ISSN 1725-2555

Official Journal of the European Union

L 322

English edition

Legislation

Volume 51

2 December 2008

Contents

(Continued overleaf)

EN

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

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

Note to the reader (see page 3 of the cover)

EN

[1] Text with EEA relevance

I

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

REGULATIONS

COUNCIL REGULATION (EC) No 1187/2008

of 27 November 2008

imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of monosodium glutamate originating in the People's Republic of China

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community [1] (the basic Regulation), and in particular Article 9 thereof,

Having regard to the proposal submitted by the Commission after consulting the Advisory Committee,

Whereas:

1. PROCEDURE

1.1. Provisional measures

(1) The Commission, by Regulation (EC) No 492/2008 [2] (the provisional Regulation) imposed a provisional anti-dumping duty on imports of monosodium glutamate (MSG) originating in the People's Republic of China (PRC).

1.2. Subsequent procedure

(2) Subsequent to the disclosure of the essential facts and considerations on the basis of which it was decided to impose provisional anti-dumping measures (provisional disclosure), several interested parties made written submissions making their views known on the provisional findings. The parties who so requested were granted an opportunity to be heard. The Commission continued to seek and verify all information it deemed necessary for its definitive findings.

(3) The Commission continued its investigation with regard to Community interest aspects and carried out an analysis of information provided by some users and suppliers in the Community after the imposition of the provisional anti-dumping measures.

(4) The oral and written comments submitted by the interested parties were considered and, where appropriate, the provisional findings were modified accordingly.

(5) All parties were informed of the essential facts and considerations on the basis of which it was intended to recommend the imposition of definitive anti-dumping measures on imports of MSG originating in the PRC and the definitive collection of the amounts secured by way of the provisional duty. They were also granted a period within which they could make representations subsequent to this disclosure.

(6) It is recalled that the investigation of dumping and injury covered the period from 1 July 2006 to 30 June 2007 ('investigation period' or 'IP'). With respect to the trends relevant for the injury assessment, the Commission analysed data covering the period from April 2004 to the end of the IP ('period considered').

2. PRODUCT CONCERNED AND LIKE PRODUCT

(7) In the absence of any comments concerning the product concerned and the like product, recitals 12 to 14 of the provisional Regulation are hereby confirmed.

3. DUMPING

3.1. Application of Article 18 of the basic Regulation

(8) In the absence of any comments concerning the application of Article 18 of the basic Regulation to one exporting producer in the PRC, recitals 15 to 18 of the provisional Regulation are hereby confirmed.

[1] OJ L 56, 6.3.1996, p. 1.
[2] OJ L 144, 4.6.2008, p. 14.

3.2. **Market economy treatment (MET)**

(9) Following the provisional disclosure, the two Chinese exporting producers which were not granted MET contested the provisional findings.

(10) In the case of the first company it was submitted that, in its opinion, International Accounting Standard (IAS) only required the preparation of consolidated accounts and did not require the consolidated accounts to be audited in line with IAS.

(11) In this regard, it should be recalled that, despite several requests, this company did not provide the relevant consolidated financial statements, including the auditors' report neither in its MET claim form nor during the on-spot visit in the PRC. The IAS state and explain internationally agreed accounting principles and provide guidance as to how they should be applied. Performing an audit of accounting records in line with IAS means that the audit ensures that the accounting records were prepared and presented in line with IAS and that they comply therewith. In case of a breach of such principles, the audit report should mention the impact of the non-compliance and the reasons why IAS principles were not applied. IAS 27, in particular, clearly states the conditions under which firms should prepare and present their consolidated accounts. The company does not contest that these conditions were applicable to it in the context of the MET investigation.

(12) Article 2(7)(c) second indent of the basic Regulation clearly provides that firms applying for MET should have basic accounting records which are independently audited in line with IAS and applied for all purposes. It thus seems clear that accounts should not only be prepared but also audited in line with IAS. The absence of an audit in line with IAS does not allow the Commission to establish whether or not the accounts were prepared in line with IAS. On this basis alone it could not be concluded that criterion two was fulfilled.

(13) The same exporting producer further claimed that in its view the offsetting of revenues and expenses was not of material nature and that the non-disclosure could not influence the economic decision of users taken on the basis of the financial statements. Therefore there was no violation of IAS.

(14) This claim however seems to contradict the first one that accounts should be prepared but not audited in line with IAS. If this were the case, the firms themselves, and not competent and independent auditors as required in Article 2(7)(c), would assess whether or not offsetting might not be forbidden, if revenues and expenses were not of material nature, if such offsetting could not influence the economic decision of users and if such offsetting detracts from the ability of users to understand the transactions undertaken.

(15) Moreover, while it has to be accepted that the notion 'materiality' leaves room for interpretation, paragraph 30 of IAS 1 provides that an item that is not sufficiently material to warrant separate presentation on the face of the financial statements may nevertheless be sufficient material that it should be presented separately in the notes. Therefore, in view of the fact that the offsetting was not mentioned in the audit report nor in the notes to the financial statements of the company it is confirmed that the accounts of the company were not audited in line with IAS.

(16) In addition, the offsetting in question were those found by the Commission investigators. Only an in-depth audit would have revealed if there were no other cases where accounts were not prepared and audited in line with IAS. In the absence of such an audit, the Commission does not have the material time, nor is it the purpose of the on-spot visit, to audit the accounts and the presentation of the accounts of the companies. Therefore, findings of the Commission which point to the fact that firms, claiming MET, fail to meet the requirement of the basic Regulations to prepare accounting records and ensure that the accounts are prepared and audited in line with IAS leads to the conclusion that criterion two is not fulfilled.

(17) Finally, the same company disagreed with the conclusion that a negative working capital together with interest-free borrowings has to be considered as a distortion carried over from the former non-market economy system but rather a sign of managerial efficiency.

(18) It should firstly be noted that the findings relating to the negative working capital were subsidiary findings and were not the main ones leading to the conclusion that the applicant did not fulfil the MET criterion. Secondly, a negative working capital alone can be a sign of managerial efficiency but only in a business with low inventory and low accounts receivable, which basically can only be found in enterprises operating on an almost cash-only basis, such as department stores and supermarkets. The analysis of the situation of this Chinese exporting producer, however, was completely different. A negative working capital has to be considered rather as a sign that a company may be facing bankruptcy or serious financial trouble. Under such circumstances, being able to receive huge amounts of 'trade credits' without any financial cost would be highly unlikely in market economy conditions. Therefore, the significant interest-free borrowings of the company which represented a significant share of its total short term liabilities (the latter representing 80 % of total liabilities) and which resulted to a significant level of negative working capital has to be considered as not in line with market economy behaviour.

(19) In the case of the second company, no new arguments were provided which alter the provisional findings on MET. In particular, it has been confirmed that the influence of the State-owned shareholder on the decision making process of the company was disproportionately high and that the State agreed to reduce the established value of the land use rights by 50 % without any compensation. It was also confirmed that the accounts of the company were not audited in line with IAS.

(20) In the absence of any other comments concerning MET, recitals 19 to 26 of the provisional Regulation are hereby confirmed.

3.3. **Individual treatment (IT)**

(21) One interested party claimed that anti-competitive practices and State interference would encourage circumvention of the measures and therefore none of the Chinese producers should be granted IT.

(22) However, this interested party did not provide any evidence as to how such allegedly anti-competitive practices and alleged State interference would permit circumvention of measures. Moreover, the investigation revealed that any theoretical State interference would be only possible via the China Fermentation Industry Association of which both exporting producers are members. However, all decisions and recommendations taken by this Association were of a non-binding nature. Therefore, this claim had to be rejected.

(23) In the absence of any other comments with regard to IT, recitals 27 to 29 of the provisional Regulation are hereby confirmed.

3.4. **Normal value**

3.4.1. *Analogue country*

(24) One interested party contested the choice made by the Commission to use Thailand as analogue country and, in particular, the producer Ajinomoto Thailand, which is related to the Community producer. However, the arguments and remarks by this party were submitted after the specific time limit set for submitting comments [1], but more importantly they were provided without any substantiation. Therefore, these comments had to be disregarded.

(25) In the absence of any other comments concerning the analogue country, recitals 30 to 34 of the provisional Regulation are hereby confirmed.

[1] Point 6(c) of the Notice of Initiation, OJ C 206, 5.9.2007, p. 23.

3.4.2. *Methodology applied for the determination of normal value*

(26) One Chinese exporting producer claimed that an adjustment for the differences in the costs of raw material should be made. In particular this exporting producer alleged that MSG produced from molasses as it is the case in the analogue country was more costly than MSG produced from corn or rice starch.

(27) However, it appeared that the Chinese exporting producer significantly overstated the ratio between the input of molasses and the output of MSG in comparison of what was found and verified at the cooperating producer in the analogue country. Accordingly, the claim that it was more costly to produce MSG in the analogue country had to be rejected.

(28) In the absence of any other comments concerning the methodology applied for the determination of normal value, recital 35 of the provisional Regulation is hereby confirmed.

3.5. **Export price**

(29) In the absence of any comments concerning the export price, which would alter the findings at the provisional stage, recitals 36 and 37 of the provisional Regulation are hereby confirmed.

3.6. **Comparison**

(30) In the absence of any other comments concerning the comparison, recitals 38 and 39 of the provisional Regulation are hereby confirmed.

3.7. **Dumping margins**

(31) For the companies granted IT, the weighted average normal value was compared with the weighted average export price of the corresponding type of the product concerned, as provided for in Articles 2(11) and (12) of the basic Regulation.

(32) On this basis, the definitive dumping margins expressed as a percentage of the CIF Community frontier price, duty unpaid, are:

— Fujian Province Jianyang Wuyi MSG Co. Ltd: 36,5 %,

— Hebei Meihua MSG Group Co. Ltd

and Tongliao Meihua Bio-Tech Co. Ltd: 33,8 %

(33) The basis for establishing the country-wide dumping margin was set out in recital 42 of the provisional Regulation, which, in the absence of any comments, is hereby confirmed. On this basis the country-wide level of dumping was established at 39,7 % of the CIF Community frontier price, duty unpaid.

4. INJURY

4.1. Definition of the Community industry

(34) In the absence of any comments concerning the definition of the Community industry, recitals 44 to 46 of the provisional Regulation are hereby confirmed.

4.2. Community consumption

(35) In the absence of any comments concerning the Community consumption, recital 47 of the provisional Regulation is hereby confirmed.

4.3. Imports into the Community from the PRC

(36) Following the provisional disclosure, one of the Community importers claimed that the Commission findings with regard to the fluctuation of the Chinese export price in the period considered were distorted due to using financial years rather than calendar years. The period under consideration started on 1 April 2004 whereas the use of calendar years would have meant starting this period on 1 January 2004. According to the data presented by the company, this change in the starting point would show a 12 % increase in Chinese export prices between the calendar year 2004 and IP in contrast to the slight decrease reported in recital 50 of the provisional Regulation. However, it should be noted that data presented by the importer was based on its total purchasing prices which obviously covered only part of the Chinese exports to the Community. Having examined the data with regard to the average prices of all imports of MSG from the PRC, based on Eurostat, it was found that the relevant Chinese prices increased by only 0,5 % from January 2004 to the end of the IP and not by 12 % as claimed by the importer. The difference in price trends between that found for the period considered (a decrease of 2 %) and that found for the period from January 2004 to the end of the IP (an increase of 0,5 %) is not such as to alter the conclusions drawn in regard to the effect of these prices on the situation of the Community industry. Therefore this claim had to be rejected.

(37) In the absence of any other comments with regard to imports into the Community from the PRC, recitals 48 to 52 of the provisional Regulation are hereby confirmed.

4.4. Economic situation of the Community industry

(38) Certain interested parties questioned the analysis of the trends of the injury indicators. They claimed that the use of 12-month periods running in line with the complainant's financial year rather than calendar years effectively shortened the period under consideration to three years as the financial year 2007 is, to a big extent, overlapping with the IP. These parties claimed that in order to make a proper appraisal of the trends of the injury indicators, the period considered should be prolonged to cover the full calendar year 2004. In this regard, it should be pointed out that the basic Regulation does not provide for a strict timeline regarding the definition of the period considered. Furthermore, the WTO Recommendation concerning the periods of data collection for anti-dumping investigations provides that '*As a general rule, […] the period of data collection for injury investigations normally should be at least three years […]*' [1]. Nevertheless, a comparative analysis of the basic injury indicators on a calendar year basis was made, i.e. assuming a period considered of 2004, 2005, 2006 and the IP, in order to verify if different conclusions would be drawn as regards injury. This analysis has shown that the trends of the main injury indicators do not change significantly.

Although certain trends such as the decreases in production and sales volumes would be less pronounced as compared to the conclusions in the provisional Regulation, other findings relating to the negative profitability of the Community industry, the huge increase of imports from the PRC and the severe price undercutting would remain unchanged. Furthermore, it should be noted that the period considered serves as an indicator of the evolution of the Community industry's situation to determine whether it can be considered to be suffering material injury during the IP. In these circumstances, the argument of the parties is rejected on the ground that the injury picture would have continued to show material injury even if the period considered was extended by the first trimester of 2004.

(39) Additionally, the complainant commented on the wording of recital 60 of the provisional Regulation. The complainant pointed out that the sentence 'the acquisition of Orsan SA by Ajinomoto Foods Europe' was not correct as Orsan SA was acquired by the Ajinomoto Group and subsequently renamed Ajinomoto Foods Europe.

[1] G/ADP/6 of 16 May 2000.

(40) Based on the above facts and considerations, the conclusion that the Community industry suffered material injury, as set out in recitals 70 to 72 of the provisional Regulation, is hereby confirmed.

5. CAUSATION

5.1. Effects of dumped imports

(41) One interested party claimed that during the period considered there was no coincidence in time between the negative trend in profitability observed for the Community industry and the development in the import volumes from the PRC. Accordingly, it was claimed that imports from the PRC could not have caused injury to the Community industry. Although this matter was explained in detail in recitals 60 and 61 of the provisional Regulation, it is further noted that, in accordance with Article 3(6) of the basic Regulation, it is not just the volumes of dumped imports which may be a relevant factor in assessing whether dumped imports have been the cause of material injury to the Community industry, but also, in the alternative, the prices of these imports. In recital 76 of the provisional Regulation it was concluded that *'[…] the low priced dumped imports from the PRC which significantly undercut the prices of the Community industry during the IP, and which also significantly increased in volume, have had a determining role in the injury suffered by the Community industry'*. Given the development of volumes and prices of dumped imports during the period considered, it is considered that this claim should be rejected.

(42) Another interested party claimed that the increase in imports of MSG from the PRC in the period considered did not affect the situation of the Community industry as these imports were mainly replacing imports from other sources.

