

# Official Journal

## of the European Union

L 16



English edition

Legislation

Volume 52

21 January 2009

Contents

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

#### REGULATIONS

Commission Regulation (EC) No 40/2009 of 20 January 2009 establishing the standard import values for determining the entry price of certain fruit and vegetables .....	1
★ <b>Commission Regulation (EC) No 41/2009 of 20 January 2009 concerning the composition and labelling of foodstuffs suitable for people intolerant to gluten <sup>(1)</sup> .....</b>	<b>3</b>
★ <b>Commission Regulation (EC) No 42/2009 of 20 January 2009 amending Regulation (EC) No 555/2008 laying down detailed rules for implementing Council Regulation (EC) No 479/2008 on the common organisation of the market in wine as regards support programmes, trade with third countries, production potential and on controls in the wine sector .....</b>	<b>6</b>

1

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

(Continued overleaf)

EN

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

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

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

DECISIONS

**Council**

2009/40/EC:

- ★ **Council Decision of 19 January 2009 appointing one Danish member and two Danish alternate members of the Committee of the Regions** ..... 11

2009/41/EC:

- ★ **Council Decision of 19 January 2009 appointing an Austrian member of the Committee of the Regions** ..... 12

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

## I

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

## REGULATIONS

## COMMISSION REGULATION (EC) No 40/2009

of 20 January 2009

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 21 January 2009.

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

Done at Brussels, 20 January 2009.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

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

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

## ANNEX

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

(EUR/100 kg)

CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	IL	138,6
	JO	75,8
	MA	43,6
	TN	134,4
	TR	106,4
	ZZ	99,8
0707 00 05	JO	155,5
	MA	108,6
	TR	127,6
	ZZ	130,6
0709 90 70	MA	168,4
	TR	106,3
	ZZ	137,4
0805 10 20	EG	58,5
	IL	56,2
	MA	65,3
	TN	49,2
	TR	66,4
	ZZ	59,1
0805 20 10	MA	75,6
	ZZ	75,6
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	CN	64,7
	EG	88,6
	IL	75,0
	JM	93,4
	PK	46,6
	TR	62,7
	ZZ	71,8
	ZZ	71,8
0805 50 10	MA	67,1
	TR	60,6
	ZZ	63,9
0808 10 80	CN	65,6
	MK	32,6
	TR	67,5
	US	101,1
	ZZ	66,7
0808 20 50	CN	71,5
	KR	148,7
	TR	97,0
	US	106,3
	ZZ	105,9

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

**COMMISSION REGULATION (EC) No 41/2009**  
**of 20 January 2009**  
**concerning the composition and labelling of foodstuffs suitable for people intolerant to gluten**  
**(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/398/EEC of 3 May 1989 on the approximation of the laws of the Member States relating to foodstuffs intended for particular nutritional uses <sup>(1)</sup>, and in particular Article 2(3) and Article 4a thereof,

Whereas:

- (1) Directive 89/398/EEC concerns foodstuffs intended for particular nutritional uses which owing to their special composition or manufacturing process are intended to satisfy the particular nutritional requirements of specific categories of the population. People with coeliac disease are such a specific group of the population suffering from a permanent intolerance to gluten.
- (2) The food industry has developed a range of products presented as 'gluten-free' or similar equivalent terms. Differences between national provisions concerning the conditions for the use of such product descriptions may impede the free movement of the concerned products and may fail to ensure the same high level of protection for consumers. For the sake of clarity and in order to avoid confusing consumers with different types of product descriptions at national level, the conditions for the use of the terms related to the absence of gluten should be laid down at Community level.
- (3) Wheat (i.e. all *Triticum* species, such as durum wheat, spelt, and kamut), rye and barley, have been identified as grains that are scientifically reported to contain gluten. The gluten present in those grains can cause adverse health effects to persons intolerant to gluten and therefore should be avoided by them.
- (4) The removal of gluten from gluten-containing grains presents considerable technical difficulties and economic constraints and therefore the manufacture of totally

gluten-free food is difficult. Consequently, many foodstuffs for this particular nutritional use on the market may contain low residual amounts of gluten.

