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### Legislation

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## I

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

## REGULATIONS

**COMMISSION REGULATION (EC) No 929/2008****of 22 September 2008****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 23 September 2008.

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

Done at Brussels, 22 September 2008.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

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

<sup>(2)</sup> OJ L 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	31,4
	TR	70,5
	ZZ	51,0
0707 00 05	EG	162,5
	TR	95,1
	ZZ	128,8
0709 90 70	TR	94,1
	ZZ	94,1
0805 50 10	AR	65,9
	UY	52,7
	ZA	97,3
	ZZ	72,0
0806 10 10	TR	101,5
	US	132,8
	ZZ	117,2
0808 10 80	BR	56,2
	CL	76,6
	CN	64,7
	NZ	118,3
	US	99,8
	ZA	79,8
	ZZ	82,6
0808 20 50	AR	68,9
	CN	75,9
	TR	139,0
	ZA	89,5
	ZZ	93,3
0809 30	TR	138,4
	US	160,5
	ZZ	149,5
0809 40 05	IL	131,9
	TR	65,7
	XS	58,0
	ZZ	85,2

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

**COMMISSION REGULATION (EC) No 930/2008****of 22 September 2008****amending the representative prices and additional duties for the import of certain products in the sugar sector fixed by Regulation (EC) No 1109/2007 for the 2007/08 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 318/2006 of 20 February 2006 on the common organisation of the markets in the sugar sector <sup>(1)</sup>,

Having regard to Commission Regulation (EC) No 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector <sup>(2)</sup>, and in particular of the Article 36,

Whereas:

(1) The representative prices and additional duties applicable to imports of white sugar, raw sugar and certain syrups

for the 2007/08 marketing year are fixed by Commission Regulation (EC) No 1109/2007 <sup>(3)</sup>. These prices and duties have been last amended by Commission Regulation (EC) No 870/2008 <sup>(4)</sup>.

(2) The data currently available to the Commission indicate that the said amounts should be changed in accordance with the rules and procedures laid down in Regulation (EC) No 951/2006,

HAS ADOPTED THIS REGULATION:

*Article 1*

The representative prices and additional duties on imports of the products referred to in Article 36 of Regulation (EC) No 951/2006, as fixed by Regulation (EC) No 1109/2007 for the 2007/08 marketing year are hereby amended as set out in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 23 September 2008.

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

Done at Brussels, 22 September 2008.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

<sup>(1)</sup> OJ L 58, 28.2.2006, p. 1.  
<sup>(2)</sup> OJ L 178, 1.7.2006, p. 24.

<sup>(3)</sup> OJ L 253, 28.9.2007, p. 5.  
<sup>(4)</sup> OJ L 238, 5.9.2008, p. 3.

## ANNEX

**Amended representative prices and additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 95 applicable from 23 September 2008**

(EUR)

CN code	Representative price per 100 kg of the product concerned	Additional duty per 100 kg of the product concerned
1701 11 10 <sup>(1)</sup>	23,49	4,56
1701 11 90 <sup>(1)</sup>	23,49	9,79
1701 12 10 <sup>(1)</sup>	23,49	4,37
1701 12 90 <sup>(1)</sup>	23,49	9,36
1701 91 00 <sup>(2)</sup>	26,80	11,83
1701 99 10 <sup>(2)</sup>	26,80	7,31
1701 99 90 <sup>(2)</sup>	26,80	7,31
1702 90 95 <sup>(3)</sup>	0,27	0,38

<sup>(1)</sup> Fixed for the standard quality defined in Annex LIII to Council Regulation (EC) No 318/2006 (OJ L 58, 28.2.2006, p. 1).

<sup>(2)</sup> Fixed for the standard quality defined in Annex LII to Regulation (EC) No 318/2006.

<sup>(3)</sup> Fixed per 1 % sucrose content.

## DIRECTIVES

## COMMISSION DIRECTIVE 2008/87/EC

of 22 September 2008

**amending Directive 2006/87/EC of the European Parliament and of the Council laying down technical requirements for inland waterway vessels**

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

to in Article 7 of Council Directive 91/672/EEC of 16 December 1991 on the reciprocal recognition of national boatmasters' certificates for the carriage of goods and passengers by inland waterway <sup>(2)</sup>,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2006/87/EC of the European Parliament and of the Council of 12 December 2006 laying down technical requirements for inland waterway vessels and repealing Council Directive 82/714/EEC <sup>(1)</sup>, and in particular the first sentence of Article 20, paragraph 1, thereof,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

Annex II to Directive 2006/87/EC is amended in accordance with Annex I to this Directive.

Whereas:

*Article 2*

Annexes V and VI to Directive 2006/87/EC are amended in accordance with Annex II to this Directive.

(1) Since the adoption of the Directive in December 2006 amendments to the Rhine Vessel Inspection Regulation have been agreed pursuant to Article 22 of the Revised Convention for Rhine Navigation. It is therefore necessary to amend Directive 2006/87/EC accordingly.

*Article 3*

Member States which have inland waterways as referred to in Article 1(1) of Directive 2006/87/EC shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive with effect from 30 December 2008. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

(2) It should be ensured that the Community vessel certificate and the vessel certificate delivered in accordance with the Rhine Vessel Inspection Regulation are issued on the basis of technical requirements which guarantee an equivalent level of safety.

(3) In order to avoid distortions of competition as well as different levels of safety, the amendments to Directive 2006/87/EC must be implemented as quickly as possible.

(4) The measures provided for in this Directive are in accordance with the opinion of the Committee referred

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

<sup>(1)</sup> OJ L 389, 30.12.2006, p. 1.

<sup>(2)</sup> OJ L 373, 31.12.1991, p. 29.

*Article 4*

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

*Article 5*

This Directive is addressed to the Member States which have inland waterways as referred to in Article 1(1) of Directive 2006/87/EC.

Done at Brussels, 22 September 2008.

*For the Commission*

Antonio TAJANI

*Vice-President*

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## ANNEX I

Annex II to Directive 2006/87/EC is amended as follows:

1. The table of contents is amended as follows:

(a) The title of Article 2.18 is replaced by:

‘Article 2.18 — Unique European Vessel Identification Number’.

(b) The title of Article 6.09 is replaced by:

‘Article 6.09 — Acceptance and periodical inspections’.

(c) The following Article 10.03c is inserted:

‘Article 10.03c — Permanently installed firefighting systems for protecting objects’.

2. In Article 2.07, paragraph 1, the term ‘official number’ is replaced by ‘European Vessel Identification Number’.

3. Article 2.17 is amended as follows:

(a) In paragraph 2 the following sentence is added:

‘They shall update the register mentioned in paragraph 1 accordingly.’

(b) The following paragraph 3 is added:

‘3. In order to perform administrative measures for maintaining safety and ease of navigation and for implementation of Articles 2.02 to 2.15 as well as Articles 8, 10, 11, 12, 15, 16 and 17 of this Directive read only access to the register in accordance with the model set out in Annex VI will be granted to competent authorities of other Member States, Contracting States of the Mannheim Convention and, as far as an equivalent level of privacy is guaranteed, to third countries on the basis of administrative agreements.’

4. Article 2.18 is replaced by the following:

‘Article 2.18

**Unique European Vessel Identification Number**

1. The unique European Vessel Identification Number (ENI), in the following referred to as European Vessel Identification Number, consists of eight Arabic numerals according to Appendix III.

2. The competent authority having issued a Community certificate shall enter on that Community certificate the European Vessel Identification Number. Unless the craft possesses a European Vessel Identification Number at the time of issue of the Community Certificate it shall be assigned to that craft by the competent authority of the Member State in which the craft has been registered or has its home port.