(43) In this respect it is recalled that, even though the Chinese imports of MSG did indeed replace imports from other countries to a certain extend, as explained in recital 57 of the provisional Regulation, low-priced dumped imports from the PRC consistently managed to gain market share also at the expenses of the Community industry even when Community consumption was decreasing. In addition, this claim is not supported by the findings of this investigation which showed that the surge of low-priced dumped imports from the PRC that significantly undercut the price of the Community industry led to a situation of material injury suffered by the Community industry during the period considered. On that basis, this claim should be rejected.

(44) In the absence of any other comments in this regard, recitals 74 to 76 of the provisional Regulation are hereby confirmed.

5.2. Effects of other factors

(45) Various interested parties reiterated the claims put forward before the imposition of the provisional measures that the material injury suffered by the Community industry was caused by factors other than the dumped imports. These claims, with regard specifically to the restructuring costs and increasing costs of raw materials which allegedly affected the Community industry, were already duly addressed in recitals 60 and 61 of the provisional Regulation.

(46) One interested party reiterated claims made before the imposition of the provisional measures that any material injury suffered by the Community industry may also be caused by exports of MSG from the PRC made by companies related to the Community industry. Additionally, this party claimed that the complainant misled the Commission by not disclosing the existence of related companies in the PRC and by hiding the fact that these related companies in China exported MSG to the Community. On that basis, this party considered that Article 18 of the basic Regulation should be applied to the complainant. The same party further claimed a breach of its rights of defence because the versions of the complaint and the questionnaire reply of the complainant for inspection by interested parties (open version) did not disclose the fact that the complainant has related companies in the PRC that were involved in the MSG business.

(47) As already explained in recital 94 of the provisional Regulation, the question of the exports of MSG to the Community by one producer in the PRC known to be related to the Community industry was not considered to be relevant due to their insignificant volume. It should be stressed also that the complainant did not provide misleading information to the Commission in regard to its related companies in the PRC. This information was reported in the confidential versions of the complaint and of the complainant's questionnaire reply. It is a fact that this information was not originally included in the open version of the complaint or in the open version of the complainant's questionnaire reply. However, the complainant provided open versions including information on its related companies in the PRC subsequently during the procedure. In these circumstances, it is considered that no breach of the right of defence of parties took place. Furthermore, no convincing evidence was presented which could support the claim that Ajinomoto Group was aware of the alleged indirect export activity of one of its related Chinese companies. Therefore, it is considered that the application of Article 18 of the basic Regulation is not warranted in this situation and the claim is rejected.

(48) One of the interested parties reiterated the claims put forward before the imposition of the provisional measures as to the impact of the exchange rate of the US dollar against the Euro on the price undercutting calculations and export performance of the Community industry. However, no additional information or evidence was provided that would alter the conclusions reached in recitals 84 to 90 of the provisional Regulation which are hereby confirmed.

(49) One interested party reiterated its claim made before the imposition of the provisional measures regarding the impact of the Ajinomoto Group's global strategy, in particular exports to the EU market by Ajinomoto-owned producers of MSG in third countries, and the impact of these on the complainant's profits and stock level. In recital 92 of the provisional Regulation it was stated that sales of MSG on the Community market originating from exporters related to the Community industry in countries outside the Community were constantly and significantly decreasing over the period considered. As a consequence, it was concluded in recital 95 of that regulation that the imports of the Community industry from related parties outside the Community have not contributed to the material injury found. This party has not provided any additional information or evidence that would alter this conclusion which is hereby confirmed.

5.3. **Conclusion on causation**

(50) Given the above analysis which has properly distinguished and separated the effects of all other known factors on the situation of the Community industry from the injurious effects of the dumped imports, it is hereby confirmed that these other factors as such do not reverse the fact that the material injury found must be attributed to the dumped imports.

(51) Given the above, it is concluded that the dumped imports of MSG originating in the PRC have caused material injury to the Community industry within the meaning of Article 3(6) of the basic Regulation.

(52) In the absence of other comments in this respect, the conclusions in recitals 99 and 100 of the provisional Regulation are hereby confirmed.

6. **COMMUNITY INTEREST**

6.1. **Interest of the Community industry**

(53) In the absence of any other comments in this particular regard, the findings set out in recitals 103 to 106 of the provisional Regulation are hereby confirmed.

6.2. **Interest of the importers**

(54) One importer claimed that the negative impact of the anti-dumping measures may have on its economic situation was underestimated in recital 108 of the provisional Regulation. According to the company, given the low profitability of its MSG sales and the limited possibility of passing on the price increase to its clients, the imposition of anti-dumping measures would mean closure of its MSG business. It should be noted that the MSG business does not represent a major share of the activity of the said importer which is mainly sourcing its MSG from the PRC. The importer in question has the option to switch to other sources of supply which are not affected by the anti-dumping measures. However, as mentioned in recital 108 of the provisional Regulation, the expected effect of the imposition of the measures will be to restore effective trade conditions in the Community market, which in this case may lead to increased prices of MSG, in particular from the Community industry and from the PRC. Therefore, it is expected that all importers should be able to pass on at least some of their cost increase resulting from the imposition of anti-dumping measures. On that basis, the conclusion reached in recital 108 of the provisional Regulation is therefore confirmed.

6.3. **Interest of users**

(55) Following the comments made by interested parties concerning the possible impact of the proposed measures on the users industry further analyses was carried out on the basis of information provided by the main users of MSG in the Community, namely Nestlé and Unilever. The investigation showed that MSG represents less than 3 % of the cost of production of all products containing MSG produced by both companies. Therefore, taking additionally into account the indications on the relatively high average profit rates which both companies had reached during the IP in particular on these products, it can be confirmed that the possible impact of the proposed measure on their activity would not be significant.

6.4. **Interest of the suppliers of raw materials**

(56) Further to recital 115 of the provisional Regulation, the analysis with regard to the interests of the upstream supplier of the Community industry was extended to include the data provided by a second supplier. On the basis of the questionnaire replies provided by the two suppliers, it was found that the situation of the supplying companies had deteriorated significantly during the period considered in line with the deterioration of the situation of the Community industry. The total turnover of the investigated suppliers decreased in the range of 8 % to 13 % and their sales to the Community industry noted even twice as significant drop (in the range of 15 % to 25 %). Both companies experienced also a decrease in their profitability rates.

(57) Taking into account the above findings, the content of recital 116 of the provisional Regulation is hereby confirmed.

6.5. **Competition and trade distorting effects**

(58) Some of the interested parties reiterated their comments regarding the alleged dominant position of the Ajinomoto Group worldwide and its alleged monopolistic position in the Community. These issues were already addressed in recital 117 of the provisional Regulation. No new evidence concerning these claims was presented.

(59) Several interested parties raised additional arguments in relation to post-IP developments on the MSG market. They claimed that import volumes decreased and prices rose after the IP, thus eliminating any potential injury to the Community industry. In this situation, these parties claimed that the imposition of anti-dumping duties would only harm importers and users in the Community. The parties raised also a point on alleged global shortages of MSG supplies as, according to their data, several important producers worldwide ceased to produce or decreased production capacity. However, Eurostat data and additional information obtained from the Community industry do not support the above claims. To the contrary, import prices remained stable in the post-IP period and in certain months even decreased, while import volumes both from the PRC and third countries increased. The latter development demonstrates that some non-Chinese competitors have the capacity to develop their exports to the Community.

6.6. **Conclusion on Community interest**

(60) Given the results of the further investigation of the Community interest aspects of the case described above, the findings and conclusions contained in recital 119 of the provisional Regulation are hereby confirmed.

7. **DEFINITIVE ANTI-DUMPING MEASURES**

7.1. **Injury elimination level**

(61) In the absence of any substantiated comments that would alter the conclusion regarding the injury elimination level, recitals 120 to 122 of the provisional Regulation are hereby confirmed.

7.2. **Form and level of the duties**

(62) In the light of the foregoing and in accordance with Article 9(4) of the basic Regulation, a definitive anti-dumping duty should be imposed at a level sufficient to eliminate the injury caused by the dumped imports without exceeding the dumping margin found.

(63) The rates of the definitive duties are definitively set as follows:

Company	Injury elimination margin	Dumping margin	Anti-dumping duty rate
Hebei Meihua MSG Group Co. Ltd, and Tongliao Meihua Bio-Tech Co. Ltd	54,8 %	33,8 %	33,8 %
Fujian Province Jianyang Wuyi MSG Co. Ltd	60,4 %	36,5 %	36,5 %
All other companies	63,7 %	39,7 %	39,7 %

(64) The individual company anti-dumping duty rates specified in this Regulation were established on the basis of the findings of the present investigation. Therefore, they reflect the situation found during that investigation with respect to these companies. These duty rates (as opposed to the country-wide duty applicable to 'all other companies') are thus exclusively applicable to imports of products originating in the country concerned and produced by the companies and thus by the specific legal entities mentioned. Imported products produced by any other company not specifically mentioned in the operative part of this Regulation with its name and address, including entities related to those specifically mentioned, cannot benefit from these rates and shall be subject to the duty rate applicable to 'all other companies'.

(65) Any claim requesting the application of these individual company anti-dumping duty rates (e.g. following a change in the name of the entity or following the setting up of new production or sales entities) should be addressed to the Commission [1] forthwith with all relevant information, in particular any modification in the company's activities linked to production, domestic and export sales associated with, for example, that name change or that change in the production and sales entities. If appropriate, the Regulation will then be amended accordingly by updating the list of companies benefiting from individual duty rates.

7.3. **Undertakings**

(66) One cooperating Chinese exporting producer offered a price undertaking.

[1] European Commission, Directorate-General for Trade, Directorate H, Office N105 04/092, 1049 Brussels, Belgium.

(67) In this respect it is noted that MSG prices are negotiated globally with large international firms with production facilities inside and outside the Community. It is also noted that the majority of sales of this exporting producer are mainly made to such international firms. In view of the above, it was considered that the risk of cross-compensation of prices between sales agreements made with international firms for their production facilities in the Community and for their facilities located in other countries outside the Community as very high. It was also considered that such cross-compensation would be extremely difficult to be detected in the framework of the monitoring of the undertaking. Therefore, the undertaking offer of this exporting producer, in its current form, had to be rejected as its acceptance was considered impractical in view of the fact that it could not be appropriately monitored by the Commission.

7.4. **Definitive collection of provisional duties and special monitoring**

(68) In view of the magnitude of the dumping margins found and in the light of the level of the injury caused to the Community industry, it is considered necessary that the amounts secured by way of the provisional anti-dumping duty, imposed by the provisional Regulation, i.e. Commission Regulation (EC) No 492/2008, should be definitively collected to the extent of the amount of the definitive duties imposed.

(69) It is recalled that should the exports by the companies benefiting from lower individual duty rates increase significantly in volume after the imposition of the anti-dumping measures, such increase could be considered as constituting in itself a change in the pattern of trade due to the imposition of measures within the meaning of Article 13(1) of the basic Regulation. In such circumstances, and provided the conditions are met, an anti-circumvention investigation may be initiated. This investigation may, *inter alia*, examine the need for the removal of individual duty rates and the consequent imposition of a country-wide duty,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of monosodium glutamate falling within CN code ex 2922 42 00 (TARIC 2922 42 00 10) and originating in the People's Republic of China.

2. The rate of the definitive anti-dumping duty applicable to the net, free-at-Community-frontier price, before duty, of the products manufactured by the companies listed below shall be as follows:

Company	AD duty rate (%)	TARIC additional code
Hebei Meihua MSG Group Co. Ltd, and Tongliao Meihua Bio-Tech Co. Ltd	33,8	A883
Fujian Province Jianyang Wuyi MSG Co. Ltd	36,5	A884
All other companies	39,7	A999

3. Unless otherwise specified, the provisions in force concerning customs duties shall apply.

Article 2

Amounts secured by way of provisional anti-dumping duties pursuant to Commission Regulation (EC) No 492/2008 on imports of monosodium glutamate falling within CN code ex 2922 42 00 (TARIC 2922 42 00 10) and originating in the People's Republic of China shall be definitely collected.

Article 3

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

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

Done at Brussels, 27 November 2008.

For the Council
The President
M. ALLIOT-MARIE

COMMISSION REGULATION (EC) No 1188/2008

of 1 December 2008

establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 2 December 2008.

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

Done at Brussels, 1 December 2008.

For the Commission

Jean-Luc DEMARTY

Director-General for Agriculture and Rural Development

[1] OJ L 299, 16.11.2007, p. 1.
[2] OJ L 350, 31.12.2007, p. 1.

ANNEX

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

(EUR/100 kg)

CN code	Third country code (1)	Standard import value
0702 00 00	MA	54,1
	TR	75,3
	ZZ	64,7
0707 00 05	EG	188,1
	JO	167,2
	MA	58,1
	TR	82,6
	ZZ	124,0
0709 90 70	MA	64,6
	TR	110,3
	ZZ	87,5
0805 20 10	MA	63,6
	TR	65,0
	ZZ	64,3
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	CN	54,3
	HR	48,8
	IL	74,6
	TR	58,9
	ZZ	59,2
0805 50 10	MA	64,0
	TR	64,6
	ZA	117,7
	ZZ	82,1
0808 10 80	CA	89,4
	CL	67,1
	CN	67,2
	MK	32,9
	US	111,0
	ZA	111,1
	ZZ	79,8
0808 20 50	CN	49,5
	TR	103,0
	ZZ	76,3

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

COMMISSION REGULATION (EC) No 1189/2008

of 25 November 2008

laying down detailed rules for the application in 2009 of the import tariff quotas for 'baby beef' products originating in Croatia, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Serbia, Kosovo and Montenegro

THE COMMISSION OF THE EUROPEAN COMMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ([1]), and in particular Article 144(1) and Article 148(a) in conjunction with Article 4 thereof,

Whereas:

(1) Article 4(2) of Council Regulation (EC) No 2007/2000 of 18 September 2000 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process, amending Regulation (EC) No 2820/98, and repealing Regulations (EC) No 1763/1999 and (EC) No 6/2000 ([2]), provides for an annual preferential tariff quota of 1 500 tonnes of 'baby beef' products originating in Bosnia and Herzegovina and of 9 975 tonnes of 'baby beef' products originating in Montenegro and the customs territories of Serbia and Kosovo ([3]).

(2) The Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Croatia, of the other part, approved by Council and Commission Decision 2005/40/EC, Euratom ([4]), the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part, approved by Council and Commission Decision 2004/239/EC, Euratom ([5]) and the Interim Agreement with Montenegro, approved by Council Decision 2007/855/EC of 15 October 2007 concerning the signing and conclusion of an Interim Agreement on trade and trade-related matters between the European Community, of the one part, and the Republic of Montenegro, of the other part ([6]), lay down annual preferential tariff quotas of 'baby beef' of 9 400 tonnes, 1 650 and 800 tonnes respectively.