- (5) Most but not all people with intolerance to gluten can include oats in their diet without adverse effect on their health. This is an issue of ongoing study and investigation by the scientific community. However, a major concern is the contamination of oats with wheat, rye or barley that can occur during grain harvesting, transport, storage and processing. Therefore, the risk of gluten contamination in products containing oats should be taken into consideration with regard to labelling of those products.
- (6) Different people with intolerance to gluten may tolerate variable small amounts of gluten within a restricted range. In order to enable individuals to find on the market a variety of foodstuffs appropriate for their needs and for their level of sensitivity, a choice of products should be possible with different low levels of gluten within such a restricted range. It is important, however, that the different products should be properly labelled in order to ensure the correct use of those products by people intolerant to gluten with the support of information campaigns fostered in the Member States.
- (7) Foodstuffs for particular nutritional uses which have been specially formulated, processed or prepared to meet the dietary needs of people intolerant to gluten and marketed as such should be labelled either as 'very low gluten' or 'gluten-free' in accordance with the provisions laid down in this Regulation. These provisions can be achieved by the use of foodstuffs which have been specially processed to reduce the gluten content of one or more gluten containing ingredients and/or foodstuffs where the gluten containing ingredients have been substituted by other ingredients naturally free of gluten.
- (8) Article 2(3) of Directive 89/398/EEC provides for the possibility for foodstuffs for normal consumption which are suitable for a particular nutritional use to indicate such suitability. Therefore, it should be possible for a normal food which is suitable as part of a gluten-free diet because it does not contain ingredients derived from gluten containing grains or oats to bear terms indicating the absence of gluten. Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member

<sup>(1)</sup> OJ L 186, 30.6.1989, p. 27.

States relating to the labelling, presentation and advertising of foodstuffs <sup>(1)</sup>, requires that such a statement does not mislead the consumer by suggesting that the food possesses special characteristics when in fact all similar foodstuffs possess such characteristics.

- (9) Commission Directive 2006/141/EC of 22 December 2006 on infant formulae and follow-on formulae and amending Directive 1999/21/EC <sup>(2)</sup>, prohibits the use of ingredients containing gluten in the manufacture of such foodstuffs. Therefore, the use of the terms 'very low gluten' or 'gluten-free' on the labelling of such products should be prohibited given that pursuant to the present Regulation, this labelling is used for indicating respectively a content of gluten not exceeding 100 mg/kg and 20 mg/kg.
- (10) Commission Directive 2006/125/EC of 5 December 2006 on processed cereal-based foods and baby foods for infants and young children <sup>(3)</sup> requires the indication of the presence or the absence of gluten when the product is intended for infants below six months of age. The absence of gluten in those products should be indicated in accordance with the requirements laid down in this Regulation.
- (11) The Codex Standard for Foods for Special Dietary Use for Persons Intolerant to Gluten was adopted by the 31st session of the Codex Alimentarius Commission in July 2008 <sup>(4)</sup>, with a view to enabling those persons to find on the market a variety of food suitable to their needs and to their level of sensitivity to gluten. That standard should be taken appropriately into consideration for the purposes of this Regulation.
- (12) In order to allow the economic operators to adapt their production process, the date of application of the present Regulation should allow the necessary transitional period. However products which at the date of entry into force of this Regulation already comply with it can be marketed in the Community as from the date of entry into force of the present Regulation.
- (13) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

#### Article 1

##### Scope

This Regulation shall apply to foodstuffs other than the infant formulae and follow-on formulae covered by Directive 2006/141/EC.

#### Article 2

##### Definitions

For the purposes of this Regulation, the following definitions shall apply:

- (a) 'foodstuffs for people intolerant to gluten' means foodstuffs for particular nutritional uses which are specially produced, prepared and/or processed to meet the special dietary needs of people intolerant to gluten;
- (b) 'gluten' means a protein fraction from wheat, rye, barley, oats or their crossbred varieties and derivatives thereof, to which some persons are intolerant and which is insoluble in water and 0,5 M sodium chloride solution;
- (c) 'wheat' means any *Triticum* species.

