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



⁽¹⁾ Text with EEA relevance

I

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

REGULATIONS

COUNCIL REGULATION (EC) No 44/2009

of 18 December 2008

amending Regulation (EC) No 1338/2001 laying down measures necessary for the protection of the euro against counterfeiting

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular the third sentence of Article 123(4) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Central Bank ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas:

(1) Council Regulation (EC) No 1338/2001 ⁽³⁾ requires credit institutions and any other related institutions to withdraw from circulation all euro notes and coins received by them which they know or have sufficient reason to believe to be counterfeit and hand them over to the competent national authorities.

(2) It is important to ensure that circulating euro notes and coins are authentic. To that end, credit institutions, other payment service providers and other economic agents involved in the processing and distribution of notes and coins should check the authenticity of the euro notes and coins they receive before they put them back into circulation, except where they come from other establishments or persons who are themselves under an

obligation to check or where they have been obtained from the authorities authorised to issue them. Other economic agents, such as traders and casinos, should also be subject to these obligations where they supply, on a secondary basis, automated teller machines (cash dispensers), but they may not be involved beyond these secondary activities. In order to comply with the obligation to check for authenticity, these economic agents nevertheless need time to adapt their internal functioning. As regards notes, the procedures laid down for Member States which have adopted the euro as a single currency may also cover the suitability of the checked notes for circulation.

(3) Appropriate adjustment of the equipment is a prerequisite for checking the authenticity of euro notes and coins. In order to adjust the equipment used for the checks for authenticity it is essential that the necessary quantities of counterfeit notes and coins are available at the places where testing is conducted. It is, therefore, appropriate to permit the transporting of counterfeit notes and coins between competent national authorities as well as institutions and bodies of the European Union.

(4) The European Technical and Scientific Centre (ETSC) is now formally established within the Commission by Council Decision 2003/861/EC ⁽⁴⁾ and Commission Decision 2005/37/EC ⁽⁵⁾. Therefore, the provision stating that the ETSC communicates data to the Commission is no longer necessary.

(5) Regulation (EC) No 1338/2001 should therefore be amended accordingly,

⁽¹⁾ OJ C 27, 31.1.2008, p. 1.

⁽²⁾ Opinion of 17 December 2008 (not yet published in the Official Journal). Opinion delivered following non-compulsory consultation.

⁽³⁾ OJ L 181, 4.7.2001, p. 6.

⁽⁴⁾ Council Decision 2003/861/EC of 8 December 2003 concerning analysis and cooperation with regard to counterfeit euro coins (OJ L 325, 12.12.2003, p. 44).

⁽⁵⁾ Commission Decision 2005/37/EC of 29 October 2004 establishing the European Technical and Scientific Centre (ETSC) and providing for coordination of technical actions to protect euro coins against counterfeiting (OJ L 19, 21.1.2005, p. 73).

HAS ADOPTED THIS REGULATION:

Article 1

Amendments

Regulation (EC) No 1338/2001 is hereby amended as follows:

1. Article 2 shall be amended as follows:

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

'(c) "credit institutions" shall mean the credit institutions referred to in Article 4(1)(a) of Directive 2006/48/EC of the European Parliament and of the Council of 14 June 2006 relating to the taking up and pursuit of the business of credit institutions (*);

(*) OJ L 177, 30.6.2006, p. 1.;

(b) the following point shall be added:

'(g) "payment service providers" shall mean the payment service providers referred to in Article 1(1) of Directive 2007/64/EC of the European Parliament and of the Council of 13 November 2007 on payment services in the internal market (*).

(*) OJ L 319, 5.12.2007, p. 1.;

2. Article 4 shall be amended as follows:

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

'Obligation to transmit counterfeit notes';

(b) at the end of paragraph 2 the following sentences shall be added:

'For the purpose of facilitating the checking for authenticity of circulating euro notes, the transporting of counterfeit notes between the competent national authorities as well as the institutions and bodies of the European Union shall be permitted. During transportation, the counterfeit notes shall be accompanied at all times by transport orders received for that purpose from the abovementioned authorities, institutions and bodies.';

(c) at the end of paragraph 3 the following sentence shall be added:

'The competent national authorities may however transmit to the NAC, and, where appropriate, to the ECB, part of a batch of these notes for examination or testing.';

3. Article 5 shall be amended as follows:

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

'Obligation to transmit counterfeit coins';

(b) at the end of paragraph 2 the following sentences shall be added:

'For the purpose of facilitating the checking for authenticity of circulating euro coins, the transporting of counterfeit coins between the competent national authorities as well as the institutions and bodies of the European Union shall be permitted. During transportation, the counterfeit notes shall be accompanied at all times by transport orders received for that purpose from the abovementioned authorities, institutions and bodies.';

(c) at the end of paragraph 3 the following sentence shall be added:

'The competent national authorities may however transmit to the CNAC, and, where appropriate, to the ETSC, part of a batch of these coins for examination or testing.';

(d) paragraph 4 shall be replaced by the following:

'4. The ETSC shall analyse and classify every new type of counterfeit euro coin. To that end, the ETSC shall have access to the technical and statistical data stored at the ECB on counterfeit euro coins. The ETSC shall communicate the relevant final results of its analysis to the competent national authorities and, according to its areas of responsibility, to the European Central Bank. The European Central Bank shall communicate those results to Europol, in accordance with the agreement referred to in Article 3(3).';

4. Article 6 shall be amended as follows:

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

'Obligations relating to credit institutions engaged in the processing and distribution to the public of notes and coins';

(b) paragraph 1 shall be replaced by the following:

'1. Credit institutions, and, within the limits of their payment activity, other payment service providers, and any other institutions engaged in the processing and distribution to the public of notes and coins, including:

— establishments whose activity consists in exchanging notes and coins of different currencies, such as bureaux de change,

- transporters of funds,
- other economic agents such as traders and casinos engaged on a secondary basis in the processing and distribution to the public of notes via automated teller machines (cash dispensers), within the limit of these secondary activities,

shall be obliged to ensure that euro notes and coins which they have received and which they intend to put back into circulation are checked for authenticity and that counterfeits are detected.

For euro notes, this check shall be carried out in line with procedures defined by the ECB (*).

The institutions and economic agents referred to in the first subparagraph shall be obliged to withdraw from circulation all euro notes and coins received by them which they know or have sufficient reason to believe to be counterfeit. They shall immediately hand them over to the competent national authorities.

(*) See the framework for the detection of counterfeits and fitness sorting by credit institutions and other professional cash handlers, available on the ECB website at the following address: <http://www.ecb.europa.eu/pub/pdf/other/recyclingeurobanknotes2005.en.pdf>;

(c) the following paragraph shall be inserted:

'1a By way of derogation from the second subparagraph of paragraph 1, in Member States that do not have

the euro as their single currency, checks on the authenticity of euro notes and coins shall be carried out:

- either by trained personnel,
- or by a machine for handling banknotes and coins that is on the list published by the European Central Bank, for banknotes (**), or by the Commission, in the case of coins (**).

(**) The list published by the ECB is available at the following address: <http://www.ecb.int/euro/cashhand/devices/results/html/index.fr.html>

(***) The list published by the Commission is available at the following address: http://ec.europa.eu/anti_fraud/pages_euro/euro-coins/machines.pdf;

(d) paragraph 3 shall be replaced by the following:

'3. Without prejudice to the dates fixed by the ECB for the implementation of the procedures it defines, Member States shall adopt the laws, regulations and administrative provisions for applying the first subparagraph of paragraph 1 of this Article by 31 December 2011 at the latest. They shall forthwith inform the Commission and the ECB thereof.'

Article 2

Entry into force

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

This Regulation shall be binding in its entirety and directly applicable in all Member States in accordance with the Treaty establishing the European Community.

Done at Brussels, 18 December 2008.

For the Council
The President
M. BARNIER

COUNCIL REGULATION (EC) No 45/2009**of 18 December 2008****amending Regulation (EC) No 1339/2001 extending the effects of Regulation (EC) No 1338/2001 laying down measures necessary for the protection of the euro against counterfeiting to those Member States which have not adopted the euro as their single currency**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the European Central Bank,

Whereas:

- (1) By Regulation (EC) No 1339/2001 ⁽¹⁾ the application of Regulation (EC) No 1338/2001 ⁽²⁾ was extended to non-participating Member States as defined in Regulation (EC) No 974/98 of 3 May 1998 on the introduction of the euro ⁽³⁾.
- (2) Regulation (EC) No 1338/2001 has been amended by Regulation (EC) No 44/2009 ⁽⁴⁾. However, it is important that the euro should also be protected in those Member States which have not adopted it as their single currency and the necessary steps should be taken to that end, in compliance with the principle of proportionality.

- (3) Regulation (EC) No 1339/2001 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Article 1 of Regulation (EC) No 1339/2001 shall be replaced by the following:

*'Article 1*The application of Articles 1 to 11 of Regulation (EC) No 1338/2001 as amended by Regulation (EC) No 44/2009 ^(*) shall be extended to those Member States which have not adopted the euro as their single currency.