(3) Article 2 of Council Regulation (EC) No 2248/2001 of 19 November 2001 on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Croatia, of the other part and for applying the Interim Agreement between the European Community and the Republic of Croatia ([7]) and Article 2 of Council Regulation (EC) No 153/2002 of 21 January 2002 on certain procedures for applying the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part, and for applying the Interim Agreement between the European Community and the former Yugoslav Republic of Macedonia ([8]) provide that detailed rules for the implementation of concessions on 'baby beef' should be laid down.

(4) For control purposes, Regulation (EC) No 2007/2000 makes imports under the quotas of 'baby beef' for Bosnia and Herzegovina and customs territories of Serbia and Kosovo, subject to the presentation of a certificate of authenticity attesting that the goods originate from the issuing country and that they correspond exactly to the definition in Annex II to that Regulation. For the sake of harmonisation, imports under the quotas of 'baby beef' originating in Croatia, the former Yugoslav Republic of Macedonia and Montenegro should also be made subject to the presentation of a certificate of authenticity attesting that the goods originate from the issuing country and that they correspond exactly to the definition in Annex III to the Stabilisation and Association Agreement with Croatia or with the former Yugoslav Republic of Macedonia or Annex II to the Interim Agreement with Montenegro respectively. A model should also be established for the certificates of authenticity and detailed rules laid down for their use.

(5) The quotas concerned should be managed through the use of import licences. To this end, Commission Regulation (EC) No 376/2008 of 23 April 2008 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products ([9]) and Commission Regulation (EC) No 382/2008 of 21 April 2008 on rules of application for import and export licences in the beef and veal sector ([10]) should be applicable subject to this Regulation.

([1]) OJ L 299, 16.11.2007, p. 1.
([2]) OJ L 240, 23.9.2000, p. 1.
([3]) Kosovo under United Nations Security Council Resolution 1244/1999.
([4]) OJ L 26, 28.1.2005, p. 1.
([5]) OJ L 84, 20.3.2004, p. 1.
([6]) OJ L 345, 28.12.2007, p. 1.
([7]) OJ L 304, 21.11.2001, p. 1.
([8]) OJ L 25, 29.1.2002, p. 16.
([9]) OJ L 114, 26.4.2008, p. 3.
([10]) OJ L 115, 29.4.2008, p. 10.

(6) Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences [1] lays down in particular detailed provisions on applications for import licences, the status of applicants, the issue of licences and the notifications by the Member States to the Commission. That Regulation limits the period of validity of licences to the last day of the import tariff quota period. The provisions of Regulation (EC) No 1301/2006 should apply to import licences issued pursuant to this Regulation, without prejudice to additional conditions or derogations laid down in this Regulation.

(7) In order to ensure proper management of imports of the products concerned, import licences should be issued subject to verification, in particular of entries on certificates of authenticity.

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The following tariff quotas are hereby opened for the period from 1 January to 31 December 2009:

(a) 9 400 tonnes of 'baby beef', expressed in carcass weight, originating in Croatia;

(b) 1 500 tonnes of 'baby beef', expressed in carcass weight, originating in Bosnia and Herzegovina;

(c) 1 650 tonnes of 'baby beef', expressed in carcass weight, originating in the former Yugoslav Republic of Macedonia;

(d) 9 175 tonnes of 'baby beef', expressed in carcass weight, originating in the customs territories of Serbia and Kosovo;

(e) 800 tonnes of 'baby beef', expressed in carcass weight, originating in Montenegro.

The quotas referred to in the first subparagraph shall bear the order Nos 09.4503, 09.4504, 09.4505, 09.4198 and 09.4199 respectively.

For the purposes of attributing those quotas, 100 kilograms live weight shall be equivalent to 50 kilograms carcass weight.

2. The customs duty applicable under the quotas referred to in paragraph 1 shall be 20 % of the *ad valorem* duty and 20 % of the specific duty as laid down in the Common Customs Tariff.

3. Importation under the quotas referred to in paragraph 1 shall be reserved for certain live animals and certain meat falling within the following CN codes, referred to in Annex II to Regulation (EC) No 2007/2000, in Annex III to the Stabilisation and Association Agreements concluded with Croatia, in Annex III to the Stabilisation and Association Agreement concluded with the former Yugoslav Republic of Macedonia and in Annex II to the Interim Agreement with Montenegro:

— ex 0102 90 51, ex 0102 90 59, ex 0102 90 71 and ex 0102 90 79,

— ex 0201 10 00 and ex 0201 20 20,

— ex 0201 20 30,

— ex 0201 20 50.

Article 2

Chapter III of Regulation (EC) No 1301/2006 and Regulations (EC) No 376/2008 and 382/2008 shall apply, save as otherwise provided for in this Regulation.

Article 3

1. Section 8 of licence applications and licences shall show the country or customs territory of origin and the mention 'yes' shall be marked by a cross. Licences shall be subject to the obligation to import from the country or customs territory indicated.

Section 20 of licence applications and licences shall show one of the entries listed in Annex I.

2. The original of the certificate of authenticity drawn up in accordance with Article 4 plus a copy thereof shall be presented to the competent authority together with the application for the first import licence relating to the certificate of authenticity.

Certificates of authenticity may be used for the issue of more than one import licence for quantities not exceeding that shown on the certificate. Where more than one licence is issued in respect of a certificate, the competent authority shall:

(a) endorse the certificate of authenticity to show the quantity attributed;

[1] OJ L 238, 1.9.2006, p. 13.

(b) ensure that the import licences delivered in respect of that certificate are issued on the same day.

3. The competent authorities may issue import licences only after they are satisfied that all the information on the certificate of authenticity corresponds to that received each week from the Commission for the imports concerned. The licences shall be issued immediately thereafter.

Article 4

1. All applications for imports licences under the quotas referred to in Article 1 shall be accompanied by a certificate of authenticity issued by the authorities of the exporting country or customs territory listed in Annex II attesting that the goods originate in that country or customs territory and that they correspond to the definition given, as the case may be, in Annex II to Regulation (EC) No 2007/2000, Annex III to the Stabilisation and Association Agreements with Croatia, Annex III to the Stabilisation and Association Agreement with the former Yugoslav Republic of Macedonia or Annex II to the Interim Agreement with Montenegro.

2. Certificates of authenticity shall be made out in one original and two copies, to be printed and completed in one of the official languages of the Community, in accordance with the relevant model in Annexes III to VIII for the exporting countries or customs territory concerned. They may also be printed and completed in the official language or one of the official languages of the exporting country or customs territory.

The competent authorities of the Member State in which the import licence application is submitted may require a translation of the certificate to be provided.

3. The original and copies of the certificate of authenticity may be typed or hand-written. In the latter case, they shall be completed in black ink and in block capitals.

The certificate forms shall measure 210 × 297 mm. The paper used shall weigh not less than 40 g/m^2. The original shall be white, the first copy pink and the second copy yellow.

4. Each certificate shall have its own individual serial number followed by the name of the issuing country or customs territory.

The copies shall bear the same serial number and the same name as the original.

5. Certificates shall be valid only if they are duly endorsed by an issuing authority listed in Annex II.

6. Certificates shall be deemed to have been duly endorsed if they state the date and place of issue and if they bear the stamp of the issuing authority and the signature of the person or persons empowered to sign them.

Article 5

1. The issuing authorities listed in Annex II shall:

(a) be recognised as such by the exporting country or customs territory concerned;

(b) undertake to verify entries on the certificates;

(c) undertake to forward to the Commission at least once a week any information enabling the entries on the certificates of authenticity to be verified, in particular with regard to the number of the certificate, the exporter, the consignee, the country of destination, the product (live animals/meat), the net weight and the date of signature.

2. The list in Annex II shall be revised by the Commission where the requirement referred to in paragraph 1(a) is no longer met, where an issuing authority fails to fulfil one or more of the obligations incumbent on it or where a new issuing authority is designated.

Article 6

Certificates of authenticity and import licences shall be valid for three months from their respective dates of issue.

Article 7

The exporting country or custom territory concerned shall communicate to the Commission specimens of the stamp imprints used by their issuing authorities and the names and signatures of the persons empowered to sign certificates of authenticity. The Commission shall communicate that information to the competent authorities of the Member States.

Article 8

1. By way of derogation from the second subparagraph of Article 11(1) of Regulation (EC) No 1301/2006, Member States shall notify to the Commission:

(a) no later than 28 February 2010, the quantities of products, including nil returns, for which import licences were issued in the previous import tariff quota period;

(b) no later than 30 April 2010, the quantities of products, including nil returns, covered by unused or partly used import licences and corresponding to the difference between the quantities entered on the back of the import licences and the quantities for which they were issued.

2. No later than 30 April 2010, Member States shall notify to the Commission the quantities of products, which were actually released for free circulation during the preceding import tariff quota period.

3. The notifications referred to in paragraphs 1 and 2 of this Article shall be made as indicated in Annexes IX, X and XI to this Regulation and the product categories indicated in Annex V of Regulation (EC) No 382/2008 shall be used.

Article 9

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

It shall apply from 1 January 2009.

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

Done at Brussels, 25 November 2008.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX I

Entries referred to in Article 3(1)

— *in Bulgarian:*	'Baby beef' (Регламент (ЕО) № 1189/2008)
— *in Spanish:*	'Baby beef' [Reglamento (CE) nº 1189/2008]
— *in Czech:*	'Baby beef' (Nařízení (ES) č. 1189/2008)
— *in Danish:*	'Baby beef' (Forordning (EF) nr. 1189/2008)
— *in German:*	'Baby beef' (Verordnung (EG) Nr. 1189/2008)
— *in Estonian:*	'Baby beef' (Määrus (EÜ) nr 1189/2008)
— *in Greek:*	'Baby beef' [Κανονισμός (ΕΚ) αριθ. 1189/2008]
— *in English:*	'Baby beef' (Regulation (EC) No 1189/2008)
— *in French:*	'Baby beef' [Règlement (CE) nº 1189/2008]
— *in Italian:*	'Baby beef' [Regolamento (CE) n. 1189/2008]
— *in Latvian:*	'Baby beef' (Regula (EK) Nr. 1189/2008)
— *in Lithuanian:*	'Baby beef' (Reglamentas (EB) Nr. 1189/2008)
— *in Hungarian:*	'Baby beef' (1189/2008/EK rendelet)
— *in Maltese:*	'Baby beef' (Regolament (KE) Nru 1189/2008)
— *in Dutch:*	'Baby beef' (Verordening (EG) nr 1189/2008)
— *in Polish:*	'Baby beef' (Rozporządzenie (WE) nr 1189/2008)
— *in Portuguese:*	'Baby beef' [Regulamento (CE) n.º 1189/2008]
— *in Romanian:*	'Baby beef' [Regulamentul (CE) nr. 1189/2008]
— *in Slovak:*	'Baby beef' [Nariadenie (ES) č. 1189/2008]
— *in Slovenian:*	'Baby beef' (Uredba (ES) št. 1189/2008)
— *in Finnish:*	'Baby beef' (Asetus (EY) N:o 1189/2008)
— *in Swedish:*	'Baby beef' (Förordning (EG) nr 1189/2008)

ANNEX II

Issuing authorities:

— Republic of Croatia: Croatian Livestock Center, Zagreb, Croatia.

— Bosnia-Herzegovina:

— The former Yugoslav Republic of Macedonia: Univerzitet Sv. Kiril I Metodij, Institut za hrana, Fakultet za veterinarna medicina, 'Lazar Pop-Trajkov 5-7', 1000 Skopje

— Montenegro: Veterinary Directorate, Bulevar Svetog Petra Cetinjskog br.9, 81000 Podgorica, Montenegro

— Customs territory of Serbia [1]: 'YU Institute for Meat Hygiene and Technology, Kacanskog 13, Belgrade, Yugoslavia.'

— Customs territory of Kosovo:

[1] Not including Kosovo under United Nations Security Council Resolution 1244/1999.

ANNEX III

<table>
<tr><td colspan="2">1. Consignor (full name and address)</td><td colspan="2">CERTIFICATE No 0000

ORIGINAL

CROATIA</td></tr>
<tr><td colspan="2">2. Consignee (full name and address)</td><td colspan="2">CERTIFICATE OF AUTHENTICITY

for exports to the EC of bovine animals and meat of bovine animals
[application of Regulation (EC) No 1189/2008]</td></tr>
<tr><td colspan="4">NOTES
A. This certificate shall be prepared in one original and two copies.
B. The original and its two copies shall be typewritten or completed by hand. In the latter case, they must be completed in black ink and in block capitals.</td></tr>
<tr><td>3. Marks, numbers, numbers and nature of packages or head of cattle; description of goods</td><td>4. Combined Nomenclature code</td><td>5. Gross weight (kg)</td><td>6. Net weight (kg)</td></tr>
<tr><td colspan="4">7. Net weight (kg) (in words)</td></tr>
<tr><td colspan="4">8. I, the undersigned ....., acting on behalf of the authorised issuing body (box 9) certify that the goods described above were subjected to health inspection at ....., in accordance with the attached veterinary certificate of ....., originate in and come from the Republic of Croatia and correspond exactly to the definition contained in Annex III to the Stabilisation and Association Agreement set out in Decision 2005/40/EC, Euratom (OJ L 26, 28.1.2005, p. 1).</td></tr>
<tr><td colspan="2">9. Authorised issuing body</td><td colspan="2">Place: ..... Date: .....

(Stamp of issuing body) (signature)</td></tr>
</table>

ANNEX IV

<table>
<tr><td>1. Consignor (full name and address)</td><td>CERTIFICATE No 0000

ORIGINAL

BOSNIA and HERZEGOVINA</td></tr>
<tr><td>2. Consignee (full name and address)</td><td>CERTIFICATE OF AUTHENTICITY

for exports to the EC of bovine animals and meat of bovine animals
[application of Regulation (EC) No 1189/2008]</td></tr>
<tr><td colspan="2">NOTES
A. This certificate shall be prepared in one original and two copies.
B. The original and its two copies shall be typewritten or completed by hand. In the latter case, they must be completed in black ink and in block capitals.</td></tr>
<tr><td colspan="2"><table>
<tr><td>3. Marks, numbers, numbers and nature of packages or head of cattle; description of goods</td><td>4. Combined Nomenclature code</td><td>5. Gross weight (kg)</td><td>6. Net weight (kg)</td></tr>
</table></td></tr>
<tr><td colspan="2">7. Net weight (kg) (in words)</td></tr>
<tr><td colspan="2">8. I, the undersigned ....., acting on behalf of the authorised issuing body (box 9) certify that the goods described above were subjected to health inspection at ....., in accordance with the attached veterinary certificate of ....., originate in and come from the Republic of Bosnia and Herzegovina and correspond exactly to the definition contained in Annex II to Council Regulation (EC) No 2007/2000 (OJ L 240, 23.9.2000, p. 1).</td></tr>
<tr><td>9. Authorised issuing body</td><td>Place: ..... Date: .....