#### Article 3

##### Composition and labelling of foodstuffs for people intolerant to gluten

- Foodstuffs for people intolerant to gluten, consisting of or containing one or more ingredients made from wheat, rye, barley, oats or their crossbred varieties which have been especially processed to reduce gluten, shall not contain a level of gluten exceeding 100 mg/kg in the food as sold to the final consumer.
- The labelling, advertising and presentation of the products referred to in paragraph 1 shall bear the term 'very low gluten'. They may bear the term 'gluten-free' if the gluten content does not exceed 20 mg/kg in the food as sold to the final consumer.
- Oats contained in foodstuffs for people intolerant to gluten must have been specially produced, prepared and/or processed in a way to avoid contamination by wheat, rye, barley, or their crossbred varieties and the gluten content of such oats must not exceed 20 mg/kg.
- Foodstuffs for people intolerant to gluten, consisting of or containing one or more ingredients which substitute wheat, rye, barley, oats or their crossbred varieties shall not contain a level of gluten exceeding 20 mg/kg in the food as sold to the final consumer. The labelling, presentation and advertising of those products shall bear the term 'gluten-free'.

<sup>(1)</sup> OJ L 109, 6.5.2000, p. 29.

<sup>(2)</sup> OJ L 401, 30.12.2006, p. 1.

<sup>(3)</sup> OJ L 339, 6.12.2006, p. 16.

<sup>(4)</sup> [http://www.codexalimentarius.net/download/standards/291/cxs\\_118e.pdf](http://www.codexalimentarius.net/download/standards/291/cxs_118e.pdf)

5. Where foodstuffs for people intolerant to gluten contain both ingredients which substitute wheat, rye, barley, oats or their crossbred varieties and ingredients made from wheat, rye, barley, oats or their crossbred varieties which have been especially processed to reduce gluten, paragraphs 1, 2, and 3 shall apply and paragraph 4 shall not apply.

6. The terms 'very low gluten' or 'gluten-free' referred to in paragraphs 2 and 4 shall appear in proximity to the name under which the food is sold.

#### Article 4

#### **Composition and labelling of other foodstuffs suitable for people intolerant to gluten**

1. Without prejudice to Article 2(1)(a)(iii) of Directive 2000/13/EC, the labelling, advertising and presentation of the following foodstuffs may bear the term 'gluten-free' provided that the gluten content does not exceed 20 mg/kg in the food as sold to the final consumer:

(a) foodstuffs for normal consumption;

(b) foodstuffs for particular nutritional uses which are specially formulated, processed or prepared to meet special dietary needs other than those of people intolerant to gluten but which are nevertheless suitable, by virtue of their composition, to meet the special dietary needs of people intolerant to gluten.

2. The labelling, advertising and presentation of foodstuffs referred to in paragraph 1 shall not bear the term 'very low gluten'.

#### Article 5

#### **Entry into force and application**

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

It shall apply as from 1 January 2012.

However, foodstuffs which at the date of entry into force of the present Regulation already comply with the provisions of the Regulation may be placed on the market in the Community.

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

Done at Brussels, 20 January 2009.

For the Commission  
Androulla VASSILIOU  
Member of the Commission

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**COMMISSION REGULATION (EC) No 42/2009**  
**of 20 January 2009**

**amending Regulation (EC) No 555/2008 laying down detailed rules for implementing Council Regulation (EC) No 479/2008 on the common organisation of the market in wine as regards support programmes, trade with third countries, production potential and on controls in the wine sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 479/2008 of 29 April 2008 on the common organisation of the market in wine, amending Regulations (EC) No 1493/1999, (EC) No 1782/2003, (EC) No 1290/2005, (EC) No 3/2008 and repealing Regulations (EEC) No 2392/86 and (EC) No 1493/1999<sup>(1)</sup>, and in particular Articles 22, 84 and 107 thereof,

Whereas:

- (1) For the optimal use of funds potentially available to increase competitiveness in the wine sector, it is appropriate to allow, as much as possible, for Member States to make use of possibilities both under the wine support programmes, notably under the restructuring and conversion measure according to Article 11 of Regulation (EC) No 479/2008 and investments according to Article 15 of the same Regulation, and the rural development funds. To ensure exclusion of double funding of the same measure under these two funds, as foreseen in Article 4(3) of Regulation (EC) No 479/2008, a clear demarcation line should be established at the level of the operations.
- (2) In accordance with the second sentence of the second subparagraph of Article 16(1) of Regulation (EC) No 479/2008, no aid shall be paid for the volume of alcohol contained in the by-products to be distilled which exceeds 10 % in relation to the volume of alcohol contained in the wine produced. It should be clarified that Member State can foresee to respect this limit via controls at the level of the individual producers or alternatively at the national level.
- (3) Point (vi) of Article 41(c) of Commission Regulation (EC) No 555/2008<sup>(2)</sup> obliges producers to include information concerning the presence of wine grape varieties obtained from interspecific crossings (direct producer hybrids or other varieties not belonging to the *Vitis*

*vinifera* species) on the analysis report. However, for technical reasons this information should not be required and should therefore be deleted from the said provision.