As far as craft from countries where an assignation of a European Vessel Identification Number is not possible are concerned the European Vessel Identification Number to be entered on the Community certificate shall be assigned by the competent authority issuing that Community certificate.

3. Only one single European Vessel Identification Number can be assigned to one craft. The European Vessel Identification Number is issued only once and remains unchanged throughout the whole lifetime of the craft.

4. The owner of a craft, or his representative, shall apply to the competent authority for assignment of the European Vessel Identification Number. The owner or his representative shall also be responsible for having the European Vessel Identification Number which is entered in the Community certificate affixed to the craft.

5. Each Member State shall notify the Commission of the competent authorities responsible for assigning European Vessel Identification Numbers. The Commission shall keep a register of those competent authorities and of competent authorities notified by third countries, and shall make the register available to the Member States. On request this register shall also be made available to competent authorities of third countries.
  6. Each competent authority in accordance with paragraph 5 shall make all necessary arrangements in order to inform all other competent authorities listed in the register kept in accordance with paragraph 5 of each European Vessel Identification Number it assigns as well as of data for the identification of the vessel set out in Appendix IV. These data may be made available to competent authorities of other Member States, Contracting States of the Mannheim Convention and, as far as an equivalent level of privacy is guaranteed, to third countries on the basis of administrative agreements in order to perform administrative measures for maintaining safety and ease of navigation and for implementation of Articles 2.02 to 2.15 and Article 2.18(3) as well as Articles 8, 10, 11, 12, 15, 16 and 17 of this Directive.
5. In Article 2.19, paragraph 2, second subparagraph, the term 'official number' is replaced by 'European Vessel Identification Number'.
6. Article 6.02(1) is replaced by the following:
- '1. If the steering apparatus has a powered drive unit, a second independent drive unit or an additional manual drive shall be present. In case of failure or malfunction of the drive unit of the rudder system, the second independent drive unit or the manual drive has to be in operation within 5 seconds.'
7. Article 6.03 is replaced by the following:
- 'Article 6.03*
- Hydraulic steering apparatus drive unit**
1. No other power consumers may be connected to the hydraulic steering apparatus drive unit.
  2. Hydraulic tanks shall be equipped with a warning system that monitors a dropping of the oil level below the lowest content level needed for safe operation.
  3. The dimensions, design and arrangement of the pipework shall as far as possible exclude mechanical damage or damage resulting from fire.
  4. Hydraulic hoses are:
    - (a) only permissible, if vibration absorption or freedom of movement of components makes their use inevitable;
    - (b) to be designed for at least the maximum service pressure;
    - (c) to be renewed at the latest every eight years.
  5. Hydraulic cylinders, hydraulic pumps and hydraulic motors as well as electric motors shall be examined at the latest every eight years by a specialised firm and repaired if required.'

8. Article 6.07(2) is amended as follows:

    - (a) The introductory phrase is replaced by the following:

'An optical and acoustic alarm shall be present at the steering position to signal the following:'
    - (b) Point (a) is replaced by the following:

'(a) oil level of the hydraulic tanks falling under the lowest content level in accordance with Article 6.03(2) and decrease of service pressure of the hydraulic system;'

9. Article 6.09 is replaced by the following:

*'Article 6.09*

**Acceptance and periodical inspections**

1. The correct installation of the steering system shall be inspected by an inspection body. For this purpose the inspection body can require the following documents:
  - (a) description of the steering system;
  - (b) drawings of and information on the steering apparatus drive units and the steering control;
  - (c) information concerning the steering apparatus;
  - (d) electrical wiring diagram;
  - (e) description of the rate-of-turn regulator;
  - (f) operating and maintenance instructions for the steering system.
2. Operation of the entire steering system shall be checked by means of a navigation test. If a rate-of-turn regulator is installed it shall be checked that a predetermined course can be reliably maintained and that bends can be negotiated safely.
3. Power-driven steering systems shall be inspected by an expert:
  - (a) before being put into service;
  - (b) after a failure;
  - (c) after any modification or repair;
  - (d) regularly at least every three years.
4. The inspection has to cover at least:
  - (a) a check of conformity with the approved drawings and at periodical inspections whether alterations in the steering system were made;
  - (b) a functional test of the steering system for all operational possibilities;
  - (c) a visual check and a tightness check of the hydraulic components, in particular valves, pipelines, hydraulic hoses, hydraulic cylinders, hydraulic pumps, and hydraulic strainers;
  - (d) a visual check of the electrical components, in particular relays, electric motors and safety devices;
  - (e) a check of the optical and acoustic control devices.
5. An inspection certificate, signed by the inspector, shall be issued, showing the date of inspection.'

10. Article 7.02 is amended as follows:

(a) The first subparagraph of paragraph 2 is replaced by the following:

'The area of obstructed vision for the helmsman ahead of the vessel in an unladen state with half of its supplies but without ballast shall not exceed two vessel lengths or 250 m whichever is less, to the surface of the water.'

(b) The second subparagraph of paragraph 6 is replaced by the following:

'To avoid reflections, the bridge front windows shall be glare-free or fitted so as to exclude reflections effectively. This requirement shall be deemed to be fulfilled when the windows are inclined from the vertical plane, so as to form an outward angle of not less than 10° and not more than 25°.'

11. Article 8.05(7) is replaced by the following:

'7. Directly at tank outlets the pipework for the distribution of fuels shall be fitted with a quick-closing valve that can be operated from the deck, even when the rooms in question are closed.'

If the operating device is concealed, the lid or cover shall not be lockable.

The operating device shall be marked in red. If the device is concealed it shall be marked with a symbol for the quick-closing valve in accordance with Fig. 9 of Appendix I with a side length of at least 10 cm.

The first subparagraph shall not apply to fuel tanks mounted directly on the engine.'

12. In Article 9.15(9) the following sentence is added:

'The number of cable joints shall be kept to a minimum.'

13. Article 10.03a is amended as follows:

(a) Paragraph 8 is replaced by the following:

'8. An inspection certificate, signed by the expert, shall be issued, showing the date of inspection.'

(b) Paragraph 10 is deleted.

14. Article 10.03b is amended as follows:

(a) In paragraph 1, the following point (d) is added:

'(d) FK-5-1-12 (Dodecafluoro-2-methylpentane-3-on).'

(b) Point b of paragraph 4 is replaced by the following:

'(b) Outlet nozzles shall be dimensioned and fitted such that the extinguishing agent is evenly distributed. In particular the extinguishing agent shall also be effective beneath the floor plates.'

(c) In paragraph 5, point (e), point (cc) is replaced by the following:

'(cc) action to be taken by the crew when the firefighting system is triggered and when accessing the protected room after triggering or flooding, in particular with regard to the possible presence of dangerous substances.'

(d) Paragraph 9, point (e), is replaced by the following:

'(e) An inspection certificate, signed by the expert, shall be issued, showing the date of inspection.'

(e) Paragraph 13 is replaced by the following:

'13. FK-5-1-12 — firefighting systems

Firefighting systems using FK-5-1-12 as the extinguishing agent shall comply with the following provisions in addition to the requirements under paragraphs 1 to 9:

- (a) if there are several rooms to be protected, each with a different gross volume, each room shall be provided with its own firefighting system;
- (b) each container of FK-5-1-12 installed in the room to be protected shall be equipped with an overpressure relief valve. The overpressure relief valve shall harmlessly release the contents of the container into the room to be protected if the container is exposed to the effects of fire and the firefighting system has not been triggered;
- (c) each container shall be fitted with a device for checking the gas pressure;
- (d) the containers shall not be filled to more than 1,00 kg/l. The specific volume of the unpressurised FK-5-1-12 is to be taken as 0,0719 m<sup>3</sup>/kg;
- (e) the volume of FK-5-1-12 for the room to be protected shall be at least 5,5 % of the room's gross volume. This volume shall be supplied within 10 seconds;
- (f) the FK-5-1-12 containers shall be provided with a pressure monitor which triggers an acoustic and optical alarm signal in the wheelhouse in the event of an unauthorised loss of propellant. If there is no wheelhouse, this alarm signal shall be given outside the room to be protected;
- (g) after flooding, the concentration in the room to be protected shall not exceed 10,0 %.