(Stamp of issuing body) (signature)</td></tr>
</table>

ANNEX V

<table>
<tr><td>1. Consignor (full name and address)</td><td>CERTIFICATE No 0000

ORIGINAL

THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA</td></tr>
<tr><td>2. Consignee (full name and address)</td><td>CERTIFICATE OF AUTHENTICITY

for exports to the EC of bovine animals and meat of bovine animals
[application of Regulation (EC) No 1189/2008]</td></tr>
<tr><td colspan="2">NOTES
A. This certificate shall be prepared in one original and two copies.
B. The original and its two copies shall be typewritten or completed by hand. In the latter case, they must be completed in black ink and in block capitals.</td></tr>
</table>

3. Marks, numbers, numbers and nature of packages or head of cattle; description of goods	4. Combined Nomenclature code	5. Gross weight (kg)	6. Net weight (kg)

7. Net weight (kg) (in words)

8. I, the undersigned ....., acting on behalf of the authorised issuing body (box 9) certify that the goods described above were subjected to health inspection at ....., in accordance with the attached veterinary certificate of ....., originate in and come from the former Yugoslav Republic of Macedonia and correspond exactly to the definition contained in Annex III to the Stabilisation and Association Agreement set out in Decision 2004/239/EC, Euratom (OJ L 84, 20.3.2004, p. 1).

9. Authorised issuing body	Place: ..... Date: ..... (Stamp of issuing body) (signature)

ANNEX VI

<table>
<tr><td>1. Consignor (full name and address)</td><td colspan="3">CERTIFICATE No 0000

ORIGINAL

SERBIA (1)</td></tr>
<tr><td>2. Consignee (full name and address)</td><td colspan="3">CERTIFICATE OF AUTHENTICITY

for exports to the EC of bovine animals and meat of bovine animals
[application of Regulation (EC) No 1189/2008]</td></tr>
<tr><td colspan="4">NOTES
A. This certificate shall be prepared in one original and two copies.
B. The original and its two copies shall be typewritten or completed by hand. In the latter case, they must be completed in black ink and in block capitals.</td></tr>
<tr><td>3. Marks, numbers, numbers and nature of packages or head of cattle; description of goods</td><td>4. Combined Nomenclature code</td><td>5. Gross weight (kg)</td><td>6. Net weight (kg)</td></tr>
<tr><td colspan="4">7. Net weight (kg) (in words)</td></tr>
<tr><td colspan="4">8. I, the undersigned ....., acting on behalf of the authorised issuing body (box 9) certify that the goods described above were subjected to health inspection at ....., in accordance with the attached veterinary certificate of ....., originate in and come from Serbia and correspond exactly to the definition contained in Annex II to Council Regulation (EC) No 2007/2000 (OJ L 240, 23.9.2000, p. 1).</td></tr>
<tr><td colspan="2">9. Authorised issuing body</td><td colspan="2">Place: ..... Date: .....

(Stamp of issuing body) (signature)</td></tr>
</table>

(1) Not including Kosovo under United Nations Security Council Resolution 1244/1999.

ANNEX VII

<table>
<tr><td>1. Consignor (full name and address)</td><td colspan="3">CERTIFICATE No 0000

ORIGINAL

MONTENEGRO</td></tr>
<tr><td>2. Consignee (full name and address)</td><td colspan="3">CERTIFICATE OF AUTHENTICITY

for exports to the EC of bovine animals and meat of bovine animals
[application of Regulation (EC) No 1189/2008]</td></tr>
<tr><td colspan="4">NOTES
A. This certificate shall be prepared in one original and two copies.
B. The original and its two copies shall be typewritten or completed by hand. In the latter case, they must be completed in black ink and in block capitals.</td></tr>
<tr><td>3. Marks, numbers, numbers and nature of packages or head of cattle; description of goods</td><td>4. Combined Nomenclature code</td><td>5. Gross weight (kg)</td><td>6. Net weight (kg)</td></tr>
<tr><td colspan="4">7. Net weight (kg) (in words)</td></tr>
<tr><td colspan="4">8. I, the undersigned ....., acting on behalf of the authorised issuing body (box 9) certify that the goods described above were subjected to health inspection at ....., in accordance with the attached veterinary certificate of ....., originate in and come from Montenegro and correspond exactly to the definition contained in Annex II to the Interim Agreement set out in Council Decision 2007/855/EC (OJ L 345, 28.12.2007, p. 1).</td></tr>
<tr><td colspan="2">9. Authorised issuing body</td><td colspan="2">Place: ..... Date: .....

(Stamp of issuing body) (signature)</td></tr>
</table>

ANNEX VIII

<table>
<tr><td>1. Consignor (full name and address)</td><td>CERTIFICATE No 0000
ORIGINAL
KOSOVO (1)</td></tr>
<tr><td>2. Consignee (full name and address)</td><td>CERTIFICATE OF AUTHENTICITY
for exports to the EC of bovine animals and meat of bovine animals
[application of Regulation (EC) No 1189/2008]</td></tr>
<tr><td colspan="2">NOTES
A. This certificate shall be prepared in one original and two copies.
B. The original and its two copies shall be typewritten or completed by hand. In the latter case, they must be completed in black ink and in block capitals.</td></tr>
</table>

3. Marks, numbers, numbers and nature of packages or head of cattle; description of goods	4. Combined Nomenclature code	5. Gross weight (kg)	6. Net weight (kg)

7. Net weight (kg) (in words)

8. I, the undersigned ....., acting on behalf of the authorised issuing body (box 9) certify that the goods described above were subjected to health inspection at ....., in accordance with the attached veterinary certificate of ....., originate in and come from the customs territory of Kosovo and correspond exactly to the definition contained in Annex II to Council Regulation (EC) No 2007/2000 (OJ L 240, 23.9.2000, p. 1).

<table>
<tr><td>9. Authorised issuing body</td><td>Place: ..... Date: .....

(Stamp of issuing body) (signature)</td></tr>
</table>

(1) Kosovo under United Nations Security Council Resolution 1244/1999.

ANNEX IX

Notification of import licences (issued) — Regulation (EC) No 1189/2008

Member State: .....

Application of Article 8 of Regulation (EC) No 1189/2008

Quantities of products for which import licences were issued

From: ..... to: .....

Order No	Product category or categories (1)	Quantity (kilograms product weight or heads)
09.4503		
09.4504		
09.4505		
09.4198		
09.4199		

(1) Product category or categories as indicated in Annex V of Regulation (EC) No 382/2008.

ANNEX X

Notification of import licences (unused quantities) — Regulation (EC) No 1189/2008

Member State: .....

Application of Article 8 of Regulation (EC) No 1189/2008

Quantities of products for which import licences were unused

From: ..... to: .....

Order No	Product category or categories (1)	Unused quantity (kilograms product weight or heads)
09.4503		
09.4504		
09.4505		
09.4198		
09.4199		

(1) Product category or categories as indicated in Annex V of Regulation (EC) No 382/2008.

ANNEX XI

Notification of the quantities of products put into free circulation — Regulation (EC) No 1189/2008

Member State: .....

Application of Article 8 of Regulation (EC) No 1189/2008

Quantities of products put into free circulation:

From: ..... to: ..... (import tariff quota period).

Order No	Product category or categories (1)	Quantities of products put into free circulation (kilograms product weight or heads)
09.4503		
09.4504		
09.4505		
09.4198		
09.4199		

(1) Product category or categories as indicated in Annex V of Regulation (EC) No 382/2008.

COMMISSION REGULATION (EC) No 1190/2008

of 28 November 2008

amending for the 101st time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freeze of funds and other financial resources in respect of the Taliban of Afghanistan [1], and in particular the first indent of Article 7(1) thereof,

Whereas:

(1) Annex I to Regulation (EC) No 881/2002 lists the persons, groups and entities covered by the freezing of funds and economic resources under that Regulation.

(2) The Court of Justice decided on 3 September 2008 [2] to annul Regulation (EC) No 881/2002, insofar as it concerns Yassin Abdullah Kadi and the Al Barakaat International Foundation. At the same time the Court ordered the effects of Regulation (EC) No 881/2002 to be maintained, so far as concerns Mr Kadi and the Al Barakaat International Foundation, for a period that may not exceed three months running from the date of delivery of the judgment. This period was granted to allow a possibility to remedy the infringements found.

(3) In order to comply with the judgment of the Court of Justice, the Commission has communicated the narrative summaries of reasons provided by the UN Al-Qaida and Taliban Sanctions Committee, to Mr Kadi and to Al Barakaat International Foundation and given them the opportunity to comment on these grounds in order to make their point of view known.

(4) The Commission has received comments by Mr Kadi and by Al Barakaat International Foundation and examined these comments.

(5) The list of persons, groups and entities to whom the freezing of funds and economic resources should apply, drawn up by the UN Al-Qaida and Taliban Sanctions Committee, includes Mr Kadi and Al Barakaat International Foundation.

(6) After having carefully considered the comments received from Mr Kadi in a letter dated 10 November 2008, and given the preventive nature of the freezing of funds and economic resources, the Commission considers that the listing of Mr Kadi is justified for reasons of his association with the Al-Qaida network.

(7) After having carefully considered the comments received from Al Barakaat International Foundation in a letter dated 9 November 2008, and given the preventive nature of the freezing of funds and economic resources, the Commission considers the listing of Al Barakaat International Foundation is justified for reasons of its association with the Al-Qaida network.

(8) In view of this, Mr Kadi and the Al Barakaat International Foundation should be added to Annex I.

(9) This Regulation should apply from 30 May 2002, given the preventive nature and objectives of the freezing of funds and economic resources under Regulation (EC) No 881/2002 and the need to protect legitimate interests of the economic operators, who have been relying on the legality of the annulled Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 881/2002 is hereby amended as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 3 December 2008. It shall be published in the *Official Journal of the European Union*.

It shall apply from 30 May 2002.

[1] OJ L 139, 29.5.2002, p. 9.

[2] Judgement in Joined Cases C-402/05 P and C-415/05 P, Yassin Abdullah Kadi and Al Barakaat International Foundation v Council, European Court Reports 2008, p. I-… (not yet published).

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

Done at Brussels, 28 November 2008.

For the Commission
Benita FERRERO-WALDNER
Member of the Commission

ANNEX

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

1. The following entry shall be added under the heading 'Legal persons, groups and entities':

   'Barakaat International Foundation. Address: (a) Box 4036, Spånga, Stockholm, Sweden; (b) Rinkebytorget 1, 04, Spånga, Sweden.';

2. The following entry shall be added under the heading 'Natural persons':

   'Yasin Abdullah Ezzedine **Qadi** (*alias* (a) **Kadi**, Shaykh Yassin Abdullah; (b) **Kahdi**, Yasin; (c) Yasin **Al-Qadi**). Date of birth: 23.2.1955. Place of birth: Cairo, Egypt. Nationality: Saudi Arabian. Passport No: (a) B 751550, (b) E 976177 (issued on 6.3.2004, expiring on 11.1.2009). Other information: Jeddah, Saudi Arabia.'

COMMISSION REGULATION (EC) No 1191/2008

of 1 December 2008

amending Regulation (EC) No 1186/2008 fixing the import duties in the cereals sector applicable from 1 December 2008

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 in respect of import duties in the cereals sector [2], and in particular Article 2(1) thereof,

Whereas:

(1) The import duties in the cereals sector applicable from 1 December 2008 were fixed by Commission Regulation (EC) No 1186/2008 [3].

(2) As the average of the import duties calculated differs by more than EUR 5/tonne from that fixed, a corresponding adjustment must be made to the import duties fixed by Regulation (EC) No 1186/2008.

(3) Regulation (EC) No 1186/2008 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 1186/2008 are hereby replaced by the text in the Annex to this Regulation.

Article 2

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

It shall apply from 2 December 2008.

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

Done at Brussels, 1 December 2008.

For the Commission

Jean-Luc DEMARTY

Director-General for Agriculture and Rural Development

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[1] OJ L 299, 16.11.2007, p. 1.
[2] OJ L 161, 29.6.1996, p. 125.
[3] OJ L 319, 29.11.2008, p. 56.

ANNEX I

Import duties on the products referred to in Article 136(1) of Regulation (EC) No 1234/2007 applicable from 2 December 2008

CN code	Description	Import duties [1] (EUR/t)
1001 10 00	Durum wheat, high quality	0,00
	medium quality	0,00
	low quality	0,00
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	High quality common wheat, other than for sowing	0,00
1002 00 00	Rye	35,10
1005 10 90	Maize seed other than hybrid	21,34
1005 90 00	Maize, other than seed [2]	21,34
1007 00 90	Grain sorghum other than hybrids for sowing	35,10

[1] For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal the importer may benefit, under Article 2(4) of Regulation (EC) No 1249/96, from a reduction in the duty of:

— 3 EUR/t, where the port of unloading is on the Mediterranean Sea, or

— 2 EUR/t, where the port of unloading is in Denmark, Estonia, Ireland, Latvia, Lithuania, Poland, Finland, Sweden, the United Kingdom or the Atlantic coast of the Iberian peninsula.

[2] The importer may benefit from a flatrate reduction of EUR 24 per tonne where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

ANNEX II

Factors for calculating the duties laid down in Annex I

28.11.2008

1. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

(EUR/t)

	Common wheat (1)	Maize	Durum wheat, high quality	Durum wheat, medium quality (2)	Durum wheat, low quality (3)	Barley
Exchange	Minnéapolis	Chicago	—	—	—	—
Quotation	190,56	112,79	—	—	—	—
Fob price USA	—	—	241,10	231,10	211,10	114,32
Gulf of Mexico premium	—	12,34	—	—	—	—
Great Lakes premium	27,27	—	—	—	—	—

(1) Premium of 14 EUR/t incorporated (Article 4(3) of Regulation (EC) No 1249/96).
(2) Discount of 10 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).
(3) Discount of 30 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

2. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

Freight costs: Gulf of Mexico–Rotterdam:	11,39 EUR/t
Freight costs: Great Lakes–Rotterdam:	9,04 EUR/t

II

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

DECISIONS

COMMISSION

COMMISSION DECISION

of 20 November 2008

on guidelines for the purpose of the risk-based animal health surveillance schemes provided for in Council Directive 2006/88/EC

(notified under document number C(2008) 6787)

(Text with EEA relevance)

(2008/896/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2006/88/EC of 24 October 2006 on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals [1], and in particular Article 10(4) thereof,

Whereas:

(1) Directive 2006/88/EC lays down minimum control measures to be applied in the event of suspicion of, or an outbreak of certain diseases in aquatic animals. In addition, Part II of Annex IV to that Directive lists certain exotic and non-exotic diseases.