- (4) Article 103(1)(b) of Regulation (EC) No 555/2008 lays down that table 10 of the Annex to Commission Regulation (EC) No 1227/2000<sup>(3)</sup> shall continue to apply unless otherwise provided in an implementing regulation on the labelling and presentation of wines to be adopted on the basis of Article 63 of Regulation (EC) No 479/2008. However, the reference should be made to table 9 of the Annex to Regulation (EC) No 1227/2000.
- (5) Article 5(8), the third paragraph of Article 16 and the second paragraph of Article 20 of Regulation (EC) No 555/2008 foresee that where Member States grant national aids they should communicate those in the relevant part of the form set out in Annex VII to that Regulation. Therefore, Annex VII should be amended to include this information.
- (6) Regulation (EC) No 555/2008 should therefore be amended accordingly.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 555/2008 is amended as follows:

1. In Article 1, the following paragraph is added:

‘3. For the purposes of Title II, “operation” shall mean a project, contract or arrangement, or other action included in a given support programme, corresponding to any of the activities under the measures referred to in Article 7(1) of Regulation (EC) No 479/2008 and implemented by one or more beneficiaries.’

<sup>(1)</sup> OJ L 148, 6.6.2008, p. 1.

<sup>(2)</sup> OJ L 170, 30.6.2008, p. 1.

<sup>(3)</sup> OJ L 143, 16.6.2000, p. 1.



2. After Article 10, the following Article 10a is inserted in Section 2 of Chapter II of Title II:

*'Article 10a*

**Compatibility and consistency**

1. The support for costs of restructuring and conversion referred to in Article 11(4)(b) of Regulation (EC) No 479/2008 shall not cover purchase expenses of farm vehicles.

2. No operation shall be included for support pursuant to Article 11 of Regulation (EC) No 479/2008 under a national support programme in accordance with Title II of that Regulation for a given Member State or region which is included for support in the rural development programme of that Member State or region under Regulation (EC) No 1698/2005.

3. Member States shall present the operations they include in their support programmes for the restructuring and conversion measure in the relevant part of Annex I in such detail as to allow for verification that that operation is not included for support in their rural development programmes.'

3. Article 20 is replaced by the following:

*'Article 20*

**Compatibility and consistency**

1. No support shall be granted for marketing operations which received support under Article 10 of Regulation (EC) No 479/2008.

Where Member States grant national aid for investments, they shall communicate them in the relevant part of the forms set out in Annexes I, V and VII to this Regulation.

2. No operation shall be included for support pursuant to Article 15 of Regulation (EC) No 479/2008 under a national support programme in accordance with Title II of that Regulation for a given Member State or region which is included for support in the rural development programme of that

Member State or region under Regulation (EC) No 1698/2005.

3. Member States shall present the operations they include in their support programmes for the investment measure in the relevant part of Annex I in such detail as to allow for verification that that operation is not included for support in their rural development programmes.'

4. After Article 25, the following Article 25a is inserted in Section 7 of Chapter II of Title II:

*'Article 25a*

**Verification of conditions**

The competent authorities of the Member States shall take all necessary steps to verify respect of the conditions and the limit referred to in Article 24(1) of this Regulation in conjunction with Article 16(3) of Regulation (EC) No 479/2008. Member States may verify the respect of this limit at the level of each producer or at the national level. Member States which opt for verification at the national level shall not include in the alcohol balance the quantities which are not intended for distillation (withdrawal under supervision) nor those which are intended for the development of products other than alcohol for industrial use.'

5. In Article 41(c), point (vi) is deleted.

6. In Article 103(1), point (b) is replaced by the following:

'(b) Table 9 of the Annex to Regulation (EC) No 1227/2000 shall continue to apply unless otherwise provided in an implementing regulation on the labelling and presentation of wines to be adopted on the basis of Article 63 of Regulation (EC) No 479/2008;'

7. Annex VII is replaced by the text in Annex to this Regulation.

*Article 2*

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

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

Done at Brussels, 20 January 2009.

