of Article 169 of the Treaty.

(4) Metrology is a cross-disciplinary scientific field which is a vital component of a modern knowledge-based society. Reliable and comparable measurement standards, and appropriate validated measuring and test methods underpin the processes of scientific advancement and technological innovation and thus have a significant impact on the economy and quality of life within Europe.

(5) At present, a number of R & D programmes or activities undertaken by Member States individually at national level to support R & D in metrology are not sufficiently coordinated at European level and do not allow for the gathering of the necessary critical mass requested in strategic R & D areas.

<sup>(1)</sup> Opinion of 25 March 2009 (not yet published in the Official Journal).

<sup>(2)</sup> Opinion of the European Parliament of 22 April 2009 (not yet published in the Official Journal) and Council Decision of 27 July 2009.

<sup>(3)</sup> OJ L 412, 30.12.2006, p. 1.

<sup>(4)</sup> OJ L 400, 30.12.2006, p. 86.

- (6) With a desire for a coherent approach at European level in the field of metrology and to act effectively, several Member States have taken the initiative of setting up a joint R & D programme entitled 'European Metrology Research Programme' (EMRP) in order to respond to the growing demands in Europe for cutting-edge metrology, particularly in emerging technological areas, as a tool for innovation, scientific research and policy support.
- (7) In its work programme for 2007-2008 of 11 June 2007 for the implementation of the specific programme 'Cooperation', the Commission provided financial support to the ERA-NET Plus in the field of metrology in order to facilitate the transition between the 'iMERA' ERA-NET project and the joint R & D programme in the field of metrology to be implemented on the basis of Article 169 of the Treaty. The result has been the development of the EMRP which has defined the major challenges and activities of the joint programme.
- (8) The EMRP aims to support scientific development and innovation by providing the necessary legal and organisational framework for large-scale European cooperation between Member States on metrology research in any technological or industrial field. Belgium, the Czech Republic, Denmark, Germany, Estonia, Spain, France, Italy, Hungary, the Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland, Sweden and the United Kingdom, as well as Norway, Switzerland and Turkey (the participating States) have agreed to coordinate and implement jointly activities aimed at contributing to the EMRP. The overall value of their participation is estimated at a minimum of EUR 200 million plus a reserve funding capability of EUR 100 million for the proposed period of seven years.
- (9) In order to increase its impact, the participating States have agreed to Community participation in the EMRP. The Community should participate by making a financial contribution matching that of the participating States up to EUR 200 million for the duration of the EMRP. Given that the EMRP meets the scientific objectives of the Seventh Framework Programme and that actions in the field of metrology are of a horizontal nature or not directly linked to the 10 themes, the EMRP should be supported jointly across all of the relevant themes.
- (10) Further financing options may be available, inter alia, from the European Investment Bank (EIB), in particular through the Risk-Sharing Finance Facility developed jointly with the EIB and the Commission pursuant to Annex III of the specific programme 'Cooperation'.
- (11) Community financial support should be provided subject to the definition of a financing plan based on formal commitments from the competent national authorities to implement jointly the R & D programmes and activities undertaken at national level and to contribute to the financing of the joint execution of the EMRP.
- (12) The joint implementation of the national research programmes requires the establishment or existence of a dedicated implementation structure, as provided for in the specific programme 'Cooperation'. The participating States have agreed on such a dedicated implementation structure to implement the EMRP. The dedicated implementation structure should be the recipient of the Community financial contribution and should ensure the efficient execution of the EMRP.
- (13) The Community financial contribution should be subject to commitments of resources by the participating States and the effective payment of their financial contributions.
- (14) Whilst the Joint Research Centre is a department of the Commission, its institutes nevertheless possess research capabilities that are relevant to the EMRP and should be activated in its implementation. It is therefore appropriate to define the role of the Joint Research Centre in terms of its eligibility for participation and for funding and of its involvement in the governance of the EMRP.
- (15) The payment of the Community financial contribution should be subject to the conclusion of a general agreement between the Commission, on behalf of the European Community, and the dedicated implementation structure, containing the detailed arrangements for the use of the Community contribution. That general agreement should contain the necessary provisions to ensure that the financial interests of the Community are protected.
- (16) The interest generated by the Community financial contribution should be considered as assigned revenue, in accordance with Article 18(2) 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> (the Financial Regulation). It should be possible for the Commission to increase the maximum Community contribution provided for in this Decision accordingly.
- (17) The Community should have the right to reduce, withhold or terminate its financial contribution in the event that the EMRP is not implemented or is implemented inadequately, partially or late, or that the participating States do not contribute or contribute only partially or late to the financing of the EMRP, on the terms set out in a general agreement to be concluded between the Community and the dedicated implementation structure.
- (18) In order to implement the EMRP efficiently, financial support should be granted to participants in the EMRP projects selected at the central level under the responsibility of the dedicated implementation structure following calls for proposals. Such financial support and its payment should be transparent and efficient.

<sup>(1)</sup> OJ L 248, 16.9.2002, p. 1.



- (19) The evaluation of proposals should be performed centrally by independent experts under the responsibility of the dedicated implementation structure. A ranking should be approved by the dedicated implementation structure which should be binding as regards the allocation of funding from the Community financial contribution and from the national budgets earmarked for EMRP projects.
- (20) In accordance with the Financial Regulation and Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities <sup>(1)</sup> (the Implementing Rules), the Community financial contribution should be managed in the framework of indirect centralised management according to Articles 54(2)(c) and 56 of the Financial Regulation and Articles 35, 38(2) and 41 of the Implementing Rules.
- (21) Any Member State and any country associated to the Seventh Framework Programme should be entitled to join the EMRP.
- (22) In line with the objectives of the Seventh Framework Programme, the participation of any other country in the EMRP should be possible, where such participation is provided for in the relevant international agreement and both the Commission, on behalf of the Community, and the participating Member States agree to it. In accordance with the Seventh Framework Programme and the rules and conditions set out in this Decision, the Community should have the right to agree conditions relating to its financial contribution to the EMRP concerning the participation of such other countries.
- (23) Appropriate measures should be taken to prevent irregularities and fraud and the necessary steps should be taken to recover funds lost, wrongly paid or incorrectly used in accordance with Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests <sup>(2)</sup>, Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities <sup>(3)</sup> and Regulation (EC) No 1073/1999 of the European Parliament and of the Council of 25 May 1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF) <sup>(4)</sup>.
- (24) It is essential that the research activities carried out under the EMRP conform to basic ethical principles, including those reflected in Article 6 of the Treaty on European Union and in the Charter of Fundamental Rights of the European Union, and follow the principles of gender mainstreaming and gender equality.
- (25) The Commission should conduct an interim evaluation, assessing the quality and efficiency of the implementation of the EMRP and progress towards the objectives set, and also a final evaluation.
- (26) The dedicated implementation structure should encourage the participants in the selected EMRP projects to communicate and disseminate their results and to make this information publicly available,

HAVE ADOPTED THIS DECISION:

#### Article 1

##### Community financial contribution

1. The Community shall make a financial contribution to the 'European Metrology Research Programme' (the EMRP) undertaken jointly by Belgium, the Czech Republic, Denmark, Germany, Estonia, Spain, France, Italy, Hungary, the Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland, Sweden and the United Kingdom, as well as Norway, Switzerland and Turkey (the participating States).
2. The Community shall, for the duration of the Seventh Framework Programme and in accordance with the principles set out in Annexes I and II which form an integral part of this Decision, make a financial contribution matching that of the participating States but not exceeding EUR 200 million, to be paid from the appropriations of the general budget of the European Union.
3. The Community financial contribution shall be paid jointly from the budget appropriations allocated to all the relevant themes of the specific programme 'Cooperation'.

#### Article 2

##### Conditions of the Community financial contribution

The Community financial contribution shall be conditional upon:

- (a) demonstration by the participating States that the EMRP as described in Annex I has been efficiently established;
- (b) the formal establishment of a dedicated implementation structure with legal personality which shall be responsible for the implementation of the EMRP and for receiving, allocating and monitoring the Community financial contribution in the framework of indirect centralised management in accordance with Articles 54(2)(c) and 56 of the Financial Regulation and Articles 35, 38(2) and 41 of the Implementing Rules;
- (c) the establishment of an appropriate and efficient governance model for the EMRP in accordance with Annex II;

<sup>(1)</sup> OJ L 357, 31.12.2002, p. 1.

<sup>(2)</sup> OJ L 312, 23.12.1995, p. 1.

<sup>(3)</sup> OJ L 292, 15.11.1996, p. 2.

<sup>(4)</sup> OJ L 136, 31.5.1999, p. 1.



- (d) efficient performance of the activities of the EMRP described in Annex I by the dedicated implementation structure, which includes the launch of calls for proposals;
- (e) the commitment by each participating State to contribute its share of financing for the EMRP, and to increase this contribution by a reserve funding capability of 50 % in order to manage a high success rate among its participants in the EMRP projects, and the effective payment of the financial contribution to beneficiaries;
- (f) compliance with Community State aid rules, and in particular with the Community Framework for State Aid for Research, Development and Innovation <sup>(1)</sup>;
- (g) ensuring a high level of scientific excellence and observance of ethical principles in accordance with the general principles of the Seventh Framework Programme, and of gender mainstreaming and gender equality, and sustainable development;
- (h) the formulation of provisions governing the intellectual property rights arising from the activities carried out under the EMRP and the implementation and coordination of the R & D programmes and activities undertaken at national level by the participating States in such a way that they aim at promoting the creation of knowledge and at supporting the wide use and dissemination of such knowledge. The approach taken shall follow the model established by Regulation (EC) No 1906/2006 of the European Parliament and of the Council of 18 December 2006 laying down the rules for the participation of undertakings, research centres and universities in actions under the Seventh Framework Programme and for the dissemination of research results (2007 to 2013) <sup>(2)</sup> (the Rules for Participation in the Seventh Framework Programme).