15. The following Article 10.03c is inserted:

*'Article 10.03c*

**Permanently installed firefighting systems for protecting objects**

Permanently installed firefighting systems for protecting objects shall only be permitted on the basis of recommendations from the Committee.'

16. In paragraph 2 of Article 10.05, the first subparagraph is replaced by the following:

'A personalised, automatically inflatable lifejacket in accordance with European standards EN 395:1998, EN 396:1998, EN ISO 12402-3:2006 or EN ISO 12402-4:2006 shall be within reach of every person who is regularly on board a craft.'

17. In Article 14.13 the following sentence is inserted after the second sentence:

'Additionally, for passenger vessels the expert shall verify whether a valid inspection certificate certifying the correct installation of the gas alarm system referred to in Article 15.15(9) or its inspection is available.'

18. Article 15.03 is amended as follows:

(a) In paragraph 1 the following sentence is added:

‘The lightship data taken into account for the stability calculation shall be determined by means of a heeling test.’

(b) Paragraph 2 is amended as follows:

(i) In the third subparagraph, the introductory phrase is replaced by the following:

‘In addition, the requirement of section 3(d) shall be proved for the following load condition:’

(ii) The last subparagraph is deleted.

(c) Paragraph 3 is amended as follows:

(i) Points (a), (b) and (c) are replaced by the following:

‘(a) the maximum righting lever  $h_{\max}$  shall occur at a heeling angle of  $\varphi_{\max} \geq (\varphi_{\text{mom}} + 3^\circ)$  and shall not be less than 0,20 m. However, in case  $\varphi_f < \varphi_{\max}$  the righting lever at the downflooding angle  $\varphi_f$  shall not be less than 0,20 m;

(b) the downflooding angle  $\varphi_f$  shall not be less than  $(\varphi_{\text{mom}} + 3^\circ)$ ;

(c) the area A under the curve of the righting levers shall, depending on the position of  $\varphi_f$  and  $\varphi_{\max}$ , reach at least the following values:

Case			A
1	$\varphi_{\max} \leq 15^\circ$ or $\varphi_f \leq 15^\circ$		0,05 m·rad up to the smaller of the angles $\varphi_{\max}$ or $\varphi_f$
2	$15^\circ < \varphi_{\max} < 30^\circ$	$\varphi_{\max} \leq \varphi_f$	$0,035 + 0,001 \cdot (30 - \varphi_{\max})$ m·rad up to the angle $\varphi_{\max}$
3	$15^\circ < \varphi_f < 30^\circ$	$\varphi_{\max} > \varphi_f$	$0,035 + 0,001 \cdot (30 - \varphi_f)$ m·rad up to the angle $\varphi_f$
4	$\varphi_{\max} \geq 30^\circ$ and $\varphi_f \geq 30^\circ$		0,035 m·rad up to the angle $\varphi = 30^\circ$

Where:

$h_{\max}$  is the maximum lever;

$\varphi$  the heeling angle;

$\varphi_f$  the downflooding angle, that is the heeling angle, at which openings in the hull, in the superstructure or deck houses which cannot be closed so as to be watertight, submerge;

$\varphi_{\text{mom}}$  the maximum heeling angle according to (e);

$\varphi_{\max}$  the heeling angle at which the maximum righting lever occurs;

A the area under the curve of the righting levers.’

(ii) Point (e) is replaced by the following:

'(e) in each of the following two cases the heeling angle  $\varphi_{mom}$  shall not exceed 12:

(aa) in application of the heeling moment due to persons and wind according to sections 4 and 5;

(bb) in application of the heeling moment due to persons and turning according to sections 4 and 6.'

(d) In paragraph 4, the explanation ' $n_i = 4$  for free deck areas and deck areas with movable furniture; for deck areas with fixed seating furniture such as benches,  $n_i$  shall be calculated by assuming an area of 0,45 m in width and 0,75 m in seat depth per person' is replaced by the following:

$n_i = 3,75$  for free deck areas and deck areas with movable furniture;

for deck areas with fixed seating furniture such as benches,  $n_i$  shall be calculated by assuming an area of 0,50 m in width and 0,75 m in seat depth per person'

(e) Paragraph 9 is amended as follows:

(i) The table below the introductory phrase of the second subparagraph is replaced by the following table:

	'1-compartment status	2-compartment status
Dimension of the side damage		
longitudinal l [m]	0,10 · L <sub>WL</sub> , however not less than 4,00 m	0,05 · L <sub>WL</sub> , however not less than 2,25 m
transverse b [m]	B/5	0,59
vertical h [m]	from vessel bottom to top without delimitation	
Dimension of the bottom damage		
longitudinal l [m]	0,10 · L <sub>WL</sub> , however not less than 4,00 m	0,05 · L <sub>WL</sub> , however not less than 2,25 m
transverse b [m]	B/5	
vertical h [m]	0,59; pipework installed according to Article 15.02(13)(c), shall be deemed intact'	

(ii) In point (d), the last subparagraph is deleted.

(f) In paragraph 10, the following point (d) is added:

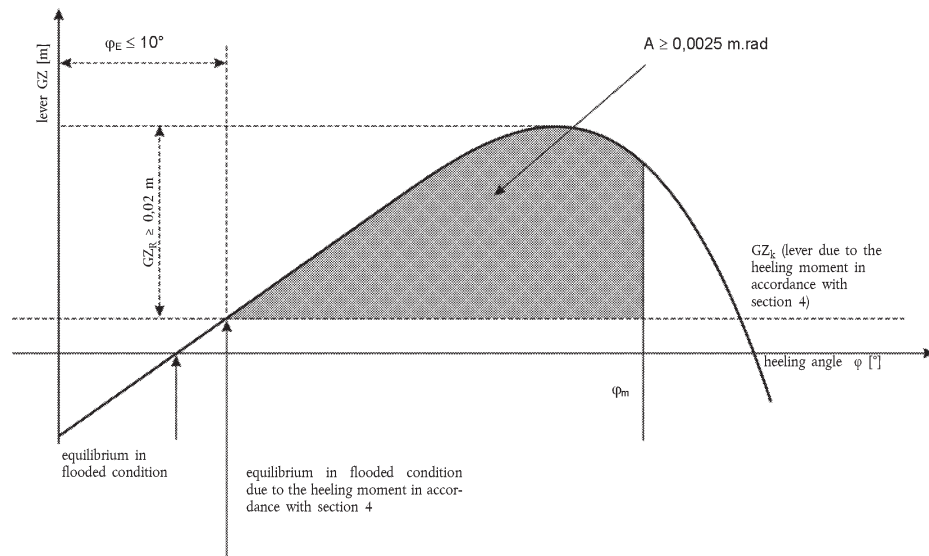
'(d) the calculation of the free surface effect in all intermediate stages of flooding shall be based on the gross surface area of the damaged compartments.'

(g) Paragraph 11 is amended as follows:

(i) In the introductory phrase, the words 'due to persons' are deleted.

(ii) Point (b) is replaced by the following:

- '(b) beyond the equilibrium position the positive part of the righting lever curve shall display a righting lever value of  $GZ_R \geq 0,02$  m with an area  $A \geq 0,0025$  m.rad. These minimum values for stability shall be met until the immersion of the first unprotected opening or in any case before reaching a heeling angle  $\varphi_m$  of  $25^\circ$ .