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





(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
9. Potable alcohol distillation — area support	Article 17	Range of aid (EUR/ha) <sup>(8)</sup>											
		Area (ha)											
		Average support <sup>(3)</sup>											
10. Crisis distillation	Article 18	Range of aid (EUR/%vol/hl) <sup>(8)</sup>											
		Minimum producer price (EUR/%vol/hl) <sup>(8)</sup>											
		Mio hl											
		Average Community support <sup>(9)</sup>											
11. Use of concentrated grape must for enrichment	Article 19	Range of aid (EUR/%vol/hl) <sup>(8)</sup>											
		Mio hl											
		Average Community support <sup>(9)</sup>											

(<sup>1</sup>) OPOCE acronyms to be used.

(<sup>2</sup>) Communication deadline: for forecasts 30 June 2008 for the first time and then every 1 March and 30 June; for execution every 1 March (2010 for the first time).

(<sup>3</sup>) Calculated by dividing the amount(s) declared in Annex II (for forecasts) and Annex VI (for execution) by the area concerned in this Annex.

(<sup>4</sup>) Calculated by dividing the amount(s) declared in Annex II (for forecasts) and Annex VI (for execution) by the number of projects concerned in this Annex.

(<sup>5</sup>) Calculated by dividing the amount(s) declared in Annex II (for forecasts) and Annex VI (for execution) by the number of funds concerned in this Annex.

(<sup>6</sup>) Calculated by dividing the amount(s) declared in Annex II (for forecasts) and Annex VI (for execution) by the number of producers concerned in this Annex.

(<sup>7</sup>) Calculated by dividing the amount(s) declared in Annex II (for forecasts) and Annex VI (for execution) by the number of beneficiaries concerned in this Annex.

(<sup>8</sup>) Details to be given in Annexes I and V.

(<sup>9</sup>) Calculated by dividing the amount(s) declared in Annex II (for forecasts) and Annex VI (for execution) by the number of hectolitres concerned in this Annex.'

## II

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

## DECISIONS

## COUNCIL

## COUNCIL DECISION

of 19 January 2009

**appointing one Danish member and two Danish alternate members of the Committee of the Regions**

(2009/40/EC)

THE COUNCIL OF THE EUROPEAN UNION,

(a) as a member:

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

— Mr Jens Jørgen NYGAARD, 1. Viceborgmester, Egedal Kommune;

Having regard to the proposal of the Danish Government,

(b) as alternate members:

Whereas:

(1) On 24 January 2006, the Council adopted Decision 2006/116/EC appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2006 to 25 January 2010<sup>(1)</sup>.

— Ms Anna Margrethe KAALUND, Byrådsmedlem, Viborg Kommune (change of mandate),

(2) A member's seat on the Committee of the Regions has become vacant following the resignation of Ms Eva NEJSTGAARD. Two alternate members' seats on the Committee of the Regions have become vacant following the resignation of Mr Bjørn DAHL and the expiry of the mandate of Ms Anna Margrethe KAALUND,

— Mr Jens STENBÆK, Viceborgmester, Holbæk Kommune.

*Article 2*

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

HAS DECIDED AS FOLLOWS:

Done at Brussels, 19 January 2009.

*Article 1*

The following are hereby appointed to the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2010:

*For the Council*  
*The President*  
P. GANDALOVIČ

<sup>(1)</sup> OJ L 56, 25.2.2006, p. 75.

**COUNCIL DECISION**  
**of 19 January 2009**  
**appointing an Austrian member of the Committee of the Regions**  
(2009/41/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

Having regard to the proposal of the Austrian Government,

Whereas:

(1) On 24 January 2006, the Council adopted Decision 2006/116/EC appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2006 to 25 January 2010 <sup>(1)</sup>.

(2) A member's seat on the Committee of the Regions has become vacant following the death of Mr Jörg HAIDER,

*Article 1*

The following is hereby appointed to the Committee of the Regions as a member for the remainder of the current term of office, which runs until 25 January 2010:

Mr Gerhard DÖRFLER, Landeshauptmann, Kärnten.

*Article 2*

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

Done at Brussels, 19 January 2009.

*For the Council*  
*The President*  
P. GANDALOVIČ

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<sup>(1)</sup> OJ L 56, 25.2.2006, p. 75.

**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.