### Article 3

#### Activities of the EMRP

1. The core activity of the EMRP shall consist of funding multi-partner trans-national EMRP projects addressing research, technological development, training and dissemination activities (EMRP projects). In view of the concentrated capacities in metrology, the core part of the EMRP projects shall be executed by National Metrology Institutes and Designated Institutes (namely, specialist institutes responsible for certain national standards and associated services that are not covered by the activities of the National Metrology Institutes) from participating States.
2. In order to increase and diversify capacities in metrology, the EMRP shall also fund several researcher grant schemes which shall complement the EMRP projects.
3. The EMRP projects shall be selected and the researcher grants awarded following calls for proposals respecting the principles of equal treatment, transparency, independent evaluation, co-financing, funding not giving rise to profit and non-retro-activity referred to in Article 112(1) of the Financial Regulation, set out in Annex I of this Decision.

<sup>(1)</sup> OJ C 323, 30.12.2006, p. 1.

<sup>(2)</sup> OJ L 391, 30.12.2006, p. 1.

4. The core evaluation criteria shall be, *mutatis mutandis*, those of Article 15(1)(a) and (b) of the Rules for Participation in the Seventh Framework Programme for the EMRP projects and researcher grant schemes, respectively. The call for proposals shall concretise the core evaluation criteria. Additional criteria may be introduced provided that they are published in the call for proposals, are non-discriminatory and do not prevail over the core evaluation criteria.

5. Further details concerning the implementation of the activities of the EMRP are set out in Annex I.

### Article 4

#### Role of the Joint Research Centre

1. The Joint Research Centre of the Commission shall be eligible for participation in, and for funding by, the EMRP under conditions comparable to those of the National Metrology Institutes of participating States.
2. The own resources of the Joint Research Centre, which are not covered by EMRP funding, shall not count as a Community financial contribution within the scope of Article 1.
3. The institute of the Joint Research Centre that is responsible for metrology, as a department of the Commission acting on behalf of the Community, shall be entitled to participate in the implementation of the EMRP within the dedicated implementation structure as an observer without voting rights.

### Article 5

#### Agreements between the Community and the dedicated implementation structure

The detailed arrangements for the management and control of funds and the protection of the Communities' financial interests shall be laid down in a general agreement and annual financial agreements to be concluded between the Commission, on behalf of the Community, and the dedicated implementation structure.

The general agreement shall in particular include the following provisions:

1. a definition of the tasks assigned;
2. the conditions and detailed arrangements for performance of the tasks, including appropriate provisions for demarcating responsibilities and organising the controls to be carried out;
3. the rules on reporting to the Commission on performance of the tasks;
4. the conditions concerning termination of the performance of the tasks;
5. the detailed arrangements for Commission scrutiny;

6. the conditions governing the use of separate bank accounts, and the treatment of the interest yielded;
7. the provisions guaranteeing the visibility of Community action in relation to the other activities of the dedicated implementing structure;
8. an undertaking to refrain from any act which may give rise to a conflict of interests within the meaning of Article 52(2) of the Financial Regulation;
9. the provisions governing the intellectual property rights arising from the activities carried out under the EMRP referred to in Article 2;
10. a list of criteria to be used in the interim and final evaluations, including those referred to in Article 13.

#### Article 6

##### **Interest from the Community financial contribution**

In accordance with Article 18(2) of the Financial Regulation, the interest generated by the Community financial contribution allocated to the EMRP shall be considered as assigned revenue. The maximum Community contribution referred to in Article 1(2) of this Decision may be increased accordingly by the Commission.

#### Article 7

##### **Reduction, withholding or termination of Community financial contribution**

Where the EMRP is not implemented or is implemented inadequately, partially or late, the Community may reduce, withhold or terminate its financial contribution in line with the actual implementation of the EMRP.

Where the participating States do not contribute or contribute only partially or late to the financing of the EMRP, the Community may reduce its financial contribution in line with the actual amount of public funding allocated by the participating States in accordance with the terms laid down in the general agreement to be concluded between the Commission and the dedicated implementation structure.

#### Article 8

##### **Protection of the Communities' financial interest by the participating States**

In implementing the EMRP, the participating States shall take the legislative, regulatory, administrative or other measures necessary for protecting the Communities' financial interests. In particular, the participating States shall take the necessary measures to ensure full recovery of any amounts due to the Community in accordance with Article 54(2)(c) of the Financial Regulation and Article 38(2) of the Implementing Rules.

#### Article 9

##### **Control by the Court of Auditors**

The Commission and the Court of Auditors shall be entitled, through their officials or agents, to carrying out all the checks and inspections needed to ensure proper management of Community funds and to protect the Communities' financial

interest against any fraud or irregularity. To this end, the participating States and/or the dedicated implementation structure shall, in due course, make all relevant documents available to the Commission and the Court of Auditors.

#### Article 10

##### **Information**

The Commission shall communicate all relevant information to the European Parliament, the Council and the Court of Auditors. The participating States shall be invited to submit to the Commission, through the dedicated implementation structure, any additional information required by the European Parliament, the Council and the Court of Auditors concerning the financial management of the dedicated implementation structure that is consistent with the overall reporting requirements set out in Article 13.

#### Article 11

##### **Participation of further Member States and associated countries**

Any Member State and any country associated to the Seventh Framework Programme shall be entitled to join the EMRP in accordance with the criteria set out in Article 2(e) and (f) of this Decision and shall be treated as a participating State.

#### Article 12

##### **Participation of other third countries**

The participating States and the Commission may agree to the participation of any other country subject to the criteria set out in Article 2(e) and provided that such participation is provided for by the relevant international agreement. They shall define the conditions under which legal entities established and individuals resident in such countries shall be eligible for EMRP funding.

#### Article 13

##### **Annual reporting and evaluation**

The annual report on the Seventh Framework Programme presented to the European Parliament and the Council pursuant to Article 173 of the Treaty shall include a report of the activities of the EMRP.

An interim evaluation of the EMRP shall be carried out by the Commission three years after the start of the EMRP. This evaluation shall cover progress towards the objectives set out in Annex I, as well as recommendations of the EMRP on the most appropriate ways to further enhance integration and the quality and efficiency of the implementation, including scientific, management and financial integration and whether the level of the financial contributions of the participating States is appropriate, given the potential demand from their various national research communities.

The Commission shall communicate to the European Parliament and the Council the conclusions thereof, accompanied by its observations and, where appropriate, proposals to amend this Decision.

At the end of Community participation in the EMRP but no later than in 2017, the Commission shall, with the assistance of an independent expert group, conduct a final evaluation of the general, specific and operational objectives of the EMRP.

This group shall base its assessment on, inter alia, the following indicators:

- (a) the scientific excellence of the projects and grants awarded as measured by the number of publications, patents and other scientific output indicators;
- (b) the level of participation in the programme by outside researchers and research institutions;
- (c) the increase in metrology capacity of Member States and countries associated to the Seventh Framework Programme whose metrology programmes are at an early stage of development;
- (d) the number and quality of training activities;
- (e) the number and quality of activities related to metrology communication and diffusion.

The results of the final evaluation shall be presented to the European Parliament and the Council.

*Article 14*

**Entry into force**

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

*Article 15*

**Addressees**

This Decision is addressed to the Member States.

Done at Strasbourg, 16 September 2009.

*For the European Parliament*

*The President*

J. BUZEK

*For the Council*

*The President*

C. MALMSTRÖM

## ANNEX I

**Description of the Objectives and Activities of the European Metrology Research Programme (EMRP)****I. OBJECTIVES**

In today's global economy, metrology makes a significant contribution to the technological and economic development of many nations in the world. Metrology research is needed to solve societal problems, and examples of such research affect areas such as space including satellite navigation, security, healthcare, the semiconductor industry and climate change. Metrology research has strong public benefits and is the main supporting activity for government regulation and standardisation. Metrology is hidden from public view yet it is essential for the facilitation of modern trade and communications. Access to markets can be hampered by the lack of uniform and accurate weights and measures. All major economic powers in the world have recognised that technology R & D in metrology is critical to an advanced nation's long term economic growth.

Metrology research has traditionally been a high national priority in many countries. However European countries are operating their national metrology research programmes in full isolation and EU Member States have been unable to create on their own a single and truly integrated EMRP. National Metrology Institutes (NMI), supported by Designated Institutes (DI) are in charge of implementing the national metrology research programmes on the basis of institutional funding from central government agencies or ministries. The European metrology research community is a specialised community only loosely linked to research organisations or academia. It is largely fragmented and comprises a few centres of global excellence which would benefit from wide competition on an international scale. Duplication of research clearly exists.

The right for the Community to act in this field is set out in several Articles of the Treaty providing for research coordination and cooperation between Member States and the Community. Article 165 stipulates that 'the Community and the Member States shall coordinate their research and technological development activities so as to ensure that national policies and Community policy are mutually consistent'. Article 169 invites the Community to make provision for participation in R & D programmes undertaken by several Member States. Community action seems highly justified, as Member States acting alone are unlikely to be able to address these problems.

The EMRP will integrate the national programmes of 22 participating States into a single joint research programme and support, in particular, the objectives of the European National Measurement Systems. The objectives of the EMRP are to accelerate the development, validation and exploitation of new measuring techniques, standards, processes, instruments, reference materials and knowledge aimed at driving innovative developments in industry and commerce, improving the quality of data for science, industry and policymaking and supporting the development and implementation of directives and regulations.

The EMRP will achieve these objectives in the following ways:

- (a) pooling excellence in metrology research — by creating competitive joint research projects, namely EMRP projects, marshalling the capability of a sufficient critical mass from the networks of NMI and DI from the participating States to tackle major metrology challenges faced at European level;
- (b) opening of the system to the best science — by increasing participation from the wider European research community through researcher grants;
- (c) capacity building — by increasing the capability of the European metrology researcher community through researcher mobility grants targeting those EURAMET Member Countries with limited metrology research capability.

The EMRP shall complement ongoing national programmes and activities aimed at addressing purely national priorities.