Where:

$\varphi_E$  is the heeling angle in the final stage of flooding taking into account the moment in accordance with section 4;

$\varphi_m$  is the angle of vanishing stability or the angle at which the first unprotected opening immerses or  $25^\circ$ ; whichever is less is to be used;

$GZ_R$  is the remaining righting lever in the final stage of flooding taking into account the moment in accordance with section 4;

$GZ_K$  is the heeling lever resulting from the moment in accordance with section 4.'

19. Article 15.06 is amended as follows:

- (a) In paragraph 3, point (a), the following sentence is added:

'rooms, with the exception of cabins, and groups of rooms that have only one exit, shall have at least one emergency exit;'

- (b) In paragraph 8, point (a), the introductory phrase is replaced by the following:

'the total area of the muster areas ( $A_S$ ) shall correspond to at least the following value:'

20. Article 15.09 is amended as follows:

- (a) In paragraph 1, the first subparagraph is replaced by the following:

'In addition to the lifebuoys specified in Article 10.05(1), all parts of the deck intended for passengers and not enclosed shall be equipped with suitable lifebuoys, which shall be positioned on both sides of the vessel not more than 20 m apart. Lifebuoys shall be considered as suitable if they comply with



— the European standard EN 14144:2003, or

— the International Convention for the Safety of Life at Sea (SOLAS 1974) Chapter III Rule 7.1 and the International Life-Saving Appliance (LSA) Code, paragraph 2.1.'

(b) Paragraph 2 is replaced by the following:

'2. In addition to the lifebuoys referred to in section 1, individual life-saving equipment according to Article 10.05, section 2, shall be within reach for all shipboard personnel. For shipboard personnel not responsible for undertaking duties according to the safety rota not inflatable or semi-automatically inflatable lifejackets according to the standards mentioned in Article 10.05, section 2, are allowed.'

(c) Paragraph 4 is amended as follows:

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

'In addition to the life-saving equipment referred to in sections 1 and 2, individual life-saving equipment according to Article 10.05, section 2, shall be available for 100 % of the maximum permitted number of passengers. Not inflatable or semi-automatically inflatable lifejackets according to the standards mentioned in Article 10.05, section 2, are also allowed.'

(ii) The second subparagraph is deleted.

21. Article 15.10(6), the last sentence is replaced by the following:

'The emergency power plant shall be installed either above the margin line or as far away as possible from the power sources according to Article 9.02(1), so as to ensure that, in the event of flooding in accordance with Article 15.03(9), it is not flooded at the same time as these power sources.'

22. Article 15.11 is amended as follows:

(a) Paragraph 1 is amended as follows:

(i) In point (d), point (aa) is replaced by the following:

'(aa) Annex I, part 3, of the Code for Fire Test Procedures, and'

(ii) The following point (e) is added:

'(e) The inspection body may, in accordance with the Code for Fire Test Procedures, prescribe a test on a sample partition in order to ensure compliance with the provisions of paragraph 2 on resistivity and temperature increase.'

(b) Paragraph 2 is replaced by the following:

'2. Partitions

(a) Partitions between rooms shall be designed in accordance with the following tables:

(aa) Table for partitions between rooms, in which no pressurised sprinkler systems according to Article 10.03a are installed.

Rooms	Control centres	Stairwells	Muster areas	Lounges	Engine rooms	Galleys	Store rooms
Control centres	—	A0	A0/B15 <sup>(1)</sup>	A30	A60	A60	A60
Stairwells		—	A0	A30	A60	A60	A60
Muster areas			—	A30/B15 <sup>(2)</sup>	A60	A60	A60
Lounges				—/B15 <sup>(3)</sup>	A60	A60	A60
Engine rooms					A60/A0 <sup>(4)</sup>	A60	A60
Galleys						A0	A60/B15 <sup>(5)</sup>
Store rooms							—

<sup>(1)</sup> Partitions between control centres and internal muster areas shall correspond to Type A0, but external muster areas only to Type B15.

<sup>(2)</sup> Partitions between lounges and internal muster areas shall correspond to Type A30, but external muster areas only to Type B15.

<sup>(3)</sup> Partitions between cabins, partitions between cabins and corridors and vertical partitions separating lounges according to section 10 shall comply with Type B15, for rooms fitted with pressurised sprinkler systems B0.

<sup>(4)</sup> Partitions between engine rooms according to Articles 15.07 and 15.10, section 6, shall comply with Type A60; in other cases they shall comply with Type A0.

<sup>(5)</sup> B15 is sufficient for partitions between galleys, on the one hand, and cold-storage rooms and food store rooms, on the other.

(bb) Table for partitions between rooms, in which pressurised sprinkler systems according to Article 10.03a are installed

Rooms	Control centres	Stairwells	Muster areas	Lounges	Engine rooms	Galleys	Store rooms
Control centres	—	A0	A0/B15 <sup>(1)</sup>	A0	A60	A30	A30
Stairwells		—	A0	A0	A60	A30	A0
Muster areas			—	A30/B15 <sup>(2)</sup>	A60	A30	A30
Lounges				—/B0 <sup>(3)</sup>	A60	A30	A0
Engine rooms					A60/A0 <sup>(4)</sup>	A60	A60
Galleys						—	B15
Store rooms							—

<sup>(1)</sup> Partitions between control centres and internal muster areas shall correspond to Type A0, but external muster areas only to Type B15.

<sup>(2)</sup> Partitions between lounges and internal muster areas shall correspond to Type A30, but external muster areas only to Type B15.

<sup>(3)</sup> Partitions between cabins, partitions between cabins and corridors and vertical partitions separating lounges according to section 10 shall comply with Type B15, for rooms fitted with pressurised sprinkler systems B0.

<sup>(4)</sup> Partitions between engine rooms according to Articles 15.07 and 15.10, section 6, shall comply with Type A60; in other cases they shall comply with Type A0.

(b) Type A partitions are bulkheads, walls and decks which satisfy the following requirements:

(aa) They are made of steel or of another equivalent material;

(bb) They are appropriately stiffened;

- (cc) They are insulated with an approved non-combustible material such that the average temperature on the side facing away from the fire rises to not more than 140 °C above the initial temperature and at no point, including the gaps at the joints, does a temperature increase of more than 180 °C above the initial temperature occur within the following specified periods:

Type A60 — 60 minutes

Type A30 — 30 minutes

Type A0 — 0 minutes;

- (dd) they are constructed in such a way as to prevent the transmission of smoke and flames until the end of the one-hour normal fire test;

- (c) Type B partitions are bulkheads, walls, decks, ceilings or facings that meet the following requirements:

- (aa) they are made of an approved non-combustible material. Furthermore, all materials used in the manufacture and assembly of partitions shall be non-combustible, except for the facing, which shall be at least flame retardant;

- (bb) they demonstrate an insulation value such that the average temperature on the side facing away from the fire rises to not more than 140 °C above the initial temperature and at no point, including the gaps at the joints, does a temperature increase of more than 225 °C above the initial temperature occur within the following specified periods:

Type B15 — 15 minutes

Type B0 — 0 minutes;

- (cc) they are constructed in such a way as to prevent the transmission of flames until the end of the first half hour of the normal fire test.'