(2) Article 10(1) of Directive 2006/88/EC provides that Member States are to ensure that a risk-based animal health surveillance scheme is applied in all farms and mollusc farming areas, as appropriate for the type of production. Such schemes are to take account of guidelines to be drawn up in accordance with the procedure referred to in Article 10(4) of that Directive.

(3) Pursuant to Directive 2006/88/EC, the aim of the animal health surveillance schemes is to detect any increased mortality in all farms and mollusc farming areas, as appropriate for the type of production, as well as to detect the diseases listed in Part II of Annex IV to that Directive, in farms and mollusc farming areas where species susceptible to those diseases are present. In addition, pursuant to Part B of Annex III to Directive 2006/88/EC, inspections carried out as part of such schemes also aim at advising the aquaculture production business operators on aquatic animal health issues, and where needed, at undertaking the necessary veterinary measures.

(4) Due to the diversity of the aquaculture industry in the Community, the risk-based animal health surveillance schemes need to be adapted to the structure of that industry and to the animal health situation in each Member State. The guidelines to be taken into account by the Member States for the purpose of such schemes should therefore be limited to giving general guidance.

(5) It is therefore appropriate to lay down the guidelines to be taken into account for the purpose of the risk-based animal health surveillance schemes in this Decision.

[1] OJ L 328, 24.11.2006, p. 14.

(6) The measures laid down in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

The guidelines to be taken into account for the purpose of the risk-based animal health surveillance schemes, provided for in Article 10(1) of Directive 2006/88/EC, are set out in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 20 November 2008.

For the Commission
Androulla VASSILIOU
Member of the Commission

ANNEX

GUIDELINES TO BE TAKEN INTO ACCOUNT FOR THE PURPOSE OF THE RISK-BASED ANIMAL HEALTH SURVEILLANCE SCHEMES PROVIDED FOR IN ARTICLE 10(1) OF DIRECTIVE 2006/88/EC

1. Purpose of these guidelines

The purpose of these guidelines is to provide Member States with guidance on the risk-based animal health surveillance schemes provided for in Article 10(1) of Directive 2006/88/EC (the risk-based animal health surveillance schemes).

2. Content of inspections

2.1. CHECKING OF RECORDS AND CLINICAL EXAMINATIONS

Each inspection of a farm or mollusc farming area should consist of an analysis of the records provided for in Article 8 of Directive 2006/88/EC, with particular attention being paid to the mortality records, in order to enable an assessment to be made of the health status track-record of the farm or mollusc farming area.

A representative selection of all epidemiological units should be inspected.

If available, a representative selection of recently dead and moribund aquaculture animals should be examined clinically, both externally and internally, for major pathological changes. That examination should, in particular, aim at detecting any infection with a disease listed in Part II of Annex IV to Directive 2006/88/EC (a listed disease).

If the outcome of that examination leads to any suspicion of the presence of such a disease, the aquaculture animals in the farm or mollusc farming area should be subjected to laboratory examination.

Detailed rules on actions to be taken in cases of suspicion and/or confirmation of a listed disease are laid down in Chapter V of Directive 2006/88/EC.

2.2. SAMPLING AND LABORATORY EXAMINATION

The taking of samples for laboratory examination is not necessary in all cases. In determining whether sampling is necessary, the information gained when checking the records of the farm or mollusc farming area and when inspecting the aquaculture animals, as well as other relevant information should be taken into account.

3. Choosing between the competent authority, private veterinarians and other qualified aquatic animal health service for carrying out the inspections

Member States should determine whether the inspections which are part of the risk-based animal health surveillance schemes are to be carried out by the competent authority or whether private veterinarians or other qualified aquatic animal health services should also be permitted to carry them out.

4. Frequency of inspections

Part B of Annex III to Directive 2006/88/EC sets out recommended frequencies for inspections of farms and mollusc farming areas. Those frequencies are determined by two factors:

(a) the health status of the concerned Member State, zone or compartment in relation to non-exotic diseases listed in Part II of Annex IV to that Directive (listed non-exotic diseases);

(b) the risk level of the farm or mollusc farming area in relation to the contracting and spreading of diseases.

5. **The health status of the farms and mollusc farming areas**

Part B of Annex III to Directive 2006/88/EC differentiates between the following health status categories:

Category I (a) Declared disease-free in accordance with Article 49(1)(a) or (b) or Article 50(1)(a) or (b) of Directive 2006/88/EC. Such status is determined by the fact that:

(i) none of the species susceptible to the disease(s) in question is present in the Member State, zone or compartment, and where relevant in the water source of that Member State, zone or compartment; or

(ii) the pathogen is known not to be able to survive in the Member State, zone or compartment, and where relevant in the water source of that Member State, zone or compartment.

(b) Declared disease-free in accordance with Article 49(1)(c) or Article 50(1)(c) of Directive 2006/88/EC. The status is based on targeted surveillance complying with the conditions laid down in Part II of Annex V to Directive 2006/88/EC.

Category II Not declared disease-free but subject to a surveillance programme approved in accordance with Article 44(1) of Directive 2006/88/EC.

Category III Not known to be infected but not subject to surveillance programme for achieving disease-free status.

Category IV Known to be infected but subject to an eradication programme approved in accordance with Article 44(2) of Directive 2006/88/EC.

Category V Known to be infected. Subject to minimum control measures as provided for in Chapter V of Directive 2006/88/EC.

Where appropriate, inspections carried out in the framework of a risk-based animal health surveillance scheme may be combined with:

(a) inspections carried out in the framework of surveillance or eradication programmes approved in accordance with Directive 2006/88/EC (for zones or compartments falling within categories II or IV);

(b) any surveillance carried out to maintain the disease-free status (for zones or compartments falling within category I – declared disease-free in accordance with Article 49(1)(a) or (b) or Article 50(1)(a) or (b) of Directive 2006/88/EC);

(c) any surveillance carried out as part of control measures pursuant to Chapter V of Directive 2006/88/EC (for zones or compartments falling within category V).

When drawing up risk-based animal health surveillance schemes, Member States should take account of the following:

(a) for farms or mollusc farming areas situated in areas which have a health status falling within categories II and IV, the inspection frequency required by surveillance or eradication programmes approved in accordance with Directive 2006/88/EC is higher than the frequency recommended by Part B of Annex III to that Directive; it is therefore not necessary for Member States to lay down specific requirements concerning the inspection frequency for farms and mollusc farming areas situated in areas covered by such programmes;

(b) the need for Member States to lay down specific requirements on the frequency of inspections under a risk-based animal health surveillance scheme exists mainly for farms or mollusc farming areas situated in areas which have a health status falling within categories I, III and V, depending on the particular circumstances and national measures;

(c) consideration should be given to the fact that a farm or mollusc farming area may have a different health status in relation to different diseases; this may be the case for farms and mollusc farming areas keeping species which are susceptible to more than one of the listed non-exotic diseases [1].

6. The determination of the risk level of farms and mollusc farming areas

6.1. INTRODUCTION

The risk level of farms and mollusc farming areas varies, not only between areas having a different health status, but also within areas with the same health status [2].

Section 6.2 gives guidance on the risk factors to be taken into account when determining the risk level of farms and mollusc farming areas.

Section 6.3 sets out a model which may be used for the classification of farms and mollusc farming areas as having a high, medium or low risk level. Member States may use other models to determine the risk level of farms and mollusc farming areas, if such models are considered more suited in a given situation.

These guidelines do not provide information concerning the way Member States should apply the model set out in Section 6.3. Member States may:

(a) apply that model to each individual farm and mollusc farming area to determine its individual risk level; or

(b) use the model to catalogue the different types of farms and mollusc farming areas on their territory and, on that basis, define which categories of farms and mollusc farming areas should be regarded as having a low, medium or high risk level.

6.2. RISK FACTORS

A wide range of factors are relevant in determining the risk level of a farm or mollusc farming area. Such factors may include, but are not limited to the following:

(a) the direct spread of disease via water;

(b) the movements of aquaculture animals;

(c) the type of production;

(d) the species of aquaculture animals kept;

(e) the bio-security system, including staff competence and training;

(f) the density of farms and mollusc farming areas and processing establishments in the area around the farm or mollusc farming area concerned;

(g) the proximity of farms and mollusc farming areas having lower health status to the farm or mollusc farming area concerned;

(h) the health status track record of the farm or mollusc farming area concerned and of other farms and mollusc farming areas situated in the area;

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[1] For example, a rainbow trout farm might be free of infectious salmon anaemia (Category I), be under Category II (under an approved surveillance programme) for viral haemorrhagic septicaemia and have unknown status as regards infectious haematopoietic necrosis (Category III).

[2] For example, a farm which is declared free of a listed non-exotic disease, in general presents a low risk of spreading such a disease. However, a farm producing its own juveniles presents a much lower risk than a farm buying all its juveniles from one or more different suppliers.

(i) the presence of disease pathogens in wild aquatic animals in the area around the farm or mollusc farming area concerned;

(j) the risk posed by human activities in the proximity of the farm or mollusc farming area concerned [1];

(k) predators or birds with access to the farm or mollusc farming area concerned.

The use of a complex system for the assessment of risk levels of farms and mollusc farming areas, taking into account all relevant risk factors, may provide a precise classification of farms and mollusc farming areas according to their risk level. However, such a system may also be time-consuming and not cost-efficient. In addition, the weighting of different factors in order to asses the overall risk is a complicated operation.

In view of the difficulties of using a complex system to classify farms and mollusc farming areas according to their risk level, it is appropriate in most cases to focus on the following risk factors:

(a) the direct spread of disease via water and due to the geographical proximity of the farms and mollusc farming areas;

(b) the movements of aquaculture animals.

Those two risk factors are relevant regardless of the type of production, of the species of aquaculture animals kept on the farm or mollusc farming area and of the diseases concerned.

6.3. MODEL TO DETERMINE THE RISK LEVEL OF FARMS AND MOLLUSC FARMING AREAS

This model to determine the risk level (high/medium/low) of farms or mollusc farming areas comprises three steps:

Step I: Approximation of the likelihood of the contraction of disease on the farm or in the mollusc farming area;

Step II: Approximation of the likelihood of the spread of disease from the farm or mollusc farming area;

Step III: Combining the estimates of risk levels resulting from steps I and II.

Step I

Approximation of the likelihood of the contraction of disease on the farm or in the mollusc farming area

Likelihood of the contraction of disease via water and due to the geographical proximity of farms and mollusc farming areas	Likelihood of the contraction of disease through movements of aquaculture animals	Level of risk
High	High	High
High	Low	Medium
Low	High	Medium
Low	Low	Low

[1] Such as transport routes, ports (ballast water), angling.

Step II

Approximation of the likelihood of the spread of disease from the farm or mollusc farming area

Likelihood of the spread of disease via water and due to the geographical proximity of farms and mollusc farming areas	Likelihood of the spread of disease through movements of aquaculture animals	Level of risk
High	High	High
High	Low	Medium
Low	High	Medium
Low	Low	Low

Step III

Combining the estimates of risk levels resulting from steps I and II

Step I. Likelihood of the contraction of disease				
	High	M	H	H
	Medium	L	M	H
	Low	L	L	M
		Low	Medium	High

Step II. Likelihood of the spread of disease

6.4. THE RISK LEVEL FOR CERTAIN FARMS AND MOLLUSC FARMING AREAS FALLING WITHIN HEALTH STATUS CATEGORY I

Farms and mollusc farming areas which do not keep species susceptible to any of the listed non-exotic diseases, or where the pathogen in question is known not to be able to survive in the Member State, zone or compartment and, where relevant, in its water source may, pursuant to Part B of Annex III to Directive 2006/88/EC, all be regarded as having a low risk level. It is therefore not necessary, in principle, for the risk-based animal health surveillance scheme to include different frequencies of inspections.

However, those farms and mollusc farming areas may have different levels of risk as regards the contraction and spread of listed non-exotic diseases or emerging diseases. Member States may therefore classify those farms and mollusc farming areas according to their risk level and thus differentiate their level of surveillance and inspection. In doing so, Member States may also take into account the need to optimise the use of resources.

6.5. APPROXIMATION OF THE LIKELIHOOD OF THE CONTRACTION AND THE SPREAD OF DISEASE VIA WATER AND DUE TO GEOGRAPHICAL PROXIMITY OF FARMS AND MOLLUSC FARMING AREAS

6.5.1. *Introduction*

Farms and mollusc farming areas have a low risk of the contraction and the spread of disease if the sources and outlet of water or the water environment in which the farm or mollusc farming area is located can be regarded as giving a certain level of protection from the introduction and spread of pathogens of diseases. The risk of the contraction and spread of a disease on and from a farm or a mollusc farming area via water and due to geographical proximity of the farms and mollusc farming areas varies greatly [1].

The model set out in Section 6.3 only distinguishes between high and low likelihoods for the spread of diseases via water and due to the geographical proximity of farms and mollusc farming areas.

This section provides examples of situations that may be regarded as presenting a low likelihood for the contraction and spread of disease via water and due to the geographical proximity of farms and mollusc farming areas.

[1] For example, from a covered recirculation system with water sourced from a borehole and where the outlet water is disinfected (very low risk), to a sea cage farm with a large number of farms in its proximity (very high risk).

The list of examples provided in this section is not exhaustive. It should therefore not be concluded that farms and mollusc farming areas not covered by any of these examples present a high likelihood for the contraction or spread of diseases.

6.5.2. *Examples of low risk for the contraction of disease via water and due to the geographical proximity of farms and mollusc farming areas:*

(a) farms and mollusc farming areas supplied with water through a borehole or spring;

(b) farms and mollusc farming areas supplied with water which is disinfected or treated in order to prevent the introduction of pathogens;

(c) farms and mollusc farming areas supplied with water from any other water source which:

(i) are not connected to farms or mollusc farming areas, or processing establishments, keeping or processing species susceptible to the same diseases as the species kept in the farm or mollusc farming area concerned;

(ii) do not contain wild aquatic animals of susceptible species;

(d) inland water basins, including ponds and lakes, which are isolated from other water sources; in determining whether the water basin should be regarded as isolated, consideration should be given to seasonal changes such as the possibility of contact with other water sources through flooding;

(e) coastal farms and mollusc farming areas which are protected by a safe distance from other farms and mollusc farming areas and from processing establishments keeping or processing species susceptible to the same diseases as the species kept in the farm or mollusc farming areas concerned; what should constitute a safe distance needs to be determined by the competent authority, taking into account factors such as the ability of the relevant pathogens to survive in open waters, the water currents and the length of tidal excursions.