The EMRP initiative is aimed at aligning and integrating relevant national metrology research activities to establish a joint research programme featuring scientific, management and financial integration, making a major contribution to the European Research Area and underpinning the concepts in the Lisbon agenda of Europe as 'the most competitive and dynamic knowledge-driven economy'. Scientific integration is achieved through the common definition and implementation of activities under the EMRP. Management integration is achieved through the use of EURAMET e.V., a non-profit association under German law, as the dedicated implementation structure subject to the detailed arrangements contained in Annex II.

Financial integration implies that the participating States effectively commit to contribute to the financing of the EMRP by providing national funding to all eligible participants in selected EMRP projects from the national earmarked EMRP budgets, if necessary by drawing on the reserve funding capability amounting to 50 % of such budgets, and by providing a 'cash' contribution to a common pot to fund researcher excellence and mobility grants, whilst fully funding the running costs of the EMRP. A further element of financial integration shall be the unified approach towards eligible costs, based on the rules of the Seventh Framework Programme.

## II. ACTIVITIES

The EMRP shall consist of joint research and technological development activities of four types:

- A. The core activity shall consist of multi-partner trans-national EMRP projects addressing research, technological development, training and dissemination activities. In view of the concentrated capacities in metrology, the core part of the EMRP projects shall be executed by NMI and DI from participating States.
- B. In order to increase and diversify capacities in metrology, three grant schemes shall be set up:
  - B1. In order to enlarge the number of organisations with capacities closely related to metrology, researcher excellence grants shall be made available to organisations and/or individuals from the wider researcher community in the Member States and countries associated to the Seventh Framework Programme which are capable of making a substantial contribution to the research activities of the joint programme. Each selected organisation and/or individual shall be associated to an EMRP project.
  - B2. In order to develop the capacities of individuals in metrology through mobility, researcher mobility grants shall be made available to:
    - 1. researchers from NMI and DI of participating States,
    - 2. researchers benefiting, either individually or through their organisation, from a researcher excellence grant, and
    - 3. researchers from EURAMET Member Countries not participating in the EMRP, which currently have limited or no metrology research capability.

These researcher mobility grants shall enable the researchers to stay either in an NMI or DI participating in an EMRP project or in an organisation benefiting from a researcher excellence grant.

- B3. In order to ensure sustainability in the cooperation between the NMI and DI of the participating States and to prepare the next generation of experienced metrology researchers, early-stage researcher mobility grants shall be made available to early-stage researchers from the NMI and DI of participating States to enable them to stay either in an NMI or DI, in an organisation benefiting from a research excellence grant or in another organisation participating in an EMRP research project at its own costs.

These activities shall be enhanced, where appropriate by collaboration with other relevant and interested organisations, within or beyond Europe, participating on a self funding basis.

In addition, wider networking activities shall be supported to a limited extent in order to promote the EMRP and enhance its impact. These activities shall include, if necessary, maintenance and updating of the identified EMRP research areas through activities such as workshops, and contacts with other appropriate stakeholders in Europe and beyond.

## III. IMPLEMENTATION OF ACTIVITIES

The selection of EMRP projects and the award of researcher excellence and researcher mobility grants shall be subject to periodic calls for proposals. As an indicative calendar, it is foreseen that calls for proposals will be launched at 12 to 18-month intervals over a maximum period of seven years. The award of early-stage researcher mobility grants shall be subject to a permanent call.

### A. EMRP projects

- (a) Call for potential research topics of EMRP projects (Stage 1):

Each call for proposals of EMRP projects shall be preceded by the identification of the topics of that call following the steps set out below. Firstly, the EMRP Committee (see Annex II), in consultation with the Commission, shall identify the parts of the research activities included in the EMRP which shall be the subject of the call for proposals. Secondly, the researcher community — any interested individual or organisation — shall be invited, through a public call, to suggest potential research topics. Thirdly, the EMRP Committee shall agree on the best potential research topics received. The EMRP Committee may amend, split or merge received topics and introduce new topics in order to optimise the call for proposals in Stage 2. The EMRP Committee shall ensure that the final research topics cannot be traced back to the authors of the initial proposal and are thus anonymous;

(b) Call for proposals for EMRP projects (Stage 2):

Once the research topics have been selected, EURAMET e.V. shall publish the call for proposals and shall invite research teams from the NMI and DI of participating States to build consortia and submit project proposals.

The call for proposals shall remain open for at least two months.

EURAMET e.V. shall evaluate each proposal received with the assistance of at least three independent experts appointed by it on the basis of the criteria set out in the Rules for Participation in the Seventh Framework Programme. The experts shall establish a ranking list which shall be binding in relation to the allocation of Community and national funding.

The following core evaluation criteria shall apply to the EMRP projects:

- (i) scientific and/or technological excellence;
- (ii) relevance to the objectives of the EMRP;
- (iii) the potential impact through the development, dissemination and use of project results;
- (iv) the quality and efficiency of the implementation and management.

The call for proposals shall concretise the core evaluation criteria. Additional criteria may be introduced provided that they are published in the call for proposals, are non-discriminatory and do not prevail over the core evaluation criteria.

Any consortium submitting a proposal for an EMRP project may include any other European or non-European entity not eligible for funding provided that this entity can realistically ensure that it has at its disposal the resources needed for its participation.

A consortium may, at the stage of submitting a proposal for an EMRP project, include a proposal for a researcher excellence grant provided that it adds necessary scientific value to the project. In this case, the evaluation of the proposal for the researcher excellence grant shall be part of the global project evaluation. The selection of the project for funding shall automatically result in the award of such grant.

The Research Council of EURAMET e.V., referred to in Annex II, shall issue its independent view on the overall results of the evaluation of a call for proposals for EMRP projects (Stages 1 and 2), but not on individual EMRP projects. This view shall be duly taken into account by EURAMET e.V. in following calls for proposals.

*B. Call for proposals for researcher excellence grants and researcher mobility grants (Stage 3)*

The publication of the list of selected proposals of EMRP projects shall be accompanied by a call to the wider researcher community to join EMRP projects through researcher excellence and/or researcher mobility grants.

Each EMRP project consortium shall be invited (unless it has already introduced a proposal for researcher and excellence grants when submitting a proposal for an EMRP project as described in the seventh paragraph of section A.(b)) to launch, within three months of the date of entry into force of the EMRP project contract, a call for proposals to identify potential beneficiaries and propose to EURAMET e.V. to award them a researcher excellence and/or a researcher mobility grant. The indicative funding breakdown of the EMRP shall be calculated so that on average each EMRP project could be associated with at least one researcher excellence and/or researcher mobility grant. However, this is not a binding obligation and such grants shall be implemented in the most flexible manner.

The EMRP project consortium shall publish the call for proposals in at least one international journal and in national newspapers in three participating States. It shall also be responsible for advertising the call widely using specific information support, particularly on Internet sites on the Seventh Framework Programme, in the specialised press and brochures, and through the national contact points set up by Member States and countries associated to the Seventh Framework Programme. In addition, the publication and advertising of the call for proposals shall conform to any instructions and guidance notes established by EURAMET e.V.. The consortium shall inform EURAMET e.V. of the call and its content at least 30 days prior to its expected date of publication. EURAMET e.V. shall examine the conformity of the call with relevant rules, instructions and guidance notes.



The call for proposals shall remain open for at least five weeks.

The EMRP project consortium shall evaluate the proposals received with the assistance of at least two independent experts appointed by it on the basis of the Rules for Participation in the Seventh Framework Programme.

The following core evaluation criteria shall apply to the evaluation of the proposals:

- (i) scientific and/or technological excellence;
- (ii) relevance to the objectives of the EMRP project;
- (iii) quality and implementation capacity of the applicant and his/her potential for further progress;
- (iv) quality of the proposed activity in scientific training and/or transfer of knowledge.

The call for proposals shall concretise the core evaluation criteria. Additional criteria may be introduced provided that they are published in the call for proposals, are non-discriminatory and do not prevail over the core evaluation criteria.

The EMRP project consortium shall propose to EURAMET e.V. to award the grant to a beneficiary and report to it on the administration of the call for proposals, including the manner of publication and the names and affiliation of the experts involved in the evaluation. Within 45 days of the receipt of this proposal, EURAMET e.V. shall either award the grant or refuse it if the selection was not in conformity with relevant rules, instructions and guidance notes.

EURAMET e.V. shall invite European countries which have limited or no capabilities in metrology research to encourage their research institutes and universities to apply for researcher mobility grants as one means of building up their capacities in metrology research.

#### *C. Early-stage researcher mobility grants*

EURAMET e.V. shall launch a permanently open call for proposals for early-stage researcher mobility grants and publish it in at least one international journal and national newspapers in three participating States. It shall also be responsible for advertising the call for proposals widely using specific information support, particularly on Internet sites on the Seventh Framework Programme, in the specialised press and brochures and through the national contact points set up by Member States and countries associated to the Seventh Framework Programme.

The proposals shall be submitted by the researcher and by the sending and receiving organisations (NMI, DI or another organisation participating in an EMRP project). The indicative funding breakdown is calculated so that on average each EMRP project could be associated with at least one early-stage researcher mobility grant. However, this is not a binding obligation and such grants shall be implemented in the most flexible manner. EURAMET e.V. shall evaluate the proposals received.

The following core evaluation criteria shall apply:

- (i) scientific and/or technological excellence;
- (ii) relevance to the objectives of the EMRP project;
- (iii) quality and implementation capacity of the applicant and his/her potential for further progress;
- (iv) quality of the proposed activity in scientific training and/or transfer of knowledge.

The call for proposals shall concretise the core evaluation criteria. Additional criteria may be introduced provided that they are published in the call for proposals, are non-discriminatory and do not prevail over the core evaluation criteria.

EURAMET e.V. shall aim at two cut-off dates per year at which it awards these grants by a simplified procedure based on the opinion of at least two independent experts per proposal who have discussed and ranked all proposals.