23. Article 15.15 is amended as follows:

- (a) In paragraph 1, the introductory phrase is replaced by the following:

'Passenger vessels authorised to carry up to a maximum of 50 passengers and with a length  $L_{WL}$  of not more than 25 m shall prove adequate stability after damage according to Article 15.03(7 to 13) or, as an alternative, prove that they comply with the following criteria after symmetrical flooding:'

- (b) In paragraph 1, point (a) is replaced by the following:

'(a) the immersion of the vessel shall not exceed the margin line and'

- (c) In paragraph 5, the first sentence is replaced by the following:

'The inspection body may waive the application of Article 10.04 in the case of passenger vessels authorised to carry up to a maximum of 250 passengers and with a length  $L_{WL}$  of not more than 25 m, provided they are equipped with a platform, accessible from each side of the vessel, directly above the line of flotation, so as to enable persons to be recovered from the water.'

- (d) In paragraph 10, the introductory phrase is replaced by the following:

'The following provisions shall not apply to passenger vessels with a length  $L_{WL}$  not exceeding 25 m:'

24. In Article 16.06, paragraph 2, the term 'official number' is replaced by 'European Vessel Identification Number'.

25. Article 21.02 is amended as follows:

(a) In paragraph 1, point (g), after the reference to 'Article 10.03b' the following reference is inserted:

'Article 10.03c'

(b) In paragraph 2, point (d), the reference to 'Article 10.07' is replaced by the following:

'Article 10.05'.

26. The table in Article 24.02(2) is amended as follows:

(a) The following entry relating to Article 6.02(1) is inserted after the entry relating to Article 6.01(7):

'6.02(1)	Presence of separate hydraulic tanks	NRC, at the latest on issue or renewal of the Community certificate after 1.1.2010
	Duplicated pilot valves in case of hydraulic drive units	NRC, at the latest on issue or renewal of the Community certificate after 1.1.2020
	Separated pipework for the second drive unit in case of hydraulic drive units	NRC, at the latest on issue or renewal of the Community certificate after 1.1.2020'

(b) The entry relating to Article 6.02(2) is replaced by the following:

'paragraph 2	Activating the second drive unit by means of a single operation	NRC, at the latest on issue or renewal of the Community certificate after 1.1.2010'
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(c) The entry relating to Article 6.03(1) is replaced by the following:

'6.03(1)	Connection of other consumers to hydraulic steering apparatus drive units	NRC, at the latest on issue or renewal of the Community certificate after 1.1.2020'
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(d) The entry relating to Article 6.03(2) is deleted.

(e) The entry relating to Article 6.07(2)(a) is replaced by the following:

'6.07(2)(a)	level alarm of the hydraulic tanks and alarm of the service pressure	NRC, at the latest on issue or renewal of the Community certificate after 1.1.2010'
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(f) The following entry relating to Article 7.02(2) is inserted after the entry relating to Article 6.08(1):

'7.02(2)	Obstructed vision ahead of the vessel 2 vessel lengths if less than 250 m	NRC, at the latest on issue or renewal of the Community certificate after 1.1.2049'
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(g) The entry relating to Article 8.05(7) is replaced by the following:

'paragraph 7, first subparagraph	Quick-closing valve on the tank operated from deck, even when the rooms in question are closed.	NRC, at the latest on issue or renewal of the Community certificate after 1.1.2015'
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(h) The entry relating to Article 15.01(2)(e) is replaced by the following:

'(e)	Prohibition of liquefied gas installations according to Chapter 14	NRC, at the latest on issue or renewal of the Community certificate after 1.1.2045. The transitional provision applies only if alarm systems are fitted in accordance with Article 15.15(9)'
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(i) The following entry relating to Article 15.06(6)(c) is inserted after the entry relating to Article 15.06(6)(b):

'(c)	No escape routes through engine rooms	NRC, at the latest on issue or renewal of the Community certificate after 1.1.2007
	No escape routes through galleys	NRC, at the latest on issue or renewal of the Community certificate after 1.1.2015'

(j) The entry relating to Article 15.06(7) is replaced by the following:

'paragraph 7	Suitable safety guidance system	NRC, at the latest on issue or renewal of the Community certificate after 1.1.2015'
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(k) The entry relating to Article 15.06(16) is replaced by the following:

'paragraph 16	Potable water systems in accordance with Article 12.05	NRC, at the latest 31.12.2006'
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(l) The entry relating to Article 15.07 is replaced by the following:

'15.07	Requirements for the propulsion system	NRC, at the latest on issue or renewal of the Community certificate after 1.1.2015'
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(m) The entry relating to Article 15.09(4) is replaced by the following:

'paragraph 4	Life-saving equipment	For passenger vessels which were equipped with collective life-saving appliances according to Article 15.09(5) before 1.1.2006, these appliances are considered an alternative to individual life-saving equipment.
		For passenger vessels which were equipped with collective life-saving appliances according to Article 15.09(6) before 1.1.2006, these are considered an alternative to individual life-saving equipment until the issue or renewal of the Community certificate after 1.1.2010'

(n) The entry relating to Article 15.10(3) is replaced by the following:

'paragraph 3	Adequate emergency lighting	NRC, at the latest on issue or renewal of the Community certificate after 1.1.2015'
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(o) The entry relating to Article 15.10(6) is replaced by the following:

'paragraph 6, first sentence	Partitions according to Article 15.11(2).	NRC, at the latest on issue or renewal of the Community certificate after 1.1.2015
second and third sentence	Installation of cables	NRC, at the latest on issue or renewal of the Community certificate after 1.1.2015
fourth sentence	Emergency power plant above the margin line	NRC, at the latest on issue or renewal of the Community certificate after 1.1.2015'

(p) The entry relating to Article 15.12(1) is replaced by the following:

'15.12(1)(c)	Portable fire extinguishers in galleys	NRC, at the latest on issue or renewal of the Community certificate'
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(q) The entry relating to Article 15.12(2) is replaced by the following:

'paragraph 2(a)	Second fire-extinguishing pump	NRC, at the latest on issue or renewal of the Community certificate after 1.1.2010'
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(r) The entry relating to Article 15.12(3) is replaced by the following:

'paragraph 3(b) and (c)	Pressure and water jet length	NRC, at the latest on issue or renewal of the Community certificate after 1.1.2010'
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(s) The entry relating to Article 15.12(9) is replaced by the following:

'paragraph 9	Fire-extinguishing system in engine rooms	NRC, at the latest on issue or renewal of the Community certificate after 1.1.2015'
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27. In the table to Article 24.03(1) the entry relating to 15.05 is replaced by the following:

'15.05	Number of passengers	Issue or renewal of the Community certificate after 1.1.2045'
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28. The table in Article 24.06(5) is amended as follows:

(a) The following entry is inserted after the entry relating to Chapter 3:

	'CHAPTER 6		
6.02(1)	Duplicated pilot valves in case of hydraulic drive units	NRC, at the latest on issue or renewal of the Community certificate after 1.1.2020	1.4.2007
	Separated pipework for the second drive unit in case of hydraulic drive units	NRC, at the latest on issue or renewal of the Community certificate after 1.1.2020	1.4.2007
6.03(1)	Connection of other consumers to hydraulic steering apparatus drive units	NRC, at the latest on issue or renewal of the Community certificate after 1.1.2020	1.4.2007
6.07(2)(a)	level alarm of the hydraulic tanks and alarm of the service pressure	NRC, at the latest with renewal of the Community certificate after 1.1.2010	1.4.2007

7.02(2)	CHAPTER 7	NRC, at the latest on issue or renewal of the Community certificate after 1.1.2049	30.12.2008'
	Obstructed vision ahead of the vessel 2 vessel lengths if less than 250 m		

- (b) The following entry relating to Article 8.05(7), first sentence, is inserted after the entry relating to Article 8.03(3):

'8.05(7) first sentence	Quick-closing valve on the tank operated from deck, even when the rooms in question are closed.	NRC, at the latest on issue or renewal of the Community certificate after 1.1.2015	1.4.2008'
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- (c) The entry relating to Article 15.01(2)(e) is replaced by the following:

'(e)	Prohibition of liquefied gas installations according to Chapter 14	NRC, at the latest on issue or renewal of the Community certificate after 1.1.2045. The transitional provision applies only if alarm systems are fitted in accordance with Article 15.15(9).	1.1.2006'
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- (d) The entry relating to Article 15.06(6)(c) is replaced by the following:

'(c)	No escape routes through engine rooms	NRC, at the latest on issue or renewal of the Community certificate after 1.1.2007	1.1.2006'
	No escape routes through galleys	NRC, at the latest on issue or renewal of the Community certificate after 1.1.2015.	