6.5.3. *Examples of low risk for the spread of disease via water and due to the geographical proximity of farms and mollusc farming areas:*

(a) farms and mollusc farming areas with no discharge into natural waterways [1];

(b) farms and mollusc farming areas which disinfect, or in any other manner treat the water discharge, to prevent the spread of pathogens;

(c) farms and mollusc farming areas which discharge their water into public sewage systems provided that the public sewage system contains a form of treatment of the sewage water; however, if the sewage water is discharged into natural water ways without any treatment, such farms and mollusc farming areas should not be regarded as constituting a low likelihood;

(d) farms and mollusc farming areas with no discharge into waters with aquaculture or wild aquatic animals of species susceptible to the relevant listed disease(s);

(e) inland water basins, including ponds and lakes, which are isolated from other water sources; in determining whether the water basin should be regarded as isolated, consideration should be given to seasonal changes such as the possibility of any contact with other water sources through flooding;

(f) coastal farms and mollusc farming areas which are protected by a safe distance from other farms and mollusc farming areas keeping species which are susceptible to the same diseases as the species kept in the farm or mollusc farming areas concerned; what should constitute a safe distance needs to be determined by the competent authority taking into account factors such as the ability of the relevant pathogens to survive in open waters, the water currents, and the length of tidal excursions.

[1] For example, inland farms which lead their outlet water into the ground or on the fields.

6.6. APPROXIMATION OF THE LIKELIHOOD OF THE CONTRACTION AND SPREAD OF DISEASE THROUGH MOVEMENTS OF AQUACULTURE ANIMALS

6.6.1. *Introduction*

Movements of live aquaculture animals into and out of farms and mollusc farming areas are a very important means for the transmission of disease.

In evaluating that factor, the following should be assessed:

(a) the place of origin of the aquaculture animals;

(b) the number of aquaculture animals supplied to the farm or mollusc farming area;

(c) the number of different suppliers of aquaculture animals;

(d) the frequency of movements of aquaculture animals into and out of farms and mollusc farming areas.

The model set out in Section 6.3 only recommends that farms be grouped together according to their high or low risk of the contraction and the spread of disease through movements of aquaculture animals. For the purposes of that model, it is therefore sufficient only to take account of whether the farm or mollusc farming area is supplied by or delivers live aquaculture animals (including eggs), and the place of origin of those animals.

This section provides examples of situations that may be regarded as presenting a low risk for the contraction and spread of disease through movements of aquaculture animals.

The list of examples provided in this section is not exhaustive. It should therefore not be concluded that farms and mollusc farming areas not covered by any of these examples present a high risk of the contraction and the spread of disease.

6.6.2. *Examples of low likelihood of the contraction of disease through the supply of aquaculture animals to farms and mollusc farming areas:*

(a) farms and mollusc farming areas which are self sufficient with eggs or juveniles [1];

(b) cases where the aquaculture animals are supplied only from disease-free zones or compartments. For farms in health status Categories III and V there is no requirement under existing Community legislation that aquaculture animals be supplied from disease-free zones or compartments, and the fact that the farm chooses to obtain its animals from a disease-free zone or compartment distinguishes the farm from other farms in the same health status category. Farms in health status Category I should only receive animals from a disease-free place of origin. For these farms, it should therefore be required instead that the animals are either supplied from the same disease-free area or that the farm only has a limited number of suppliers of aquaculture animals;

(c) cases where wild aquatic animals, released from quarantine and intended for further farming, are supplied;

(d) cases where disinfected eggs are supplied; this is relevant only where scientific evidence or practical experience has shown that disinfection effectively reduces the risk of disease transmission to an acceptable level as regards the listed diseases to which the species on the farm or mollusc farming area are susceptible.

6.6.3. *Examples of low likelihood of the spread of disease through the delivery of aquaculture animals to farms or mollusc farming areas:*

(a) farms and mollusc farming areas which do not deliver any animals for further farming, relaying or restocking;

(b) fish farms which only deliver disinfected eggs; this is only relevant where scientific evidence or practical experience has shown that disinfection effectively reduces the risk of disease transmission to an acceptable level as regards the listed exotic or non-exotic diseases to which the species on the farm are susceptible.

[1] This could be the case for fish farms keeping their own brood stock and for mollusc farms and mollusc farming areas where the production is based on natural recruitment of spat.

COMMISSION DECISION

of 28 November 2008

approving annual and multi-annual programmes and the financial contribution from the Community for the eradication, control and monitoring of certain animal diseases and zoonoses presented by the Member States for 2009 and following years

(notified under document number C(2008) 7415)

(2008/897/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field [1], and in particular Article 24(5) thereof,

Whereas:

(1) Decision 90/424/EEC lays down the procedures governing the Community's financial contribution for programmes for the eradication, control and monitoring of animal diseases and zoonoses.

(2) In addition, Article 24(1) of Decision 90/424/EEC provides that a Community financial measure is to be introduced to reimburse the expenditure incurred by the Member States for the financing of national programmes for the eradication, control and monitoring of the animal diseases and zoonoses listed in the Annex to that Decision.

(3) Council Decision 2006/965/EC of 19 December 2006 amending Decision 90/424/EEC on expenditure in the veterinary field [2] replaced Article 24 to that Decision by a new provision. By way of transitional measures, Decision 2006/965/EC provided that programmes for enzootic bovine leucosis and for Aujeszky's disease could continue to be funded until 31 December 2010.

(4) Commission Decision 2008/341/EC of 25 April 2008 laying down Community criteria for national programmes for the eradication, control and monitoring of certain animal diseases and zoonoses [3] provides that in order to be approved under the measures provided for in Article 24(1) of Decision 90/424/EEC, programmes submitted by the Member States must meet the criteria set out in the Annex to Decision 2008/341/EC.

(5) Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies [4], provides for annual monitoring programmes by Member States for transmissible spongiform encephalopathies (TSEs) in bovine, ovine and caprine animals.

(6) Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian influenza [5] also provides for surveillance programmes by Member States to be carried out in respect of poultry and wild birds in order to contribute, inter alia, on the basis of regularly updated risk assessments, to the knowledge on the threats posed by the wild birds in relation to any influenza virus of avian origin in birds. Those annual programmes, and their financing, for monitoring should also be approved.

(7) Certain Member States have submitted to the Commission annual programmes for the eradication, control and monitoring of animal diseases, programmes of checks aimed at the prevention of zoonoses, and annual monitoring programmes for the eradication and monitoring of certain TSEs for which they wish to receive a financial contribution from the Community.

(8) In 2008, certain multi-annual programmes submitted by Member States for the eradication, control and monitoring of the animal diseases were approved under Commission Decision 2007/782/EC [6]. The commitment of the expenditure for those multi-annual programmes was adopted in accordance with Article 76(3) of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Union. [7]. The first budget commitment for those programmes was made after their approval. Each subsequent annual commitment should be made by the Commission in function of the execution of the programme for the previous year, on the basis of a decision to grant a contribution referred to in Article 24(5) of Decision 90/424/EEC.

[1] OJ L 224, 18.8.1990, p. 19.
[2] OJ L 397, 30.12.2006, p. 22.
[3] OJ L 115, 29.4.2008, p. 44.
[4] OJ L 147, 31.5.2001, p. 1.
[5] OJ L 10, 14.1.2006, p. 16.
[6] OJ L 314, 1.12.2007, p. 29.
[7] OJ L 248, 16.9.2002, p. 1.

(9) The Commission has assessed the annual programmes submitted by the Member States, as well as the subsequent year (second) of the multi-annual programmes approved in 2008, from both the veterinary and the financial point of view. Those programmes were found to comply with relevant Community veterinary legislation and in particular with the criteria set out in Decision 2008/341/EC.

(10) In the light of the importance of the annual and multi-annual programmes for the achievement of Community objectives in the field of animal and public health, as well as the obligatory application in all Member States in the case of the TSE and avian influenza programmes, it is appropriate to fix the appropriate rate of financial contribution of the Community to reimburse the costs to be incurred by the Member States concerned for the measures referred to in this Decision up to a maximum amount for each programme.

(11) Council Directive 2006/88/EC of 24 October 2006 on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals [1] provides that Member States known to be infected by one or more of the diseases listed in Part II of Annex IV to that Directive should draw up eradication programmes for those diseases.

(12) Article 17 of Council Regulation (EC) No 1198/2006 of 27 July 2006 on the European Fisheries Fund [2] provides that Member States are to draw up operational programmes to implement the policies and priorities to be co-financed by the European Fisheries Fund. Article 32 of that Regulation provides that the Community may contribute to the financing of the control and eradication of diseases in aquaculture under the terms of Decision 90/424/EEC. Pursuant to Decision 90/424/EEC, Member States may allocate funds within those operational programmes for the eradication of the diseases in aquaculture animals referred to in the Annex to Decision 90/424/EEC.

(13) Certain Member States have drawn up multi-annual programmes for the eradication of certain diseases in aquatic animals, listed both in Part II of Annex IV to Directive 2006/88/EC and in the Annex to Decision 90/424/EEC. Those programmes have been technically assessed by the Commission and should therefore be approved.

(14) For the sake of better management, more efficient use of Community funds and improved transparency, it is also necessary to fix for each programme (except for multi-annual programmes for the eradication of certain diseases in aquatic animals for which the financial contribution will be fixed after their technical approval), where appropriate, average cost to be reimbursed to the Member States for certain costs, such as the tests used in the Member States and compensation to owners for their losses due to the slaughter or culling of animals.

(15) Under Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy [3], programmes for the eradication and control of animal diseases are to be financed under the European Agricultural Guarantee Fund. For financial control purposes, Articles 9, 36 and 37 of that Regulation are to apply.

(16) The financial contribution from the Community should be granted subject to the condition that the actions planned are efficiently carried out and that the competent authorities supply all the necessary information within the time limits laid down in this Decision.

(17) For reasons of administrative efficiency all expenditure submitted for a financial contribution by the Community should be expressed in euro. In accordance with Regulation (EC) No 1290/2005, the conversion rate for expenditure in a currency other than the euro should be the most recent exchange rate set by the European Central Bank prior to the first day of the month in which the application is submitted by the Member State concerned.

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

HAS ADOPTED THIS DECISION:

CHAPTER I

ANNUAL PROGRAMMES

Article 1

Bovine brucellosis

1. The programmes for the eradication of bovine brucellosis submitted by Ireland, Spain, Italy, Malta, Cyprus, Portugal and the United Kingdom are hereby approved for the period from 1 January 2009 to 31 December 2009.

[1] OJ L 328, 24.11.2006, p. 14.
[2] OJ L 223, 15.8.2006, p. 1.
[3] OJ L 209, 11.8.2005, p. 1.

2. The financial contribution by the Community shall be at the rate of 50 % of the costs to be incurred by each Member State referred to in paragraph 1 for the cost of carrying out laboratory tests, the compensation to owners for the value of their animals slaughtered subject to those programmes and the purchase of vaccine doses, and shall not exceed:

(a) EUR 1 100 000 for Ireland;

(b) EUR 3 000 000 for Spain;

(c) EUR 5 000 000 for Italy;

(d) EUR 77 000 for Cyprus;

(e) EUR 20 000 for Malta;

(f) EUR 1 400 000 for Portugal;

(g) EUR 2 000 000 for the United Kingdom.

3. The maximum of the costs to be reimbursed to the Member States for the programmes referred to in paragraph 1 shall on average not exceed:

(a) for a rose bengal test	EUR 0,2 per test;
(b) for a SAT test	EUR 0,2 per test;
(c) for a complement fixation test	EUR 0,4 per test;
(d) for an ELISA test	EUR 1 per test;
(e) for animals slaughtered	EUR 375 per animal.

Article 2

Bovine tuberculosis

1. The programmes for the eradication of bovine tuberculosis submitted by Ireland, Spain, Italy, Poland and Portugal are hereby approved for the period from 1 January 2009 to 31 December 2009.

2. The financial contribution by the Community shall be at the rate of 50 % of the costs to be incurred by each Member State referred to in paragraph 1 for the costs of carrying out tuberculin and gamma-interferon tests and the compensation to owners for the value of their animals slaughtered subject to those programmes, and shall not exceed:

(a) EUR 2 000 000 for Ireland;

(b) EUR 5 000 000 for Spain;

(c) EUR 2 700 000 for Italy;

(d) EUR 1 100 000 for Poland;

(e) EUR 1 000 000 for Portugal.

3. The maximum of the costs to be reimbursed to the Member States for the programmes referred to in paragraph 1 shall on average not exceed:

(a) for a tuberculin test	EUR 1 per test;
(b) for a gamma-interferon test	EUR 5 per test;
(c) for animals slaughtered	EUR 375 per animal.

Article 3

Ovine and caprine brucellosis

1. The programmes for the eradication of ovine and caprine brucellosis submitted by Greece, Spain, Italy, Cyprus and Portugal are hereby approved for the period from 1 January 2009 to 31 December 2009.

2. The financial contribution by the Community shall be at the rate of 50 % of the costs to be incurred by each Member State referred to in paragraph 1 for the purchase of vaccines, the cost of carrying out laboratory tests and the compensation to owners for the value of their animals slaughtered subject to those programmes, and shall not exceed:

(a) EUR 250 000 for Greece;

(b) EUR 4 500 000 for Spain;

(c) EUR 4 000 000 for Italy;

(d) EUR 75 000 for Cyprus;

(e) EUR 1 100 000 for Portugal.

3. The maximum of the costs to be reimbursed to the Member States for the programmes referred to in paragraph 1 shall on average not exceed:

(a) for a rose bengal test EUR 0,2 per test;

(b) for a complement fixation test EUR 0,4 per test;

(c) for animals slaughtered EUR 50 per animal.

Article 4

Bluetongue in endemic or high risk areas

1. The programmes for the eradication and monitoring of bluetongue submitted by Belgium, Bulgaria, the Czech Republic, Denmark, Germany, Estonia, Ireland, Greece, Spain, France, Italy, Latvia, Lithuania, Luxembourg, Hungary, Malta, the Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Finland and Sweden are hereby approved for the period from 1 January 2009 to 31 December 2009.