*D. Recapitulative table*

Types of funding	Eligible Organisations <sup>(1)</sup>	Eligible Countries	Evaluation Criteria
A. EMRP project (consortium)	NMI and DI	EMRP participating States	Article 15(1)(a) of the Rules for Participation in the Seventh Framework Programme
B1. Researcher excellence grants	From: (1) Any organisation but NMI or DI or (2) individual researcher  To: an EMRP project in NMI or DI	Member States and countries associated to the Seventh Framework Programme	Article 15(1)(b) of the Rules for Participation in the Seventh Framework Programme
B2. Researcher mobility grants	From: (1) NMI and DI or (2) an organisation benefiting from a researcher excellence grant (3) researchers from EURAMET Member Countries not participating in the EMRP which currently have limited or no metrology research capability  To: (1) NMI and DI or (2) an organisation benefiting from a researcher excellence grant	Member States and countries associated to the Seventh Framework Programme	Article 15(1)(b) of the Rules for Participation in the Seventh Framework Programme
B3. Early-stage researcher mobility grants	From: NMI and DI  To: (1) NMI and DI or (2) other organisations participating in the EMRP project (consortium)	EMRP participating States	Article 15(1)(b) of the Rules for Participation in the Seventh Framework Programme

<sup>(1)</sup> Joint Research Centre shall be treated like National Metrology Institutes.

## IV. FUNDING MECHANISM

*A. Funding at Programme Level*

The EMRP shall be funded by the participating States and by the Community.

Participating States shall define a multi-annual financing plan to participate in the EMRP and contribute to the funding of its activities. The national contribution may come from existing or newly created programmes, as long as they comply with the essential nature of publicly funded top-level metrology. Each participating State shall, in addition to the core funding requirement (earmarked EMRP budget), identify a reserve funding capability equal to 50 % of that requirement to ensure flexibility in the operation of the EMRP throughout its life and that the ranking list is respected. Financing of the EMRP shall involve in particular the commitment to contribute to the funding of participants in selected EMRP projects from the national earmarked EMRP budgets, and providing a 'cash' contribution, with quotas in proportion to the earmarked EMRP budgets, to a common pot to fund researcher grants, whilst fully funding the running costs of the EMRP.

The total Community financial contribution to the EMRP is calculated as matching the actual financial contribution from the participating States (excluding running costs exceeding EUR 16 million and the reserve funding capability), with a ceiling of EUR 200 million. As the running costs are included in the calculation of the matching contribution, they have to be justified by EURAMET e.V.

No Community financial contribution shall be used to cover the running costs of EURAMET e.V.



## B. Indicative Funding Breakdown

Grand Total: EUR 400 million (+ EUR 100 million reserve funding capability)

Activity Type	Community EUR 200 million		participating States EUR 200 million		Total EUR 400 million	
	%	EUR million	%	EUR million	%	EUR million
EMRP Project Proposals — Module (Part A)	82 %	164	90 %	180	86 %	344
Researcher Grant Proposals Module (Part B) funding up to 100 %	18 %	36	2 %	4	10 %	40
B1. Researcher excellence grants					7,5 %	30
B2. Researcher mobility grants					1,5 %	6
B3. Early-stage researcher mobility grants					1,0 %	4
Running Costs (Part C)	—	—	8 %	16 <sup>(1)</sup>	4 %	16
Total	100 %	200	100 %	200	100 %	400

<sup>(1)</sup> Unlike the other figures, this amount is a binding ceiling in the calculation of the matching funds of the participating States.

## C. Funding of EMRP Projects and Researcher Grants

The allocation of funding from the earmarked EMRP budgets and from the Community contribution to EMRP projects shall follow the order of the approved evaluation ranking list.

The financial contribution to the participants in these EMRP projects shall be calculated according to eligible costs as defined in the Rules for Participation in the Seventh Framework Programme. Where the earmarked EMRP budget is exhausted because of the high success rate of NMI and DI from a particular participating State, this participating State shall use the reserve funding capability of 50 % of its earmarked EMRP budget allocated to further selected proposals following the ranking list.

The Community contribution to EMRP projects shall be fixed per call for proposals as a percentage of eligible costs lower than 50 %. It shall be transferred directly from EURAMET e.V. to the EMRP project participants.

National contributions to EMRP projects shall be provided using the respective national funding mechanisms.

Community and national cash contributions used to fund researcher excellence grants, researcher mobility grants and early-stage researcher mobility grants shall be transferred to EURAMET e.V. and by it to the grant recipients.

The legality and regularity of the underlying transactions, and in particular the existence of the national contribution, its actual payment, the appropriate use of Community funding and the eligibility of the costs claimed shall be ensured under the responsibility of EURAMET e.V., and established by the independent financial auditing of EMRP projects following principles compliant with those of the Seventh Framework Programme.

Researcher excellence grants, researcher mobility grants and early-stage researcher mobility grants shall be fixed grants awarded following predefined scales. Detailed underlying expenditures shall not be subject to audit. The categories of costs covered by any such grant shall not be eligible as costs of an EMRP project. Only the actual full payment of the defined amount to the final beneficiary has to be supported by formal evidence. Payments in cash are not considered properly evidenced and are not eligible. EURAMET e.V. shall have the option of requesting matching funds from recipients of research excellence grants which are legal entities rather than individuals.

## V. ARRANGEMENTS CONCERNING INTELLECTUAL PROPERTY RIGHTS

EURAMET e.V. shall adopt the intellectual property policy of the EMRP in accordance with Article 2(h) of this Decision.

## ANNEX II

**Governance and Implementation of the European Metrology Research Programme (EMRP)**

## I. INTRODUCTION

The dedicated implementation structure of the EMRP shall be EURAMET e.V. which was established in 2007 under German law as a non-profit association. It is the European regional metrology organisation. Membership of EURAMET e.V. is open to National Metrology Institutes (NMI), as Members, and to Designated Institutes (DI), as Associates, from Member States of the European Union and of the European Free Trade Association, and from other European States. The Institute for Reference Materials and Measurements of the European Commission may also be an Associate. Currently, there are Members from 32 countries, of which 22 are also participating States of the EMRP.

## II. GOVERNANCE OF THE EMRP WITHIN EURAMET E.V.

The following bodies and internal structures of EURAMET e.V. shall assume roles in the implementation of the EMRP:

1. The EMRP Chair and deputy are elected by the EMRP Committee. The EMRP Chair is automatically one of the two Vice-Chairpersons of EURAMET e.V. The EMRP Chair legally represents EURAMET e.V. in the matters of the EMRP.
2. The EMRP Committee is composed of EURAMET Members (that is, NMI) whose countries are participating States. The EMRP Committee is the decision-making body of the EMRP and is responsible for all matters concerning the EMRP, including the decisions on defining and updating the programme, on the planning of calls for proposals, on the budget profile, on the eligibility and selection criteria, on the pool of evaluators, on the approval of the ranking list of the EMRP projects to be funded, on the monitoring of progress of the funded EMRP projects and on the supervision of the adequate and orderly work of the Secretariat concerning the EMRP. The EMRP Committee elects an EMRP Chair (who is automatically EURAMET's Vice-Chairperson (EMRP)) and a deputy.
3. The Research Council is composed of a balanced contingent of high-level experts drawn from industry, research and academia and from international stakeholder organisations. It provides independent strategic advice on EMRP matters and reports or comments to the EMRP Committee where necessary and upon request, but as a minimum it will give an opinion on each call for proposals and the selection cycle.
4. The Secretariat is composed of persons employed by, or seconded to, EURAMET e.V. Its structure and tasks are governed by the rules of procedure of EURAMET e.V. Part of the Secretariat responsible for the implementation of the EMRP is hosted by the National Physical Laboratory, the UK Member of EURAMET e.V. (the hosting Member).
5. The EMRP Programme Manager shall be a senior manager and, as an interim solution, may be seconded from the hosting Member. The EMRP Programme Manager shall act solely under the direct authority of EURAMET e.V. on any matters concerning the EMRP and report to its bodies. EURAMET e.V. shall establish effective procedures that ensure that no conflicts of interests exist between the EMRP Programme Manager and any applicants, participants or beneficiaries.

## III. SOLE RESPONSIBILITIES OF EURAMET E.V. AND SUBCONTRACTING OF ADMINISTRATIVE AND LOGISTICAL TASKS TO THE HOSTING MEMBER IN THE IMPLEMENTATION OF THE EMRP

EURAMET e.V. shall be solely responsible for the implementation of the EMRP. It shall manage the Community financial contribution to the EMRP. It shall also be responsible in particular for:

- (i) updating the EMRP;
- (ii) defining the calls for proposals;
- (iii) publishing the calls for proposals;
- (iv) receiving the proposals for Stage 1 and Stage 2 and proposals for early-stage researcher mobility grants;
- (v) selecting the independent experts for the evaluation;

- (vi) receiving the independent experts' individual assessments and chairing the evaluation panels;
- (vii) taking final selection decisions;
- (viii) initiating contract negotiations and concluding contracts with selected EMRP project consortia and other beneficiaries;
- (ix) receiving and replying to all call complaints;
- (x) receiving and allocating the Community financial contribution and monitoring the use thereof;
- (xi) executing payments to funded EMRP project participants and grant recipients;
- (xii) responding to the reporting requirements vis-à-vis the Commission <sup>(1)</sup>.

Whilst the above responsibilities and decision-making remain solely with EURAMET e.V., certain administrative and logistical tasks in the implementation of the EMRP may be subcontracted, at costs, to the hosting Member.

This administrative and logistical support shall consist of the following:

- (i) providing administration and logistics for implementing the procedures of the calls for proposals, including the provision of a dedicated help line;
- (ii) providing drafting support to EURAMET e.V. for the development of guidelines and other documentation;
- (iii) providing the dedicated web capability;
- (iv) providing support for the contract preparation, project monitoring and follow-up of EMRP projects and researcher grants;
- (v) supporting the EMRP Committee and the EMRP Chair as required.