- (e) The entry relating to Article 15.06(7) is replaced by the following:

'paragraph 7	Suitable safety guidance system	NRC, at the latest on issue or renewal of the Community certificate after 1.1.2015.	1.1.2006'
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- (f) The entry relating to Article 15.06(16) is replaced by the following:

'paragraph 16	Potable water systems in accordance with Article 12.05	NRC, at the latest 31.12.2006	1.1.2006'
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- (g) The entry relating to Article 15.07 is replaced by the following:

'15.07	Requirements for the propulsion system	NRC, at the latest on issue or renewal of the Community certificate after 1.1.2015	1.1.2006'
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(h) The entry relating to Article 15.09(4) is replaced by the following:

'paragraph 4	Life-saving equipment	For passenger vessels which were equipped with collective life-saving appliances according to Article 15.09(5) before 1.1.2006, these appliances are considered an alternative to individual life-saving equipment.  For passenger vessels which were equipped with collective life-saving appliances according to Article 15.09(6) before 1.1.2006, these are considered an alternative to individual life-saving equipment until the issue or renewal of the Community certificate after 1.1.2010	1.1.2006'
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(i) The entry relating to Article 15.10(3) is replaced by the following:

'paragraph 3	Adequate emergency lighting	NRC, at the latest on issue or renewal of the Community certificate after 1.1.2015	1.1.2006'
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(j) The entry relating to Article 15.10(6) is replaced by the following:

'paragraph 6, first sentence	Partitions according to Article 15.11(2).	NRC, at the latest on issue or renewal of the Community certificate after 1.1.2015	1.1.2006
second and third sentences	Installation of cables	NRC, at the latest on issue or renewal of the Community certificate after 1.1.2015	1.1.2006
fourth sentence	Emergency power plant above the margin line	NRC, at the latest on issue or renewal of the Community certificate after 1.1.2015	1.1.2006'

(k) The entry relating to Article 15.12(1) is replaced by the following:

'15.12(1)(c)	Portable fire extinguishers in galleys	NRC, at the latest on issue or renewal of the Community certificate	1.1.2006'
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(l) The entry relating to Article 15.12(2) is replaced by the following:

'paragraph 2(a)	Second fire-extinguishing pump	NRC, at the latest on issue or renewal of the Community certificate after 1.1.2010	1.1.2006'
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(m) The following entry:

'paragraph 9	Fire-extinguishing system in engine rooms	NRC, at the latest on issue or renewal of the Community certificate after 1.1.2010	1.1.2006
15.12(9)	Fire-extinguishing system in engine rooms made from steel or with equivalent properties	NRC, at the latest on issue or renewal of the Community certificate after 1.1.2045. The transitional period does not apply to passenger vessels which have been laid down after 31.12.1995, the hull of which is made of wood, aluminium or plastic and the engine rooms of which are not made of a material according to Article 3.04(3) and (4).	1.1.2006'

is replaced by the following:

'paragraph (9)	Fire-extinguishing system in engine rooms	NRC, at the latest on issue or renewal of the Community certificate after 1.1.2015. The transitional provision does not apply to passenger vessels which have been laid down after 31.12.1995, the hull of which is made of wood, aluminium or plastic and the engine rooms of which are not made of a material according to Article 3.04(3) and (4).	1.1.2006'
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29. The table in Article 24a.02(2) is amended as follows:

(a) The following entry relating to Article 6.02(1) is inserted after the entry relating to Article 6.01(7):

'6.02(1)	Presence of separate hydraulic tanks	NRC, at the latest on issue or renewal of the Community certificate after 1.1.2026
	Duplicated pilot valves in case of hydraulic drive units	NRC, at the latest on issue or renewal of the Community certificate after 1.1.2026
	Separated pipework for the second drive unit in case of hydraulic drive units	NRC, at the latest on issue or renewal of the Community certificate after 1.1.2026'

(b) The entry relating to Article 6.02(2) is replaced by the following:

'paragraph 2	Activating the second drive unit by means of a single action	NRC, at the latest on issue or renewal of the Community certificate after 1.1.2026'
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(c) The entry relating to Article 6.03(1) is replaced by the following:

'6.03(1)	Connection of other consumers to hydraulic steering apparatus drive units	NRC, at the latest on issue or renewal of the Community certificate after 1.1.2026'
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(d) The entry relating to Article 6.03(2) is deleted.

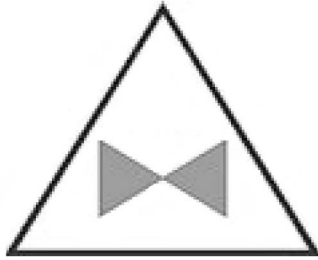
(e) The entry relating to Article 6.07(2) is replaced by the following:

‘6.07(2)(a)	Level alarm of the hydraulic tanks and alarm of the service pressure	NRC, at the latest on issue or renewal of the Community certificate after 1.1.2026’
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(f) The entry relating to Article 7.02(2) to (7) is replaced by the following:

‘7.02(2) to (6)	Unobstructed view from the wheelhouse, except the following sections	NRC, at the latest on issue or renewal of the Community certificate after 1.1.2049’
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30. The following Figure 9 is inserted in Appendix I:

<p>‘Figure 9</p> <p>Quick-closing valve on the tank</p>		<p>Colour: brown/white’</p>
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31. The following Appendices III and IV are added:

*‘Appendix III*

**Model of the Unique European Vessel Identification Number**

A	A	A	x	x	x	x	x
[Code of the competent authority that assigns the European Vessel Identification Number]			[Serial Number]				

In the model, “AAA” represents the three-digit code given by the competent authority assigning the European Vessel Identification Number according to the following number ranges:

001-019	France
020-039	Netherlands
040-059	Germany
060-069	Belgium
070-079	Switzerland
080-099	reserved for craft from countries that are not party to the Mannheim Convention and for which a Rhine Vessel Certificate has been issued before 1 April 2007
100-119	Norway
120-139	Denmark
140-159	United Kingdom
160-169	Iceland
170-179	Ireland
180-189	Portugal
190-199	reserved
200-219	Luxembourg
220-239	Finland
240-259	Poland
260-269	Estonia

270-279	Lithuania
280-289	Latvia
290-299	reserved
300-309	Austria
310-319	Liechtenstein
320-329	Czech Republic
330-339	Slovakia
340-349	reserved
350-359	Croatia
360-369	Serbia
370-379	Bosnia and Herzegovina
380-399	Hungary
400-419	Russian Federation
420-439	Ukraine
440-449	Belarus
450-459	Republic of Moldova
460-469	Romania
470-479	Bulgaria
480-489	Georgia
490-499	reserved
500-519	Turkey
520-539	Greece
540-549	Cyprus
550-559	Albania
560-569	former Yugoslav Republic of Macedonia
570-579	Slovenia
580-589	Montenegro
590-599	reserved
600-619	Italy
620-639	Spain
640-649	Andorra
650-659	Malta
660-669	Monaco
670-679	San Marino
680-699	reserved
700-719	Sweden
720-739	Canada
740-759	United States of America
760-769	Israel
770-799	reserved
800-809	Azerbaijan
810-819	Kazakhstan
820-829	Kyrgyzstan
830-839	Tajikistan
840-849	Turkmenistan
850-859	Uzbekistan
860-869	Iran
870-999	reserved.