2. The financial contribution by the Community shall be at the rate of 50 % of the costs to be incurred by each Member State referred to in paragraph 1 for the cost of carrying out the laboratory tests for virological, serological and entomological surveillance and the purchase of traps and vaccines, and shall not exceed:

(a) EUR 1 200 000 for Belgium;

(b) EUR 5 000 for Bulgaria;

(c) EUR 790 000 for the Czech Republic;

(d) EUR 840 000 for Denmark;

(e) EUR 4 100 000 for Germany;

(f) EUR 10 000 for Estonia;

(g) EUR 1 000 000 for Ireland;

(h) EUR 50 000 for Greece;

(i) EUR 16 100 000 for Spain;

(j) EUR 19 100 000 for France;

(k) EUR 9 000 000 for Italy;

(l) EUR 70 000 for Latvia;

(m) EUR 50 000 for Lithuania;

(n) EUR 220 000 for Luxembourg;

(o) EUR 500 000 for Hungary;

(p) EUR 5 000 for Malta;

(q) EUR 2 100 000 for the Netherlands;

(r) EUR 1 500 000 for Austria;

(s) EUR 500 000 for Poland;

(t) EUR 3 200 000 for Portugal;

(u) EUR 250 000 for Romania;

(v) EUR 250 000 for Slovenia;

(w) EUR 50 000 for Finland;

(x) EUR 370 000 for Sweden.

3. The maximum of the costs to be reimbursed to the Member States for the programmes referred to in paragraph 1 shall on average not exceed:

(a) for an ELISA test EUR 2,5 per test;

(b) for a PCR test EUR 10 per test;

(c) For vaccine purchase EUR 0,3 per dose.

Article 5

Salmonellosis (zoonotic salmonella) in breeding, laying and broiler flocks of *Gallus gallus*

1. The programmes for the control of certain zoonotic salmonella in breeding, laying and broiler flocks of *Gallus gallus* submitted by Belgium, Bulgaria, the Czech Republic, Denmark, Estonia, Germany, Ireland, Greece, Spain, France, Italy, Cyprus, Latvia, Luxembourg, Hungary, Malta, the Netherlands, Austria, Poland, Portugal, Romania, Slovakia, Slovenia and the United Kingdom are hereby approved for the period from 1 January 2009 to 31 December 2009.

2. The financial contribution by the Community shall be at the rate of 50 % of the costs to be incurred by each Member State referred to in paragraph 1 for the cost of carrying out bacteriological and serotyping tests in the framework of official sampling, the compensation to owners for the value of the birds culled and of the destroyed eggs, the purchase of vaccine doses and the laboratory tests to verify the efficiency of disinfection and shall not exceed:

(a) EUR 850 000 for Belgium;

(b) EUR 30 000 for Bulgaria;

(c) EUR 1 400 000 for the Czech Republic;

(d) EUR 75 000 for Denmark;

(e) EUR 25 000 for Estonia;

(f) EUR 600 000 for Germany;

(g) EUR 40 000 for Ireland;

(h) EUR 550 000 for Greece;

(i) EUR 4 750 000 for Spain;

(j) EUR 3 250 000 for France;

(k) EUR 1 100 000 for Italy;

(l) EUR 76 000 for Cyprus;

(m) EUR 270 000 for Latvia;

(n) EUR 16 000 for Luxembourg;

(o) EUR 1 450 000 for Hungary;

(p) EUR 110 000 for Malta;

(q) EUR 1 700 000 for the Netherlands;

(r) EUR 525 000 for Austria;

(s) EUR 1 550 000 for Poland;

(t) EUR 500 000 for Portugal;

(u) EUR 450 000 for Romania;

(v) EUR 625 000 for Slovakia;

(w) EUR 25 000 for Slovenia;

(x) EUR 20 000 for the United Kingdom.

3. The maximum of the costs to be reimbursed to the Member States for the programmes referred to in paragraph 1 shall on average not exceed:

(a) for a bacteriological test (cultivation)	EUR 5,0 per test;
(b) for the purchase of one vaccine dose	EUR 0,05 per dose;
(c) for serotyping of relevant isolates of Salmonella spp.	EUR 20 per test;
(d) for the analysis to verify the efficiency of the use of disinfectants	EUR 5,0 per test;
(e) for the culling of a breeding bird of *Gallus gallus*	EUR 3,5 per bird;
(f) for the culling of a laying bird of *Gallus gallus*	EUR 1,5 per bird.

Article 6

Classical swine fever and African swine fever

1. The programmes for the control and monitoring of:

(a) Classical swine fever submitted by Bulgaria, Germany, France, Luxembourg, Hungary, Romania, Slovenia and Slovakia are hereby approved for the period from 1 January 2009 to 31 December 2009.

(b) African swine fever submitted by Italy is hereby approved for the period from 1 January 2009 to 31 December 2009.

2. The financial contribution by the Community shall be at the rate of 50 % of the costs to be incurred by each Member State referred to in paragraph 1 for the cost of carrying out virological and serological tests of domestic pigs and wild boars and for the programmes submitted by Bulgaria, Germany, France, Romania and Slovakia also at the rate of 50 % of the costs to be incurred for the purchase and distribution of vaccines plus baits for the vaccination of wild boars and, for Romania, for the vaccination of domestic pigs as well, and shall not exceed:

(a) EUR 200 000 for Bulgaria;

(b) EUR 800 000 for Germany;

(c) EUR 550 000 for France;

(d) EUR 100 000 for Italy;

(e) EUR 350 000 for Hungary;

(f) EUR 5 000 for Luxembourg;

(g) EUR 2 500 000 for Romania;

(h) EUR 30 000 for Slovenia;

(i) EUR 550 000 for Slovakia.

3. The maximum of the costs to be reimbursed to the Member States for the programmes referred to in paragraph 1 shall on average not exceed for an ELISA test EUR 2,5 per test.

Article 7

Swine vesicular disease

1. The programme for the eradication of swine vesicular disease submitted by Italy is hereby approved for the period from 1 January 2009 to 31 December 2009.

2. The financial contribution by the Community shall be at the rate of 50 % of the cost of laboratory tests and shall not exceed EUR 500 000.

Article 8

Avian influenza in poultry and wild birds

1. The survey programmes for avian influenza in poultry and wild birds submitted by Belgium, Bulgaria, the Czech Republic, Denmark, Germany, Estonia, Ireland, Greece, Spain, France, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, the Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland, Sweden and the United Kingdom are hereby approved for the period from 1 January 2009 to 31 December 2009.

2. The financial contribution by the Community shall be at the rate of 50 % of the costs to be incurred by each Member State for the costs of carrying out laboratory tests and a lump sum for sampling of wild birds, and shall not exceed:

(a) EUR 90 000 for Belgium;

(b) EUR 70 000 from Bulgaria;

(c) EUR 60 000 for the Czech Republic;

(d) EUR 200 000 for Denmark;

(e) EUR 500 000 for Germany;

(f) EUR 7 000 for Estonia;

(g) EUR 60 000 for Ireland;

(h) EUR 70 000 for Greece;

(i) EUR 350 000 for Spain;

(j) EUR 200 000 for France;

(k) EUR 550 000 for Italy;

(l) EUR 15 000 for Cyprus;

(m) EUR 30 000 for Latvia;

(n) EUR 40 000 for Lithuania;

(o) EUR for 10 000 Luxembourg;

(p) EUR 180 000 for Hungary;

(q) EUR 7 000 for Malta;

(r) EUR 500 000 for the Netherlands;

(s) EUR 50 000 for Austria;

(t) EUR 80 000 for Poland;

(u) EUR 200 000 for Portugal;

(v) EUR 400 000 for Romania;

(w) EUR 55 000 for Slovenia;

(x) EUR 50 000 for Slovakia;

(y) EUR 35 000 for Finland;

(z) EUR 280 000 for Sweden;

(za) EUR 380 000 for the United Kingdom.

3. The maximum of the costs to be reimbursed to the Member States for the tests covered by the programmes shall on average not exceed:

(a) ELISA test	EUR 1 per test;
(b) agar gel immune diffusion test	EUR 1,2 per test;
(c) HI test for H5/H7	EUR 12 per test;
(d) virus isolation test	EUR 30 per test;
(e) PCR test	EUR 15 per test;
(f) sampling wild birds	EUR 20 per sample.

Article 9

Transmissible spongiform encephalopathies (TSE), bovine spongiform encephalopathy (BSE) and scrapie

1. The programmes for the monitoring of transmissible spongiform encephalopathies (TSE), and for the eradication of bovine spongiform encephalopathy (BSE) and of scrapie submitted by Belgium, Bulgaria, the Czech Republic, Denmark, Germany, Estonia, Ireland, Greece, Spain, France, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, the Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland, Sweden, and the United Kingdom are hereby approved for the period from 1 January 2009 to 31 December 2009.

2. The financial contribution by the Community shall be at the rate of 100 % of the costs to be incurred by each Member State referred to in paragraph 1 for carrying out rapid tests and primary molecular discriminatory tests and at the rate of 50 % of the cost incurred by each Member State for the compensation to owners for the value of their animals culled and destroyed in accordance with their BSE and scrapie eradication programmes and at a rate of 50 % of the cost of the analysis of samples for genotyping, and shall not exceed:

(a) EUR 1 850 000 for Belgium;

(b) EUR 750 000 for Bulgaria;

(c) EUR 920 000 for the Czech Republic;

(d) EUR 1 850 000 for Denmark;

(e) EUR 8 900 000 for Germany;

(f) EUR 220 000 for Estonia;

(g) EUR 5 400 000 for Ireland;

(h) EUR 2 000 000 for Greece;

(i) EUR 7 400 000 for Spain;

(j) EUR 12 600 000 for France;

(k) EUR 4 100 000 for Italy;

(l) EUR 1 800 000 for Cyprus;

(m) EUR 230 000 for Latvia;

(n) EUR 530 000 for Lithuania;

(o) EUR 105 000 for Luxembourg;

(p) EUR 990 000 for Hungary;

(q) EUR 24 000 for Malta;

(r) EUR 2 900 000 for the Netherlands;

(s) EUR 1 150 000 for Austria;

(t) EUR 3 340 000 for Poland;

(u) EUR 1 300 000 for Portugal;

(v) EUR 1 300 000 for Romania;

(w) EUR 250 000 for Slovenia;

(x) EUR 860 000 for Slovakia;

(y) EUR 750 000 for Finland;

(z) EUR 900 000 for Sweden;

(za) EUR 5 900 000 for the United Kingdom.

3. The financial contribution by the Community to the programmes referred to in paragraph 1 shall be for the tests performed and for the animals culled and destroyed and the maximum amount shall on average not exceed:

(a) EUR 5 per test, for tests carried out in bovine animals referred to in Annex III to Regulation (EC) No 999/2001;

(b) EUR 30 per test, for tests carried out in ovine and caprine animals referred to in Annex III to Regulation (EC) No 999/2001;

(c) EUR 50 per test, for tests carried out in cervid animals referred to in Annex III to Regulation (EC) No 999/2001;

(d) EUR 175 per test, for primary molecular discriminatory tests carried out as referred to in point 3.2(c)(i) of Chapter C of Annex X to Regulation (EC) No 999/2001;

(e) EUR 10 per genotyping test;

(f) EUR 500 per bovine animal;

(g) EUR 70 per culled sheep or goat.

Article 10

Rabies

1. The programmes for the eradication of rabies submitted by Bulgaria, Lithuania, Hungary, Austria, Poland, Romania and Slovakia are hereby approved for the period from 1 January 2009 to 31 December 2009.

2. The financial contribution by the Community shall be at the rate of 50 % of the costs to be incurred by each Member State referred to in paragraph 1 for the cost of carrying out laboratory tests and for the purchase and distribution of vaccine plus baits for the programmes, and shall not exceed,

(a) EUR 790 000 for Bulgaria;

(b) EUR 1 100 000 for Lithuania;

(c) EUR 780 000 for Hungary;

(d) EUR 270 000 for Austria;

(e) EUR 4 450 000 for Poland;

(f) EUR 500 000 for Romania;

(g) EUR 470 000 for Slovakia.

3. The maximum of the costs to be reimbursed to the Member States for the programmes referred to in paragraph 1 shall on average not exceed:

(a) for an ELISA test — EUR 8 per test;

(b) for a test to detect tetracycline in bone — EUR 8 per test.

Article 11

Enzootic bovine leucosis

1. The programmes for the eradication of enzootic bovine leucosis submitted by Estonia, Lithuania, Malta and Poland are hereby approved for the period from 1 January to 31 December 2009.

2. The financial contribution by the Community shall be at the rate of 50 % of the costs to be incurred by each Member State referred to in paragraph 1 for the cost of carrying out laboratory tests and compensation to owners for the value of their animals slaughtered subject to those programmes, and shall not exceed:

(a) EUR 15 000 for Estonia;

(b) EUR 20 000 for Lithuania;

(c) EUR 500 000 for Malta;

(d) EUR 800 000 for Poland.

3. The maximum of the costs to be reimbursed to the Member States for the programme referred to in paragraph 1 shall on average not exceed:

(a) for an ELISA test — EUR 0,5 per test;

(b) for an agar gel immune diffusion test — EUR 0,5 per test;

(c) for an animal slaughtered — EUR 375 per animal.

Article 12

Aujeszky's disease

1. The programmes for the eradication of Aujeszky's disease submitted by Spain, Hungary and Poland are hereby approved for the period from 1 January 2009 to 31 December 2009.

2. The financial contribution by the Community to the programmes referred to in paragraph 1 shall be at the rate of 50 % of the costs to be incurred by the concerned Member State for the cost of laboratory tests, and shall not exceed:

(a) EUR 800 000 for Spain;

(b) EUR 80 000 for Hungary;

(c) EUR 2 500 000 for Poland.

3. The maximum of the costs to be reimbursed to the Member States for the programmes referred to in paragraph 1 shall on average not exceed for an ELISA test EUR 1 per test.

CHAPTER II

MULTI-ANNUAL PROGRAMMES

Article 13

Rabies

1. The second year of the multi-annual programmes for the eradication of rabies submitted by the Czech Republic, Germany, Estonia, Latvia, Slovenia, and Finland are hereby approved for the period from 1 January 2009 to 31 December 2009.

2. The financial contribution by the Community shall be at the rate of 50 % of the costs to be incurred by each Member State referred to in paragraph 1 for the cost of carrying out laboratory tests and for the purchase and distribution of vaccine plus baits for the programmes and shall not exceed:

(a) EUR 600 000 for the Czech Republic;

(b) EUR 325 000 for Germany;

(c) EUR 1 000 000 for Estonia;

(d) EUR 1 100 000 for Latvia;

(e) EUR 370 000 for Slovenia;

(f) EUR 100 000 for Finland.

3. The maximum of the costs to be reimbursed to the concerned Member State for the programmes referred to in paragraph 1 shall on average not exceed:

(a) for an ELISA test — EUR 8 per test;

(b) for a test to detect tetracycline in bone — EUR 8 per test.