In agreement with the Commission, additional tasks may be subcontracted to the hosting Member while EURAMET e.V. builds up its permanent Secretariat capability.

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<sup>(1)</sup> The monitoring of the Community financial contribution implies all the activities of a control and audit nature, ex-ante and/or ex-post, considered necessary to carry out the executive tasks delegated by the Commission, in a satisfactory manner. These activities shall aim to gain reasonable assurance on the legality and regularity of the underlying transactions, and on the eligibility of the costs claimed.

## II

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

## DECISIONS

## COMMISSION

## COMMISSION DECISION

of 17 September 2009

**laying down the date for the completion of migration from the Schengen Information System (SIS 1+) to the second generation Schengen Information System (SIS II)**

(notified under document C(2009) 6910)

(Only the Bulgarian, Czech, Dutch, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish texts are authentic)

(2009/720/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1104/2008 of 24 October 2008 on migration from the Schengen Information System (SIS 1+) to the second generation Schengen Information System (SIS II) <sup>(1)</sup>, and in particular Article 11(2) thereof,

Whereas:

(1) Article 11(2) of Regulation (EC) No 1104/2008 provides for the migration of the Member States participating in SIS 1+ from N.SIS to N.SIS II using the interim migration architecture, with the support of France and of the Commission, by 30 September 2009 at the latest. If necessary, this date may be changed in accordance with the procedure defined in Article 17(2) of that Regulation.

(2) Issues identified during testing of SIS II led to delay in the implementation of the activities set out in Regulation (EC) No 1104/2008. Council conclusions of 26 and 27 February 2009 stated that, given the time required to resolve outstanding issues, the date for migration from SIS 1+ to SIS II, set for September 2009, was no longer realistic.

(3) In the light of the delay to the migration from SIS 1+ to SIS II, the new date for the completion of migration should be set to coincide with the final expiry date of Regulation (EC) No 1104/2008, allowing the continuation of activities leading to the start of operations of SIS II until that date.

(4) In accordance with Article 2 of the Protocol on the position of Denmark, annexed to the Treaty on European Union and the EC Treaty, Denmark did not take part in the adoption of Regulation (EC) No 1104/2008 and is not bound by it nor subject to its application. However, given that Regulation (EC) No 1104/2008 builds upon the Schengen *acquis* under the provisions of Title IV of Part Three of the Treaty establishing the European Community, Denmark, in accordance with Article 5 of the Protocol, notified the transposition of this *acquis* in its national law. It is therefore bound under international law to implement this Decision.

(5) 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>(2)</sup>. The United Kingdom is therefore not taking part in its adoption and is not bound by it or subject to its application. This Decision should therefore not be addressed to the United Kingdom.

<sup>(1)</sup> OJ L 299, 8.11.2008, p. 1.

<sup>(2)</sup> OJ L 131, 1.6.2000, p. 43.

- (6) 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. This Decision should therefore not be addressed to Ireland.
- (7) 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* <sup>(2)</sup>, which fall within the area referred to in Article 1, point G of Council Decision 1999/437/EC <sup>(3)</sup> on certain arrangements for the application of that Agreement.
- (8) As regards Switzerland, this Decision constitutes a development of provisions of the Schengen *acquis* within the meaning of the Agreement signed 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*, which falls within the area referred to in Article 1, point G of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC <sup>(4)</sup> on the conclusion, on behalf of the European Community, of the Agreement.
- (9) As regards Liechtenstein, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Protocol 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* which fall within the area referred to in Article 1, point G of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/261/EC of 28 February 2008 on the signature, on behalf of the European Community, and on the provisional application

of certain provisions of the Protocol 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>(5)</sup>.

- (10) The measures provided for in this Decision are in accordance with the opinion of the Committee set up by Article 51 of Regulation (EC) No 1987/2006 of the European Parliament and of the Council <sup>(6)</sup> and referred to in Article 17(1) of Regulation (EC) No 1104/2008,

HAS ADOPTED THIS DECISION:

#### Article 1

The Member States participating in SIS 1+ shall complete migration from N.SIS to N.SIS II using the interim migration architecture, with the support of France and of the Commission, by the expiry date of Regulation (EC) No 1104/2008.

#### Article 2

This Decision is addressed to the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, and the Kingdom of Sweden in accordance with the Treaty establishing the European Community.

Done at Brussels, 17 September 2009.

For the Commission  
Jacques BARROT  
Vice-President

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

<sup>(2)</sup> OJ L 176, 10.7.1999, p. 36.

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

<sup>(4)</sup> OJ L 53, 27.2.2008, p. 1.

<sup>(5)</sup> OJ L 83, 26.3.2008, p. 3.

<sup>(6)</sup> OJ L 381, 28.12.2006, p. 4.

## COMMISSION DECISION

of 24 September 2009

**excluding from Community financing certain expenditure incurred by the Member States under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF), under the European Agricultural Guarantee Fund (EAGF) and under the European Agricultural Fund for Rural Development (EAFRD)**

*(notified under document C(2009) 7044)*

**(Only the Czech, Dutch, English, Finnish, French, German, Greek, Hungarian, Italian, Lithuanian, Maltese, Polish, Portuguese, Slovenian and Spanish texts are authentic)**

(2009/721/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy <sup>(1)</sup>, and in particular Article 7(4) thereof,

Having regard to Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy <sup>(2)</sup>, and in particular Article 31 thereof,

Having consulted the Committee on the Agricultural Funds,

Whereas:

(1) Under Article 7(4) of Regulation (EC) No 1258/1999, and Article 31 of Regulation (EC) No 1290/2005, the Commission is to carry out the necessary verifications, communicate to the Member States the results of these verifications, take note of the comments of the Member States, initiate a bilateral discussion so that an agreement may be reached with the Member States in question, and formally communicate its conclusions to them.

(2) The Member States have had an opportunity to request the launch of a conciliation procedure. That opportunity has been used in some cases and the report issued on the outcome has been examined by the Commission.

(3) Under Regulation (EC) No 1258/1999 and Regulation (EC) No 1290/2005, only agricultural expenditure which has been incurred in a way that has not infringed Community rules may be financed.

(4) In the light of the verifications carried out, the outcome of the bilateral discussions and the conciliation procedures, part of the expenditure declared by the Member States does not fulfil this requirement and cannot, therefore, be financed under the EAGGF Guarantee Section, the European Agricultural Guarantee Fund, hereinafter referred to as EAGF, and under the European Agricultural Fund for Rural Development, hereinafter referred to as EAFRD.

(5) The amounts that are not recognised as being chargeable to the EAGGF Guarantee Section, the EAGF and the EAFRD should be indicated. Those amounts do not relate to expenditure incurred more than 24 months before the Commission's written notification of the results of the verifications to the Member States.

(6) As regards the cases covered by this Decision, the assessment of the amounts to be excluded on grounds of non-compliance with Community rules was notified by the Commission to the Member States in a summary report on the subject.

(7) This Decision is without prejudice to any financial conclusions that the Commission may draw from the judgments of the Court of Justice in cases pending on 6 January 2009 and relating to its content,

HAS ADOPTED THIS DECISION:

*Article 1*

The expenditure itemised in the Annex hereto that has been incurred by the Member States' accredited paying agencies and declared under the EAGGF Guarantee Section, under the EAGF or under the EAFRD shall be excluded from Community financing because it does not comply with Community rules.

<sup>(1)</sup> OJ L 160, 26.6.1999, p. 103.

<sup>(2)</sup> OJ L 209, 11.8.2005, p. 1.

*Article 2*

This Decision is addressed to the Kingdom of Belgium, the Czech Republic, the Federal Republic of Germany, Ireland, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Republic of Finland and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 24 September 2009.

*For the Commission*

Mariann FISCHER BOEL

*Member of the Commission*

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## ANNEX

## BUDGET ITEM 6 7 0 1

MS	Measure	FY	Reason for correction	Type	%	Currency	Amount	Deductions already made	Financial impact
AT	Cross-compliance	2006-2007	Deficiencies concerning the system of application of reductions. Non-respect of Article 47 of Regulation (EC) No 796/2004 for cattle and sheep holders	flat-rate	5	EUR	- 981 349,96	0,00	- 981 349,96
AT	Cross-compliance	2007	Non-respect of Article 47 of Regulation (EC) No 796/2004 for farmers with bovine and/or sheep and goats	one-off		EUR	- 530 810,86	0,00	- 530 810,86
<b>Total AT</b>							<b>- 1 512 160,82</b>	<b>0,00</b>	<b>- 1 512 160,82</b>
BE	Certification	2004	Extrapolation of random error	one-off		EUR	- 98 303,45	0,00	- 98 303,45
BE	Certification	2005	Extrapolation of random error	one-off		EUR	- 260 740,00	0,00	- 260 740,00
<b>Total BE</b>							<b>- 359 043,45</b>	<b>0,00</b>	<b>- 359 043,45</b>
CZ	Milk powder for casein	2004	Wrong timing of samples taking and inappropriate product storage	flat-rate	5	CZK	- 2 653 522,92	0,00	- 2 653 522,92
CZ	Milk powder for casein	2005	Wrong timing of samples taking and inappropriate product storage	flat-rate	5	CZK	- 2 723 245,64	0,00	- 2 723 245,64
<b>Total CZ</b>							<b>- 5 376 768,56</b>	<b>0,00</b>	<b>- 5 376 768,56</b>
DE	Cross-compliance	2006	Non-respect of Article 47 of Regulation (EC) No 796/2004	one-off		EUR	- 82 051,60	0,00	- 82 051,60
DE	Financial audit — Late payments	2007	Non-respect of payment deadlines	one-off		EUR	- 65 908,59	- 65 908,59	0,00
DE	Financial audit — Overshooting	2007	Overshooting of rural development allocations and correction due to clearance decisions	one-off		EUR	- 1 286 683,79	- 1 286 683,79	0,00
DE	Irregularities	2008	Reimbursement concerning irregularity cases	one-off		EUR	104 567,45	0,00	104,567.45
DE	Rural Development EAGGF Axis 2 (2000-2006, area related measures)	2006	Absence of cross-checks with central livestock databank in case of applications for agri-environmental measures with livestock density limitation as an eligibility condition	flat-rate	5	EUR	- 418 300,00	0,00	- 418 300,00
<b>Total DE</b>							<b>- 1 748 376,53</b>	<b>- 1 352 592,38</b>	<b>- 395 784,15</b>