“xxxxx” represents the five-digit serial number given by the competent authority.

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*Appendix IV***Data for the identification of a vessel****A. All vessels**

1. Unique European Vessel Identification Number in accordance with Article 2.18 of this Annex (Annex V, Part 1, box 3 of the model, and Annex VI, fifth column)
2. Name of the craft/vessel (Annex V, Part 1, box 1 of the model, and Annex VI, fourth column)
3. Type of craft as defined in Article 1.01, points 1-28, of this Annex (Annex V, Part 1, box 2 of the model)
4. Length over all as defined in Article 1.01, point 70, of this Annex (Annex V, Part 1, box 17a)
5. Breadth over all as defined in Article 1.01 point 73, of this Annex (Annex V, Part 1, box 18a)
6. Draught as defined in Article 1.01 point 76, of this Annex (Annex V, Part 1, box 19)
7. Source of data (= Community Certificate)
8. Deadweight (Annex V, Part 1, box 21 and Annex VI, 11th column) for cargo vessels
9. Displacement as defined in Article 1.01 point 60, of this Annex (Annex V, Part 1, box 21 and Annex VI, 11th column) for vessels other than cargo vessels
10. Operator (owner or his representative, Annex II, Chapter 2)
11. Issuing Authority (Annex V, Part 1, and Annex VI)
12. Number of Community Inland Navigation Certificate (Annex V, Part 1, and Annex VI, first column of the model)
13. Expiration date (Annex V, Part 1, box 11 of the model, and Annex VI, 17th column of the model)
14. Creator of dataset

**B. Where available**

1. National number
  2. Type of craft in accordance with the Technical Specification for Electronic Ship Reporting in inland navigation
  3. Single or double hull in accordance with ADN/ADNR
  4. Height as defined in Article 1.01 No 75
  5. Gross tonnage (for maritime vessels)
  6. IMO number (for maritime vessels)
  7. Call sign (for maritime vessels)
  8. MMSI number
  9. ATIS code
  10. Type, number, issuing authority and expiration date of other certificates'
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*ANNEX II*

1. Annex V to Directive 2006/87/EC is amended as follows:
    - (a) In Part I, box 3 of the model, the term 'Official number' is replaced by 'Unique European Vessel Identification Number'.
    - (b) In Part II, item 2 of the model, the term 'Official number' is replaced by 'Unique European Vessel Identification Number'.
    - (c) In Part III, box 3 of the model, the term 'Official number' is replaced by 'Unique European Vessel Identification Number'.
  2. In Annex VI to Directive 2006/87/EC, in the fifth column, the heading 'Official number' is replaced by the heading 'Unique European Vessel Identification Number'.
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## II

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

## DECISIONS

## COUNCIL

## COUNCIL DECISION

of 15 September 2008

**amending Decision 2003/77/EC laying down multiannual financial guidelines for managing the assets of the ECSC in liquidation and, on completion of the liquidation, the Assets of the Research Fund for Coal and Steel**

(2008/750/EC)

THE COUNCIL OF THE EUROPEAN UNION,

completion of the liquidation, the Assets of the Research Fund for Coal and Steel.

Having regard to the Treaty establishing the European Community,

(2) In accordance with Article 2 of Decision 2003/77/EC<sup>(3)</sup>, the Commission has reassessed the operation and effectiveness of the financial guidelines.

Having regard to the Protocol annexed to the Treaty establishing the European Community on the financial consequences of the expiry of the ECSC Treaty and on the Research Fund for Coal and Steel,

(3) The experience gained in the first five years of implementation of the financial guidelines and developments in financial market practice show a need to adapt those guidelines.

Having regard to Council Decision 2003/76/EC of 1 February 2003 establishing the measures necessary for the implementation of the Protocol, annexed to the Treaty establishing the European Community, on the financial consequences of the expiry of the ECSC Treaty and on the Research Fund for Coal and Steel<sup>(1)</sup>, and in particular Article 2(2) thereof,

(4) The guidelines should reflect standard market practice and definitions as regards, *inter alia*, the maturity concepts used, equivalent securities in the case of repurchase agreements and applicable ratings.

Having regard to the proposal from the Commission,

(5) Subject to rating requirements, certain public entities should be assimilated to Member States or other sovereigns in the context of the investment limits.

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

Whereas:

(1) For the purposes of the Protocol annexed to the Treaty establishing the European Community on the financial consequences of the expiry of the ECSC Treaty and on the Research Fund for Coal and Steel, the Commission manages the assets of the ECSC in liquidation and, on

(6) The guidelines should take into account the changes in the accounting rules of the Commission.

(7) For reasons of efficiency and in order to reduce administrative costs, the frequency of reporting should be adapted.

<sup>(1)</sup> OJ L 29, 5.2.2003, p. 22.

<sup>(2)</sup> Opinion of 11 March 2008 (not yet published in the Official Journal).

<sup>(3)</sup> OJ L 29, 5.2.2003, p. 25.

(8) Decision 2003/77/EC should therefore be amended accordingly,

government-controlled public enterprises or institutions, or by supranational borrowers, with a credit rating of not less than "AA" or its equivalent, EUR 100 million per issuer or guarantor;

HAS ADOPTED THIS DECISION:

*Article 1*

The Annex to Decision 2003/77/EC is hereby amended as follows:

1. point 3 shall be amended as follows:

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

'(iii) fixed and floating rate bonds with a maturity or, in the case of asset-backed securities, an expected maturity not exceeding a remaining life of 10 years and six months from the payment date, provided that they are issued by any of the categories of authorised issuers;'

(b) point (b)(i) shall be replaced by the following:

'(i) repurchase and reverse repurchase agreements, provided the counterparts are authorised for such transactions, and provided that the Commission remains in a position to repurchase equivalent securities that it may have sold at the contractual deadline. Equivalent securities are securities (i) issued by the same issuer, (ii) which form part of the same issue, and (iii) are of an identical type, nominal value, description and amount as the securities lent out except where subject to a corporate action or redenomination;'

2. point 4 shall be amended as follows:

(a) point (a)(i) to (iii) shall be replaced by the following:

'(a) The investment shall be limited to the following amounts:

(i) for bonds issued or guaranteed by Member States or institutions of the Union, EUR 250 million per Member State or institution; bonds issued or guaranteed by regional or local authorities or government-owned and/or government-controlled public enterprises or institutions can be included under the limit of the respective Member State, provided that they have a credit rating of not less than "AA" or its equivalent;

(ii) for bonds issued or guaranteed by other sovereign borrowers, their regional or local authorities or government-owned and/or

(iii) for deposits with and/or debt instruments, including bonds, of an authorised bank, the lower of either EUR 100 million per bank or 5 % of the bank's own funds;'

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

'(b) The investment in any single bond issue, subject to the limits given in point (a), shall not be more than 20 % of the total amount of such issue at the time of purchase.;

(c) the following second subparagraph shall be added to point (d):

'Once the Commission has become aware of a downgrade below the minimum rating requirements, it shall endeavour to replace the corresponding investments.;

(d) the following point (e) shall be added:

'(e) If the rating of a bond is higher than the rating of the issuer or the issuer has no rating, the rating of the bond is applicable.;

3. point 6 shall be replaced by the following:

**6. ACCOUNTING**

The management of the funds shall be accounted for in the annual accounts for the ECSC in liquidation and, on completion of the liquidation, the Assets of the Research Fund for Coal and Steel. These shall be based upon and presented in accordance with the EC Accounting Rules as adopted by the Commission's Accounting Officer, taking into account the specific nature of the ECSC in liquidation and, upon completion of the liquidation, the Assets of the Research Fund for Coal and Steel. The accounts will be approved by the Commission and examined by the Court of Auditors. The Commission shall engage external firms to carry out an annual audit of its accounts.;

4. in point 7, the second subparagraph shall be replaced by the following:

'A detailed report on management operations carried out under these guidelines shall be drawn up every six months and sent to the Member States.'