4. The amounts to be committed for the following years shall be decided in function of the execution of the programme in 2009. An indication of these amounts (in euro) is given below:

Member state	2010	2011	2012
Czech republic			
Germany			
Latvia	1 250 000		
Finland	100 000		
Estonia	1 250 000	1 250 000	
Slovenia	350 000	350 000	350 000

Article 14

Aujeszky's disease

1. The second year of the multi-annual programme for the eradication of Aujeszky's disease submitted by Belgium is hereby approved for the period from 1 January 2009 to 31 December 2009.

2. The financial contribution by the Community shall be at the rate of 50 % of the cost to be incurred by Belgium of carrying out laboratory tests and shall not exceed EUR 175 000.

3. The maximum of the costs to be reimbursed to Belgium for the programme referred to in paragraph 1 shall on average not exceed for an ELISA test EUR 1 per test.

Article 15

Enzootic bovine leucosis

1. The second year of the multi-annual programmes for the eradication of enzootic bovine leucosis submitted by Italy, Latvia, and Portugal are hereby approved for the period from 1 January 2009 to 31 December 2009.

2. The financial contribution by the Community shall be at the rate of 50 % of the costs to be incurred by each Member State referred to in paragraph 1 for the cost of carrying out laboratory tests and compensation to owners for the value of their animals slaughtered subject to those programmes and shall not exceed:

(a) EUR 800 000 for Italy;

(b) EUR 55 000 for Latvia;

(c) EUR 350 000 for Portugal.

3. The maximum of the costs to be reimbursed to the Member States for the programmes referred to in paragraph 1 shall on average not exceed:

(a) for an ELISA test — EUR 0,5 per test;

(b) for an agar gel immune diffusion test — EUR 0,5 per test;

(c) for animals slaughtered — EUR 375 per animal.

4. The amounts to be committed for 2010 shall be decided in function of the execution of the programme in 2009. An indication of these amounts (in euro) is given below:

(a) EUR 800 000 for Italy;

(b) EUR 55 000 for Latvia;

(c) EUR 350 000 for Portugal.

Article 16

Diseases in aquaculture animals

The multi-annual programme for the eradication of viral haemorrhagic septicaemia (VHS) submitted by Denmark and the programme for the eradication of koi herpes virus disease (KHV) submitted by Germany are hereby approved for the period from 1 January 2009 to 31 December 2013.

CHAPTER III

GENERAL AND FINAL PROVISIONS

Article 17

The compensation to the owners for the value of the animals culled or slaughtered and of the destroyed products shall be granted within 90 days after the slaughter or culling of the animal or the destruction of the products or after the presentation of the completed claim by the owner.

Article 9(1), (2) and (3) of Commission Regulation (EC) No 883/2006 [1] shall apply to compensation payments made outside of the 90 days.

[1] OJ L 171, 23.6.2006, p. 1.

Article 18

1. The expenditure submitted by the Member States for a financial contribution by the Community shall be expressed in euro and shall exclude value added tax and other taxes.

2. Where a Member State's expenditure is in a currency other than the euro, the Member State concerned shall convert it into euro by applying the most recent exchange rate set by the European Central Bank prior to the first day of the month in which the application is submitted by the Member State.

Article 19

1. The financial contribution by the Community for the programmes referred to in Articles 1 to 16 shall be granted provided that the Member States concerned:

(a) implement the programmes in accordance with the relevant provisions of Community law, including rules on competition and on the award of public contracts;

(b) bring into force by 1 January 2009 at the latest the laws, regulations and administrative provisions necessary for implementing the programmes referred to in Articles 1 to 16;

(c) forward to the Commission by 31 July 2009 at the latest the intermediate technical and financial reports for the programmes referred to in Articles 1 to 16, in accordance with Article 24(7)(a) of Decision 90/424/EEC;

(d) for the programmes referred to in Article 8, report to the Commission the positive and negative results of investigations detected during their surveillance of poultry and wild birds through the Commission on-line system, every three months, by forwarding those results within a period of four weeks following the end of the month covered by the report;

(e) for the programmes referred to in Articles 1 to 16, forward a final report to the Commission in accordance with Article 24(7)(b) of Decision 90/424/EEC by 30 April 2010 at the latest on the technical execution of the programme accompanied by justifying evidence as to the costs paid by the Member State and the results attained during the period from 1 January 2009 to 31 December 2009;

(f) for programmes referred to in Articles 1 to 16, implement the programme efficiently;

(g) do not, for the programmes referred to in Articles 1 to 16, submit further requests for other Community contributions for these measures, and have not previously submitted such requests.

2. Where a Member State does not comply with paragraph 1, the Commission shall reduce the financial contribution by the Community having regard to the nature and gravity of the infringement, and to the financial loss for the Community.

Article 20

This Decision shall apply from 1 January 2009.

Article 21

This Decision is addressed to the Member States.

Done at Brussels, 28 November 2008.

For the Commission
Androulla VASSILIOU
Member of the Commission

III

(Acts adopted under the EU Treaty)

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

COUNCIL JOINT ACTION 2008/898/CFSP

of 1 December 2008

extending the mandate of the European Union Special Representative to the African Union

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 14, 18(5) and 23(2) thereof,

Whereas:

(1) On 6 December 2007, the Council adopted Joint Action 2007/805/CFSP [1] appointing Mr Koen VERVAEKE as European Union Special Representative (EUSR) to the African Union.

(2) On the basis of a review of Joint Action 2007/805/CFSP, the mandate of the Special Representative should be extended for fourteen months.

(3) The EUSR is to implement his mandate in the context of a situation which may deteriorate and could harm the objectives of the Common Foreign and Security Policy, as set out in Article 11 of the Treaty,

HAS ADOPTED THIS JOINT ACTION:

Article 1

European Union Special Representative

The mandate of Mr Koen VERVAEKE as EUSR to the AU shall be extended until 28 February 2010.

Article 2

Policy objectives

The mandate of the EUSR shall be based on the EU's comprehensive policy objectives in support of African efforts to build a peaceful, democratic and prosperous future as set out in the EU Africa Strategy. These objectives include:

(a) enhancing the EU's political dialogue and broader relationship with the AU;

(b) strengthening the EU-AU partnership in all areas outlined in the EU Africa Strategy, contributing to the development and implementation of the EU Africa Strategy in partnership with the AU, respecting the principle of African ownership and working more closely with African representatives in multilateral fora in coordination with multilateral partners;

(c) working with, and providing support to the AU by supporting institutional development and strengthening the relationship between EU and AU Institutions, including through development assistance, to promote:

— peace and security: predict, prevent, manage, mediate and resolve conflict, support efforts to promote peace and stability, support post conflict reconstruction,

— human rights and governance: promote and protect human rights; promote fundamental freedoms and respect for the rule of law; support, through political dialogue and financial and technical assistance, African efforts to monitor and improve governance; support growth of participatory democracy and accountability; support the fight against corruption and organised crime and further promote efforts to address the issue of children and armed conflict in all its aspects,

— sustainable growth, regional integration and trade: support efforts towards interconnectivity and facilitate people's access to water and sanitation, energy and information technology; promote a stable, efficient and harmonised legal business framework; assist to integrate Africa into the world trade system, assist African countries to comply with EU rules and standards; support Africa in countering the effects of climate change,

[1] OJ L 323, 8.12.2007, p. 45.

— investment in people: support efforts in the fields of gender, health, food security and education, promote exchange programmes, networks of universities and centres of excellence, and address the root causes of migration.

Furthermore, the EU will play a key role in implementing the EU-Africa Joint Strategy intended to further develop and consolidate the strategic partnership between Africa and the EU.

Article 3

Mandate

In order to achieve the Common Foreign and Security Policy (CFSP)/European Security and Defence Policy (ESDP) aspects of the objectives referred to in Article 2, the mandate of the EUSR shall be to:

(a) strengthen the overall EU influence in, and coordination of, the Addis Ababa-based dialogue with the AU and its Commission, on the whole range of CFSP/ESDP issues covered by the EU-AU relationship;

(b) ensure an appropriate level of political representation, reflecting the importance of the EU as a political, financial and institutional partner of the AU, and the step change in that partnership necessitated by the growing political profile of the AU on the world stage;

(c) represent, should the Council so decide, EU positions and policies, when the AU plays a major role in a crisis situation for which no EUSR has been appointed;

(d) help achieve better coherence, consistency and coordination of EU policies and actions towards the AU, and contribute to enhance coordination of the broader partner group and its relation with the AU;

(e) follow closely, and report on, all relevant developments at AU level;

(f) maintain close contact with the AU Commission, other AU organs, missions of African Sub-regional organisations to the AU and the missions of the AU Member States to the AU;

(g) facilitate the relations and cooperation between the AU and African Sub-regional organisations, especially in those areas where the EU is providing support;

(h) offer advice and provide support to the AU upon request in the areas outlined in the EU Africa Strategy;

(i) offer advice and provide support to the building up of the AU's crisis management capabilities;

(j) on the basis of a clear division of tasks, coordinate with, and support, the actions of EUSRs with mandates in AU Member States/Regions; and

(k) maintain close contacts and promote coordination with key international partners of the AU present in Addis Ababa, especially the United Nations, but also with non-State actors on the whole range of the CFSP/ESDP issues covered by the EU-AU relationship.

Article 4

Implementation of the mandate

1. The EUSR shall be responsible for the implementation of the mandate acting under the authority and operational direction of the Secretary General/High Representative (SG/HR).

2. The Political and Security Committee (PSC) shall maintain a privileged link with the EUSR and shall be the primary point of contact with the Council. The PSC shall provide the EUSR with strategic guidance and political direction within the framework of the mandate.

Article 5

Financing

1. The financial reference amount intended to cover the expenditure related to the mandate of the EUSR in the period from 1 January 2009 to 28 February 2010 shall be EUR 1 850 000.

2. The expenditure financed by the amount stipulated in paragraph 1 shall be eligible as from 1 January 2009. The expenditure shall be managed in accordance with the procedures and rules applicable to the general budget of the European Communities.

3. The management of the expenditure shall be subject to a contract between the EUSR and the Commission. The EUSR shall be accountable to the Commission for all expenditure.

Article 6

Constitution and composition of the team

1. Within the limits of his mandate and the corresponding financial means made available, the EUSR shall be responsible for constituting his team in consultation with the Presidency, assisted by the SG/HR, and in full association with the Commission. The team shall include the expertise on specific policy issues as required by the mandate. The EUSR shall keep the SG/HR, the Presidency and the Commission informed of the composition of his team.

2. Member States and institutions of the European Union may propose the secondment of staff to work with the EUSR. The salary of personnel who are seconded by a Member State or an institution of the EU to the EUSR shall be covered by the Member State or the institution of the EU concerned respectively. Experts seconded by Member States to the General Secretariat of the Council may also be posted to the EUSR. International contracted staff shall have the nationality of an EU Member State.

3. All seconded personnel shall remain under the administrative authority of the sending Member State or institution of the EU and shall carry out their duties and act in the interest of the mandate of the EUSR.

Article 7

Privileges and immunities of the EUSR and his staff

The privileges, immunities and further guarantees necessary for the completion and smooth functioning of the mission of the EUSR and the members of his staff shall be agreed with the host party/parties as appropriate. Member States and the Commission shall grant all necessary support to such effect.

Article 8

Security of EU classified information

The EUSR and the members of his team shall respect security principles and minimum standards established by Council Decision 2001/264/EC of 19 March 2001 adopting the Council's security regulations [1], in particular when managing EU classified information.

Article 9

Access to information and logistical support

1. Member States, the Commission and the General Secretariat of the Council shall ensure that the EUSR is given access to any relevant information.

2. The Presidency, the Commission and/or Member States, as appropriate, shall provide logistical support in the region.

Article 10

Security

In accordance with the EU's policy on the security of personnel deployed outside the EU in an operational capacity under Title V of the Treaty, the EUSR shall take all reasonably practicable measures, in conformity with his mandate and the security situation in his geographical area of responsibility, for the security of all personnel under his direct authority, notably by:

(a) establishing a mission-specific security plan based on guidance from the General Secretariat of the Council, including mission-specific physical, organisational and procedural security measures, governing management of the secure movement of personnel to, and within, the mission area, the management of security incidents and a mission contingency and evacuation plan;

(b) ensuring that all personnel deployed outside the EU are covered by high risk insurance as required by the conditions in the mission area;

(c) ensuring that all members of his team to be deployed outside the EU, including locally contracted personnel, have received appropriate security training before or upon arriving in the mission area, based on the risk ratings assigned to the mission area by the General Secretariat of the Council;

(d) ensuring that all agreed recommendations made following regular security assessments are implemented and providing the SG/HR, the Council and the Commission with written reports on their implementation and on other security issues within the framework of the mid-term and mandate implementation reports.

Article 11

Reporting

The EUSR shall regularly provide the SG/HR and the PSC with oral and written reports. The EUSR shall also report as necessary to working groups. Regular written reports shall be circulated through the COREU network. Upon recommendation of the SG/HR or the PSC, the EUSR may provide General Affairs and External Relations Council with reports.

[1] OJ L 101, 11.4.2001, p. 1.

Article 12

Coordination

The EUSR shall promote overall EU political coordination. He shall help to ensure that all EU instruments in the field are engaged coherently to attain the EU's policy objectives. The activities of the EUSR shall be coordinated with those of the Presidency and the Commission, as well as those of other EUSRs active in the region as appropriate. The EUSR shall provide Member States' missions and Commission's delegations with regular briefings.

In the field, close liaison shall be maintained with the Presidency, Commission and Member States' Heads of Mission who shall make best efforts to assist the EUSR in the implementation of the mandate. The EUSR shall also liaise with other international and regional actors in the field.

Article 13

Review

The implementation of this Joint Action and its consistency with other contributions from the EU to the region shall be kept under regular review. The EUSR shall present the SG/HR, the Council and the Commission with a progress report before the end of June 2009, and a comprehensive mandate implementation report by mid-November 2009. These reports shall form a basis for evaluation of this Joint Action in the relevant working groups and by the PSC. In the context of overall priorities for deployment, the SG/HR shall make appropriate recommendations to the PSC concerning the Council's decision on renewal, amendment or termination of the mandate.

Article 14

Initial setting-up and further build-up

In November 2009, or earlier if necessary, the Presidency, in close cooperation with the SG/HR, the EUSR and the Commission, shall provide the Council with a comprehensive report on the future of the office and its organisation.

Article 15

Entry into force

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

Article 16

Publication

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

Done at Brussels, 1 December 2008.

For the Council
The President
H. NOVELLI

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.