MS	Measure	FY	Reason for correction	Type	%	Currency	Amount	Deductions already made	Financial impact
ES	Meat premiums — Ewe and goats	2003	Absence of on-the-spot-checks during first month of retention and their general poor quality	flat-rate	2	EUR	– 2 071 611,91	0,00	– 2 071 611,91
ES	Meat premiums — Ewe and goats	2004	Absence of on-the-spot-checks during first month of retention and their general poor quality	flat-rate	2	EUR	– 2 021 847,48	0,00	– 2 021 847,48
ES	Meat premiums — Ewe and goats	2005	Absence of on-the-spot-checks during first month of retention and their general poor quality	flat-rate	2	EUR	– 2 008 918,46	0,00	– 2 008 918,46
ES	Meat premiums — Ewe and goats	2006	Absence of on-the-spot-checks during first month of retention and their general poor quality	flat-rate	2	EUR	– 1 512,05	0,00	– 1 512,05
ES	Olive oil — Production aid	2003	Weaknesses in key and ancillary controls in Andalusia	flat-rate	2	EUR	– 15 571 890,92	0,00	– 15 571 890,92
ES	Olive oil — Production aid	2003	Weaknesses in key and ancillary controls	flat-rate	5	EUR	– 7 493 167,92	0,00	– 7 493 167,92
ES	Olive oil — Production aid	2003	Wrong calculation of sanctions as a result of inappropriate application of technical tolerance margins in Andalusia	one-off		EUR	– 7 804 696,43	0,00	– 7 804 696,43
ES	Olive oil — Production aid	2004	Weaknesses in key and ancillary controls in Andalusia	flat-rate	2	EUR	– 470 563,99	0,00	– 470 563,99
ES	Olive oil — Production aid	2004	Weaknesses in key and ancillary controls	flat-rate	5	EUR	– 120 076,26	0,00	– 120 076,26
ES	Olive oil — Production aid	2005	Weaknesses in key and ancillary controls in Andalusia	flat-rate	2	EUR	– 127 706,94	0,00	– 127 706,94
ES	Olive oil — Production aid	2005	Weaknesses in key and ancillary controls	flat-rate	5	EUR	– 35 516,52	0,00	– 35 516,52
ES	Olive oil — Production aid	2006	Weaknesses in key and ancillary controls in Andalusia	flat-rate	2	EUR	– 102 574,75	0,00	– 102 574,75
ES	Olive oil — Production aid	2006	Weaknesses in key and ancillary controls	flat-rate	5	EUR	– 14 813,23	0,00	– 14 813,23
ES	Olive oil — Production refund on olive oil for preserved food	2003	Insufficient control instructions and supervision run by Galician paying agency resulting in inappropriate quality and quantity of controls	flat-rate	2	EUR	– 56 556,66	0,00	– 56 556,66
ES	Olive oil — Production refund on olive oil for preserved food	2004	Insufficient control instructions and supervision run by Galician paying agency resulting in inappropriate quality and quantity of controls	flat-rate	2	EUR	– 247 607,45	0,00	– 247 607,45

MS	Measure	FY	Reason for correction	Type	%	Currency	Amount	Deductions already made	Financial impact
ES	Olive oil — Production refund on olive oil for preserved food	2005	Insufficient control instructions and supervision run by Galician paying agency resulting in inappropriate quality and quantity of controls	flat-rate	2	EUR	– 158 115,39	0,00	– 158 115,39
ES	Olive oil — Production refund on olive oil for preserved food	2006	Insufficient control instructions and supervision run by Galician paying agency resulting in inappropriate quality and quantity of controls	flat-rate	2	EUR	– 199 478,40	0,00	– 199 478,40
ES	Olive oil — Production refund on olive oil for preserved food	2007	Insufficient control instructions and supervision run by Galician paying agency resulting in inappropriate quality and quantity of controls	flat-rate	2	EUR	– 1 508,41	0,00	– 1 508,41
ES	RD Guarantee Accompanying Measures (area related measures)	2004	Insufficient quality of on-the-spot checks and control reports. Only two good farming practices commitments checked	flat-rate	5	EUR	– 727 721,00	0,00	– 727 721,00
ES	RD Guarantee Accompanying Measures (area related measures)	2005	Insufficient quality of on-the-spot checks and control reports. Only two good farming practices commitments checked	flat-rate	5	EUR	– 1 019 192,00	0,00	– 1 019 192,00
<b>Total ES</b>							<b>– 40 255 076,17</b>	<b>0,00</b>	<b>– 40 255 076,17</b>
FI	Meat premiums — Bovines	2004	Wrong calculation of sanctions concerning suckler cows	one-off		EUR	– 2 902,49	0,00	– 2 902,49
FI	Meat premiums — Bovines	2004	Late start of controls in 2003. Wrong calculation of sanctions concerning suckler cows	flat-rate	5	EUR	– 51 722,18	0,00	– 51 722,18
FI	Meat premiums — Bovines	2005	Wrong calculation of sanctions concerning suckler cows	one-off		EUR	– 3 472,54	0,00	– 3 472,54
FI	Meat premiums — Bovines	2006	Wrong calculation of sanctions concerning suckler cows	one-off		EUR	– 2 225,89	0,00	– 2 225,89
<b>Total FI</b>							<b>– 60 323,10</b>	<b>0,00</b>	<b>– 60 323,10</b>
FR	Cross-compliance	2006	Claim year 2006: system of application of reductions and sanctions not in conformity with Regulation (EC) No 796/2004. Weaknesses in on-the-spot checks	flat rate	10	EUR	– 74 768,22	0,00	– 74 768,22
FR	Cross-compliance	2006	Claim year 2005: system of application of reductions and sanctions not in conformity with Regulation (EC) No 796/2004. Weaknesses in on-the-spot checks	flat rate	10	EUR	– 22 865 398,47	0,00	– 22 865 398,47

MS	Measure	FY	Reason for correction	Type	%	Currency	Amount	Deductions already made	Financial impact
FR	Cross-compliance	2007	Claim year 2006: system of application of reductions and sanctions not in conformity with Regulation (EC) No 796/2004. Weaknesses in on-the-spot checks	flat rate	10	EUR	- 48 018 996,45	0,00	- 48 018 996,45
FR	Cross-compliance	2007	Claim year 2005: system of application of reductions and sanctions not in conformity with Regulation (EC) No 796/2004. Weaknesses in on-the-spot checks	flat rate	10	EUR	- 9 305,52	0,00	- 9 305,52
<b>Total FR</b>							<b>- 70 968 468,66</b>	<b>0,00</b>	<b>- 70 968 468,66</b>
GB	Financial audit — Late payments	2006	Non-respect of payment deadlines	one-off		EUR	- 5 732 301,16	- 5 732 301,16	0,00
GB	Financial audit — Overshooting	2006	Overshooting of rural development allocations	one-off		EUR	- 784 708,59	0,00	- 784 708,59
GB	Financial audit — Overshooting	2006	Overshooting of rural development allocations and correction of milk levies	one-off		EUR	- 4 423 891,69	- 4 423 891,69	0,00
<b>Total GB</b>							<b>- 10 940 901,44</b>	<b>- 10 156 192,85</b>	<b>- 784 708,59</b>
GR	Financial audit — Late payments	2006	Non-respect of payment deadlines	one-off		EUR	- 4 553 141,32	- 4 553 141,32	0,00
GR	Financial audit — Overshooting	2006	Overshooting of financial ceilings, allocations and correction of milk levies	one-off		EUR	- 8 746 881,86	- 8 746 881,86	0,00
GR	Financial audit — Overshooting	2006	Overshooting of financial ceilings	one-off		EUR	- 1 841 695,81	0,00	- 1 841 695,81
GR	Fruit and vegetables — Tomato processing	2006	Weaknesses in area, accounting and administrative controls	flat-rate	5	EUR	- 1 517 924,28	0,00	- 1 517 924,28
GR	Olive oil — Improvement of quality of olive oil	2004	Overshooting of financial ceilings	one-off		EUR	- 337 272,64	0,00	- 337 272,64
GR	Public storage — Rice	2006	Improper time of weighing the stock and assessing missing quantities which led to undue costs of storage	one-off		EUR	- 110 459,51	0,00	- 110 459,51
GR	Public storage — Rice	2007	Improper time of weighing the stock and assessing missing quantities which led to undue costs of storage	one-off		EUR	- 55 227,40	0,00	- 55 227,40
<b>Total GR</b>							<b>- 17 162 602,82</b>	<b>- 13 300 023,18</b>	<b>- 3 862 579,64</b>
HU	Direct payments	2005	Claim year 2004 — Weaknesses in LPIS	flat-rate	2	HUF	- 159 697 460,46	0,00	- 159 697 460,46
HU	Direct payments	2005	Claim year 2004 — Weaknesses in LPIS, insufficient control of GAEC	flat-rate	2	HUF	- 1 565 085 360,96	0,00	- 1 565 085 360,96