*Article 2*

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

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 15 September 2008.

*For the Council*  
*The President*  
B. KOUCHNER

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# COMMISSION

## COMMISSION DECISION

of 18 September 2008

**on a temporary derogation from the rules of origin laid down in Annex II to Council Regulation (EC) No 1528/2007 to take account of the special situation of Madagascar with regard to preserved tuna and tuna loins**

(notified under document number C(2008) 5097)

(2008/751/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1528/2007 of 20 December 2007 applying the arrangements for goods originating in certain states which are part of the African, Caribbean and Pacific (ACP) Group of States provided for in agreements establishing, or leading to the establishment of, Economic Partnership Agreements<sup>(1)</sup>, and in particular Article 36(4) of Annex II thereto,

Whereas:

- (1) On 26 May 2008 Madagascar requested, in accordance with Article 36 of Annex II to Regulation (EC) No 1528/2007, a derogation from the rules of origin set out in that Annex for a period of six months. The request covers a total quantity of 2 000 tonnes of canned tuna and 500 tonnes of tuna loins of HS heading 1604. The request is made because catches and supply of originating raw tuna have decreased in the Indian Ocean.
- (2) According to the information provided by Madagascar catches of raw originating tuna were unusually low in the first four months of 2008 even compared to the normal seasonal variations and have led to a decrease in production of preserved tuna. This abnormal situation makes it impossible for Madagascar to comply with the rules of origin laid down in Annex II to Regulation (EC) No 1528/2007 during a certain period.
- (3) In order to ensure that Madagascar may continue its exports to the European Community, following the expiration of the ACP-EC Partnership Agreement<sup>(2)</sup>, a new derogation should be granted.

(4) To ensure smooth transition from the ACP-EC Partnership Agreement to the ESA (Eastern and Southern Africa States)-EU Interim Economic Partnership Agreement a new derogation should be granted with retroactive effect from 1 January 2008.

(5) A temporary derogation from the rules of origin laid down in Annex II to Regulation (EC) No 1528/2007 would not cause serious injury to an established Community industry taking into account the imports concerned, provided that certain conditions relating to quantities, surveillance and duration are respected.

(6) It is therefore justified to grant a temporary derogation under Article 36(1)(a) of Annex II to Regulation (EC) No 1528/2007.

(7) Madagascar will benefit from an automatic derogation from the rules of origin for canned tuna and tuna loins of HS heading 1604 pursuant to Article 42(8) of the Origin Protocol attached to the Interim Agreement establishing a framework for an Economic Partnership Agreement between the Eastern and Southern Africa States on the one part and the European Community and its Member States on the other part (ESA-EU Interim Partnership Agreement), when that Agreement enters into force or is provisionally applied.

(8) In accordance with Article 4(2) of Regulation (EC) No 1528/2007 the rules of origin set out in Annex II to that Regulation and the derogations from them are to be superseded by the rules of the ESA-EU Interim Partnership Agreement, the entry into force or provisional application of which is expected to take place in 2008. The derogation should therefore apply until 31 December 2008, as requested by Madagascar, unless the ESA-EU Interim Partnership Agreement enters into force or is applied provisionally before that date.

<sup>(1)</sup> OJ L 348, 31.12.2007, p. 1.

<sup>(2)</sup> OJ L 317, 15.12.2000, p. 1.

- (9) In accordance with Article 42(8) of the Origin Protocol attached to the ESA-EU Interim Partnership Agreement, the automatic derogation from the rules of origin is limited to an annual quota of 8 000 tonnes of canned tuna and 2 000 tonnes of tuna loins for the countries having initialled the ESA-EU Interim Economic Partnership Agreement (Comoros, Mauritius, Madagascar, Seychelles and Zimbabwe). Mauritius and Seychelles have already lodged a request for a temporary derogation in accordance with Article 36 of Annex II to Regulation (EC) No 1528/2007. It would be inappropriate to grant derogations in accordance with Article 36 of Annex II to Regulation (EC) No 1528/2007 which exceed the annual quota granted to the ESA region under the ESA-EU Interim Partnership Agreement.
- (10) Accordingly a derogation should be granted to Madagascar in respect of 2 000 tonnes of canned tuna and 500 tonnes of tuna loins for a period of one year.
- (11) Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code<sup>(1)</sup> lays down rules relating to the management of tariff quotas. In order to ensure efficient management carried out in close cooperation between the authorities of Madagascar, the customs authorities of the Member States and the Commission, those rules should apply *mutatis mutandis* to the quantities imported under the derogation granted by this Decision.
- (12) In order to allow efficient monitoring of the operation of the derogation, the authorities of Madagascar should communicate regularly to the Commission details of the EUR.1 movement certificates issued.
- (13) The measures provided for in this Decision are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS DECISION:

*Article 1*

By way of derogation from Annex II to Regulation (EC) No 1528/2007 and in accordance with Article 36(1)(a) of that Annex, preserved tuna and tuna loins of HS Heading 1604 manufactured from non-originating materials shall be regarded as originating in Madagascar in accordance with the terms set out in Articles 2 to 6 of this Decision.

*Article 2*

The derogation provided for in Article 1 shall apply to the products and the quantities set out in the Annex which are

declared for free circulation into the Community from Madagascar during the period from 1 January 2008 to 31 December 2008.

*Article 3*

The quantities set out in the Annex to this Decision shall be managed in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

*Article 4*

The customs authorities of Madagascar shall take the necessary measures to carry out quantitative checks on exports of the products referred to in Article 1.

To that end, all the EUR.1 movement certificates they issue in relation to those products shall bear a reference to this Decision.

The competent authorities of Madagascar shall forward to the Commission a quarterly statement of the quantities in respect of which EUR.1 movement certificates have been issued pursuant to this Decision and the serial numbers of those certificates.

*Article 5*

Box 7 of EUR.1 certificates issued under this Decision shall contain the following:

'Derogation — Decision 2008/751/EC'.

*Article 6*

This Decision shall apply from 1 January 2008.

It shall apply until the rules of origin set out in Annex II to Regulation (EC) No 1528/2007 are superseded by those annexed to any agreement with Madagascar when that agreement is either provisionally applied, or enters into force, whichever is the earlier, but in any event this Decision shall not apply after 31 December 2008.

*Article 7*

This Decision is addressed to the Member States.

Done at Brussels, 18 September 2008.

*For the Commission*

László KOVÁCS

*Member of the Commission*

<sup>(1)</sup> OJ L 253, 11.10.1993, p. 1.

## ANNEX

## MADAGASCAR

Order No	CN code	Description of goods	Period	Quantities
09.1645	ex 1604 14 11, ex 1604 14 18, ex 1604 20 70	Preserved tuna <sup>(1)</sup>	1.1.2008 to 31.12.2008	2 000 tonnes
09.1646	1604 14 16	Tuna loins	1.1.2008 to 31.12.2008	500 tonnes

<sup>(1)</sup> In any form of packaging whereby the product is considered as preserved within the meaning of HS heading 1604.

**NOTE TO THE READER**

The institutions have decided no longer to quote in their texts the last amendment to cited acts.

Unless otherwise indicated, references to acts in the texts published here are to the version of those acts currently in force.