MS	Measure	FY	Reason for correction	Type	%	Currency	Amount	Deductions already made	Financial impact
HU	Direct payments	2006	Claim year 2004 — Weaknesses in LPIS	flat-rate	2	HUF	– 974 468,50	0,00	– 974 468,50
HU	Direct payments	2006	Claim year 2004 — Weaknesses in LPIS, insufficient control of GAEC	flat-rate	2	HUF	– 2 111 378,44	0,00	– 2 111 378,44
HU	Direct payments	2006	Claim year 2005 — Weaknesses in LPIS-GIS	flat-rate	2	HUF	– 1 874 226 638,20	0,00	– 1 874 226 638,20
HU	RD Guarantee Accompanying Measures (area related measures)	2005	Cross-checks with animal data base not satisfactory	one-off		HUF	– 42 638 662,00	0,00	– 42 638 662,00
<b>Total HU</b>							<b>– 3 644 733 968,56</b>	<b>0,00</b>	<b>– 3 644 733 968,56</b>
IE	Cross-compliance	2006	Non-respect of Article 47 of Regulation (EC) No 796/2004	flat rate	2	EUR	– 707 810,71	0,00	– 707 810,71
IE	Cross-compliance	2007	Non-respect of Article 47 of Regulation (EC) No 796/2004	flat rate	2	EUR	– 7 117,53	0,00	– 7 117,53
<b>Total IE</b>							<b>– 714 928,24</b>	<b>0,00</b>	<b>– 714 928,24</b>
IT	Export refunds — Sugar and isoglucose	2003	Weaknesses in physical checks	flat rate	2	EUR	– 620 190,92	0,00	– 620 190,92
IT	Export refunds — Sugar and isoglucose	2003	Payments made for sugar imported from the Balkans	one-off		EUR	– 38 460,42	0,00	– 38 460,42
IT	Export refunds — Sugar and isoglucose	2004	Weaknesses in physical checks	flat-rate	2	EUR	– 521 176,14	0,00	– 521 176,14
IT	Export refunds — Sugar and isoglucose	2004	Payments made for sugar imported from the Balkans	one-off		EUR	– 149 226,45	0,00	– 149 226,45
IT	Export refunds — Sugar and isoglucose	2005	Weaknesses in physical checks	flat rate	2	EUR	– 7 075,80	0,00	– 7 075,80
IT	Fruit and vegetables — Citrus processing	2005	Various control weaknesses comprising insufficient quality of administrative, accounting and on-the-spot controls performed	flat rate	5	EUR	– 2 434 173,33	0,00	– 2 434 173,33
IT	Fruit and vegetables — Citrus processing	2006	Various control weaknesses comprising insufficient quality of administrative, accounting and on-the-spot controls performed	flat rate	5	EUR	– 1 105 506,48	0,00	– 1 105 506,48
IT	Irregularities	2008	Reimbursement concerning irregularity cases	one-off		EUR	44 226,30	0,00	44 226,30
IT	Olive oil — Restitution conserves	2003	Insufficient control instructions and supervision given by SAISA paying agency resulting in inappropriate quality and quantity of controls	flat rate	2	EUR	– 52 085,75	0,00	– 52 085,75

MS	Measure	FY	Reason for correction	Type	%	Currency	Amount	Deductions already made	Financial impact
IT	Olive oil — Restitution conserves	2004	Insufficient control instructions and supervision given by SAISA paying agency resulting in inappropriate quality and quantity of controls	flat rate	2	EUR	– 220 175,36	0,00	– 220 175,36
IT	Olive oil — Restitution conserves	2005	Insufficient control instructions and supervision given by SAISA paying agency resulting in inappropriate quality and quantity of controls	flat rate	2	EUR	– 213 470,02	0,00	– 213 470,02
IT	Olive oil — Restitution conserves	2006	Insufficient control instructions and supervision given by SAISA paying agency resulting in inappropriate quality and quantity of controls	flat rate	2	EUR	– 85 920,81	0,00	– 85 920,81
IT	Olive oil — Restitution conserves	2007	Insufficient control instructions and supervision given by SAISA paying agency resulting in inappropriate quality and quantity of controls	flat rate	2	EUR	– 2 378,19	0,00	– 2 378,19
<b>Total IT</b>							<b>– 5 405 613,38</b>	<b>0,00</b>	<b>– 5 405 613,38</b>
LT	Direct payments	2005	Weaknesses in LPIS system and on-the-spot checks and insufficient control of GAEC	flat rate	2	LTL	– 8 187 386,50	0,00	– 8 187 386,50
LT	Direct payments	2006	Weaknesses in LPIS system and on-the-spot checks and insufficient control of GAEC	flat rate	2	LTL	– 329,75	0,00	– 329,75
<b>Total LT</b>							<b>– 8 187 716,25</b>	<b>0,00</b>	<b>– 8 187 716,25</b>
LU	Direct payments	2006	Wrong calculation of the rights for single-area payments using improper regional average	one-off		EUR	– 3 834,18	0,00	– 3 834,18
LU	Direct payments	2007	Wrong calculation of the rights for single-area payments using improper regional average	one-off		EUR	– 513,28	0,00	– 513,28
<b>Total LU</b>							<b>– 4 347,46</b>	<b>0,00</b>	<b>– 4 347,46</b>
MT	Financial audit — Overshooting	2007	Overshooting of financial ceilings	one-off		EUR	– 16 690,38	– 16 690,38	0,00
<b>Total MT</b>							<b>– 16 690,38</b>	<b>– 16 690,38</b>	<b>0,00</b>
NL	Direct payments	2006	Weaknesses in the LPIS-GIS, in administrative and on-the-spot checks and in the application of the regulatory sanctions	one-off		EUR	– 5 538 453,00	0,00	– 5 538 453,00

MS	Measure	FY	Reason for correction	Type	%	Currency	Amount	Deductions already made	Financial impact
NL	Direct payments	2007	Weaknesses in the LPIS-GIS, in administrative and on-the-spot checks and in the application of the regulatory sanctions	one-off		EUR	– 5 866 224,00	0,00	– 5 866 224,00
NL	Direct payments	2008	Weaknesses in the LPIS-GIS, in administrative and on-the-spot checks and in the application of the regulatory sanctions	one-off		EUR	– 5 226 404,00	0,00	– 5 226 404,00
NL	Export refunds — Sugar and isoglucose	2001	Insufficient quantity of substitution checks in customs offices in Rotterdam district	flat-rate	10	EUR	– 392 282,80	0,00	– 392 282,80
NL	Export refunds — Sugar and isoglucose	2002	Insufficient quantity of substitution checks in customs offices in Rotterdam district	flat-rate	10	EUR	– 5 601 293,13	0,00	– 5 601 293,13
NL	Export refunds — Sugar and isoglucose	2003	Insufficient quantity of substitution checks in customs offices in Rotterdam district	flat-rate	10	EUR	– 1 215 943,72	0,00	– 1 215 943,72
NL	Export refunds and food aid outside the EU	2001	Insufficient quantity of substitution checks in customs offices in Rotterdam district	flat-rate	10	EUR	– 137 829,09	0,00	– 137 829,09
NL	Export refunds and food aid outside the EU	2002	Insufficient quantity of substitution checks in customs offices in Rotterdam district	flat-rate	10	EUR	– 1 968 021,91	0,00	– 1 968 021,91
NL	Export refunds and food aid outside the EU	2003	Insufficient quantity of substitution checks in customs offices in Rotterdam district	flat-rate	10	EUR	– 427 223,47	0,00	– 427 223,47
NL	Financial audit — Overshooting	2006	Overshooting of financial ceilings	one-off		EUR	– 1 871 229,37	0,00	– 1 871 229,37
<b>Total NL</b>							<b>– 28 244 904,49</b>	<b>0,00</b>	<b>– 28 244 904,49</b>
PL	Rural Development EAGGF Axis 2 (2000-2006, area related measures)	2005	No cross-checks with animal database performed until the end of 2005. Poor quality of control reports. Not all agri-environmental commitments checked. Lack of sanctions	flat-rate	5	PLN	– 47 152 775,00	0,00	– 47 152 775,00
<b>Total PL</b>							<b>– 47 152 775,00</b>	<b>0,00</b>	<b>– 47 152 775,00</b>
PT	Certification	2001	Most likely error of overpayments	one-off		EUR	– 2 073 170,00	– 2 848 206,87	775 036,87
PT	Certification	2002	Most likely error of overpayments	one-off		EUR	– 1 768 014,18	0,0	– 1 768 014,18
PT	Certification	2002	Systematic error	one-off		EUR	– 455 084,30	0,0	– 455 084,30
PT	Certification	2003	Most likely error of overpayments	one-off		EUR	– 2 056 200,00	0,0	– 2 056 200,00
PT	Certification	2004	Most likely error of overpayments	one-off		EUR	– 226 000,00	0,0	– 226 000,00

MS	Measure	FY	Reason for correction	Type	%	Currency	Amount	Deductions already made	Financial impact
PT	Certification	2005	Most likely error of overpayments	one-off		EUR	– 2 147 000,00	0,0	– 2 147 000,00
PT	Certification		Recoveries already reimbursed to the Community budget with regards to certification 2001-2005	one-off		EUR	134 701,72	0,0	134 701,72
PT	Cross-compliance	2006	Controls performed too late	flat-rate	5	EUR	– 727 228,53	0,0	– 727 228,53
PT	Cross-compliance	2007	Controls performed too late	flat-rate	5	EUR	– 1 952,69	0,0	– 1 952,69
PT	Export refunds — Sugar and isoglucose	2003	Minimum number of substitution checks in 2003 not reached in two customs offices	flat-rate	5	EUR	– 16 434,84	0,0	– 16 434,84
PT	Export refunds — Sugar and isoglucose	2004	Minimum number of substitution checks in 2003 not reached in two customs offices	flat-rate	5	EUR	– 28 112,11	0,0	– 28 112,11
PT	RD Guarantee Accompanying Measures (area related measures)	2004	Wrong sample selection for on-the spot checks and their limited scope not assuring minimum 5 % of beneficiaries checked annually	flat-rate	2	EUR	– 1 264 084,00	0,0	– 1 264 084,00
PT	RD Guarantee Accompanying Measures (area related measures)	2005	Wrong sample selection for on-the spot checks and their limited scope not assuring minimum 5 % of beneficiaries checked annually	flat-rate	2	EUR	– 1 399 863,00	0,0	– 1 399 863,00
<b>Total PT</b>							<b>– 12 028 441,93</b>	<b>– 2 848 206,87</b>	<b>– 9 180 235,06</b>
SI	Financial audit — Late payments	2007	Non-respect of payment deadlines	one-off		EUR	– 11 173,87	– 11 173,87	0,0
SI	Financial audit — Overshooting	2007	Overshooting of financial ceilings	one-off		EUR	– 14 688,91	– 14 688,91	0,0
<b>Total SI</b>							<b>– 25 862,78</b>	<b>– 25 862,78</b>	<b>0,0</b>

**BUDGET ITEM 6 7 1 1**

MS	Measure	FY	Reason for correction	Type	%	Currency	Amount	Deductions already made	Financial impact
DE	Rural Development EAFRD Axis 2 (2007 DE06RPO 020)	2007	Absence of cross-checks with central livestock databank in case of applications for agri-environmental measures with livestock density limitation as an eligibility condition	flat-rate	5	EUR	– 350 800,00	0,0	– 350 800,00
<b>Total DE</b>							<b>– 350 800,00</b>	<b>0,0</b>	<b>– 350 800,00</b>

## COMMISSION DECISION

of 29 September 2009

**amending Decision 2003/324/EC as regards a derogation from the intra-species recycling ban for the feeding of certain fur animals in Latvia**

(notified under document C(2009) 5550)

(Only the Estonian, Finnish, Latvian and Swedish texts are authentic)

(2009/722/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

*Article 1*

Decision 2003/324/EC is amended as follows:

Having regard to Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption<sup>(1)</sup>, and in particular Article 22(2) thereof,

(1) Article 1 is replaced by the following:

*'Article 1***Derogation to Estonia, Latvia and Finland**

1. Pursuant to Article 22(2) of Regulation (EC) No 1774/2002, a derogation is granted to Estonia, Latvia and Finland with regard to the feeding of the following fur animals with processed animal protein derived from the bodies or parts of bodies of animals of the same species:

(a) foxes (*Vulpes vulpes* and *Alopex lagopus*); and

(b) raccoon dogs (*Nycteroites procynoides*).

Whereas:

(1) Article 22(1)(a) of Regulation (EC) No 1774/2002 provides for a prohibition on the feeding of a species with processed animal protein derived from animals of the same species. After consulting the appropriate scientific committee derogations may be granted from that rule in relation to fur animals.

(2) Commission Decision 2003/324/EC of 12 May 2003 as regards a derogation from the intra-species recycling ban for fur animals under Regulation (EC) No 1774/2002 of the European Parliament and the Council<sup>(2)</sup> mentions the Member States which are authorised to make use of that derogation, the species which may be fed with processed animal protein derived from animals of the same species, and sets out the rules under which the feeding may take place.

(3) Latvia has submitted a request for derogation on the intra-species recycling ban for fur animals and has submitted satisfactory information on the measures to be taken to ensure the control of risks to public and animal health.

(4) Decision 2003/324/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 the Food Chain and Animal Health,

2. Pursuant to Article 22(2) of Regulation (EC) No 1774/2002, a derogation is granted to Estonia and Latvia with regard to the feeding of fur animals of the species American mink (*Mustela vison*) with processed animal protein derived from the bodies or parts of bodies of animals of the same species.'

(2) Article 5 is replaced by the following:

*'Article 5***Compliance with this Decision**

Estonia, Latvia and Finland shall immediately take the necessary measures to comply with this Decision and publish those measures. They shall immediately inform the Commission thereof.'

(3) Article 7 is replaced by the following:

*'Article 7***Addressees**

This Decision is addressed to the Republic of Estonia, the Republic of Latvia and the Republic of Finland.'

<sup>(1)</sup> OJ L 273, 10.10.2002, p. 1.

<sup>(2)</sup> OJ L 117, 13.5.2003, p. 37.



*Article 2*

This Decision is addressed to the Republic of Estonia, the Republic of Latvia and the Republic of Finland.

Done at Brussels, 29 September 2009.

*For the Commission*

Androulla VASSILIOU

*Member of the Commission*

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## III

(Acts adopted under the EU Treaty)

## ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

## POLITICAL AND SECURITY COMMITTEE DECISION EUSEC/1/2009

of 25 September 2009

**on the appointment of the Head of Mission for the European Union mission to provide advice and assistance for security sector reform in the Democratic Republic of the Congo (EUSEC RD Congo)**

(2009/723/CFSP)

THE POLITICAL AND SECURITY COMMITTEE,

Having regard to the Treaty on European Union, and in particular the third paragraph of Article 25 thereof,

Having regard to Council Joint Action 2009/709/CFSP of 15 September 2009 on the European Union mission to provide advice and assistance for security sector reform in the Democratic Republic of the Congo (EUSEC RD Congo) <sup>(1)</sup>, and in particular Article 8 thereof,

Whereas:

- (1) Pursuant to Article 8 of Joint Action 2009/709/CFSP the Council authorised the Political and Security Committee (PSC) to take subsequent decisions regarding the appointment of the Head of Mission.
- (2) On 24 June 2008, Jean-Paul MICHEL was appointed Head of Mission for the EUSEC RD Congo.
- (3) The Secretary-General/High Representative has proposed to appoint again Jean-Paul MICHEL as the Head of Mission for EUSEC RD Congo,

HAS DECIDED AS FOLLOWS:

*Article 1*

Jean-Paul MICHEL is hereby appointed Head of Mission for the European Union mission to provide advice and assistance for security sector reform in the Democratic Republic of the Congo (EUSEC RD Congo).

*Article 2*

This Decision shall take effect on 1 October 2009.

Done at Brussels, 25 September 2009.

*For the Political and Security Committee*  
*The Chairperson*  
O. SKOOG

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<sup>(1)</sup> OJ L 246, 18.9.2009, p. 33.

## ACTS ADOPTED UNDER TITLE VI OF THE EU TREATY

## COMMISSION DECISION 2009/724/JHA

of 17 September 2009

**laying down the date for the completion of migration from the Schengen Information System (SIS 1+) to the second generation Schengen Information System (SIS II)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty on European Union,

Having regard to Council Decision 2008/839/JHA of 24 October 2008 on migration from the Schengen Information System (SIS 1+) to the second generation Schengen Information System (SIS II) <sup>(1)</sup>, and in particular Article 11(2) thereof,

Whereas:

- (1) Article 11(2) of Decision 2008/839/JHA of 24 October provides for the migration of the Member States participating in SIS 1+ from N.SIS to N.SIS II using the interim migration architecture, with the support of France and of the Commission, by 30 September 2009 at the latest. If necessary, this date may be changed in accordance with the procedure defined in Article 17(2) of that Decision.
- (2) Issues identified during testing of SIS II led to delay in the implementation of the activities set out in Decision 2008/839/JHA. Council Conclusions of 26 and 27 February 2009 stated that, given the time required to resolve outstanding issues, the date for migration from SIS 1+ to SIS II, set for September 2009, was no longer realistic.
- (3) In the light of the delay to the migration from SIS 1+ to SIS II, the new date for the completion of migration should be set to coincide with the final expiry date of Decision 2008/839/JHA, allowing the continuation of activities leading to the start of operations of SIS II until that date.
- (4) The United Kingdom is taking part in this Decision, in accordance with Article 5 of the Protocol integrating the Schengen *acquis* into the framework of the European Union annexed to the EU Treaty and to the Treaty establishing the European Community, and Article 8(2) of 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>(2)</sup>.

- (5) Ireland is taking part in this Decision in accordance with Article 5 of the Protocol integrating the Schengen *acquis* into the framework of the European Union annexed to the EU Treaty and to the Treaty establishing the European Community, and Article 6(2) of 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>(3)</sup>.
- (6) 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* <sup>(4)</sup>, which fall within the area referred to in Article 1, point G of Council Decision 1999/437/EC <sup>(5)</sup> on certain arrangements for the application of that Agreement.
- (7) As regards Switzerland, this Decision constitutes a development of provisions of the Schengen *acquis* within the meaning of the Agreement signed 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*, which falls within the area referred to in Article 1, point G of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/149/JHA <sup>(6)</sup> on the conclusion, on behalf of the European Union, of the Agreement.
- (8) As regards Liechtenstein, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Protocol 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* which fall within the area referred to in Article 1, point G of Decision 1999/437/EC read in conjunction

<sup>(1)</sup> OJ L 299, 8.11.2008, p. 43.<sup>(2)</sup> OJ L 131, 1.6.2000, p. 43.<sup>(3)</sup> OJ L 64, 7.3.2002, p. 20.<sup>(4)</sup> OJ L 176, 10.7.1999, p. 36.<sup>(5)</sup> OJ L 176, 10.7.1999, p. 31.<sup>(6)</sup> OJ L 53, 27.2.2008, p. 50.

with Article 3 of Council Decision 2008/262/JHA of 28 February 2008 on the signature, on behalf of the European Union, and on the provisional application of certain provisions of the Protocol 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>(1)</sup>.

- (9) The measures provided for in this Decision are in accordance with the opinion of the Committee set up by Article 67(1) of Council Decision 2007/533/JHA <sup>(2)</sup> and referred to in Article 17(1) of Decision 2008/839/JHA,

HAS DECIDED AS FOLLOWS:

*Sole Article*

The Member States participating in SIS 1+ shall complete migration from N.SIS to N.SIS II using the interim migration architecture, with the support of France and of the Commission, by the expiry date of Decision 2008/839/JHA.

Done at Brussels, 17 September 2009.

*For the Commission*

Jacques BARROT

*Vice-President*

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<sup>(1)</sup> OJ L 83, 26.3.2008, p. 5.

<sup>(2)</sup> OJ L 205, 7.8.2007, p. 63.





ACTS ADOPTED UNDER TITLE VI OF THE EU TREATY

★ Commission Decision 2009/724/JHA of 17 September 2009 laying down the date for the completion of migration from the Schengen Information System (SIS 1+) to the second generation Schengen Information System (SIS II) ..... 41

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