^(*) Council Regulation (EC) No 44/2009 of 18 December 2008 amending Regulation (EC) No 1338/2001 laying down measures necessary for the protection of the euro against counterfeiting (OJ L 17, 22.1.2009, p. 1).'

*Article 2*This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 18 December 2008.

For the Council
The President
M. BARNIER

⁽¹⁾ OJ L 181, 4.7.2001, p. 11.

⁽²⁾ OJ L 181, 4.7.2001, p. 6.

⁽³⁾ OJ L 139, 11.5.1998, p. 1.

⁽⁴⁾ See page 1 of this Official Journal.

COUNCIL REGULATION (EC) No 46/2009

of 18 December 2008

amending Regulation (EC) No 2182/2004 concerning medals and tokens similar to euro coins

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular the third sentence of Article 123(4) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Central Bank ⁽¹⁾,

Having regard to the opinion of the European Parliament,

Whereas:

- (1) Council Regulation (EC) No 2182/2004 ⁽²⁾ prohibits those medals and tokens similar to euro coins. Experience gained implementing the prohibition of medals and tokens similar to euro coins has highlighted the need to clarify the protective provisions and to make the decision-making process more transparent.
- (2) The public may be led to believe that some medals and tokens have legal tender status, not only when they bear a design similar to euro coins but also when they bear certain elements of the designs on euro coins. Therefore specific elements of the designs on legal tender euro coins should not be reproduced in the way they are depicted on euro coins. In addition, symbols that are representative of the issuing Member State's sovereignty should not be reproduced on medals and tokens in the way they are depicted on euro coins.
- (3) The Commission, after having consulted the counterfeit coin experts referred to in Commission Decision 2005/37/EC of 29 October 2004 establishing the European Technical and Scientific Centre (ETSC) and providing for coordination of technical actions to protect euro coins against counterfeiting ⁽³⁾, should specify whether the protective provisions referred to in Regulation (EC) No 2182/2004 have been respected and whether a metallic object is a medal/token.
- (4) The specific criteria that are employed by the Commission in declaring conformity with the protective provisions should be clarified and laid down.

(5) The risk of mistaking a medal or a token bearing the terms 'euro', 'euro cent' or the euro symbol for a legal tender coin is greater where a nominal value is also associated with that medal or token. Therefore, in such cases, the indication 'Not legal tender' should be stamped on the obverse or the reverse of the medal or token concerned.

(6) Regulation (EC) No 2182/2004 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments

Regulation (EC) No 2182/2004 is hereby amended as follows:

1. Article 2 shall be replaced by the following:

'Article 2

Protective provisions

1. Subject to Articles 3 and 4, the production and sale of medals and tokens, and their importation and distribution for sale or for other commercial purposes, shall be prohibited in the following circumstances:

- (a) when the terms "euro" or "euro cent" or the euro symbol appear on their surface;
- (b) when their size is inside the reference band; or
- (c) when a design appearing on their surface is similar to:
 - (i) any design, or parts thereof, appearing on the surface of euro coins, including in particular the terms "euro" or "euro cent", the 12 stars of the European Union, the image of the geographical representation and the numerals, in the way depicted on euro coins; or
 - (ii) those symbols representative of national sovereignty of Member States, as depicted on euro coins, including in particular the effigies of the Head of State, the coat of arms, the Mint marks, the Mint master marks, the name of the Member State;
 - (iii) the edge shape or the edge design of euro coins; or
 - (iv) the euro symbol.

⁽¹⁾ OJ C 283, 7.11.2008, p. 1.

⁽²⁾ OJ L 373, 21.12.2004, p. 1.

⁽³⁾ OJ L 19, 21.1.2005, p. 73.

2. The Commission shall specify:

- (a) whether a metallic object can be regarded as a medal or token within the meaning of Article 1(c);
- (b) whether a medal or a token falls within the prohibition of paragraph 1 of this Article.

Subject to paragraph 1 of this Article, the Commission shall take into consideration, *inter alia*, the quantities of medals and tokens produced, the selling price, the packaging, the inscriptions on the medals and tokens and advertisement of them.’;

2. Article 3(1) shall be replaced by the following:

‘1. Medals and tokens bearing the terms “euro” or “euro cent” or the euro symbol without an associated nominal value shall not be prohibited when their size is outside the reference band, unless a design similar to one of the elements referred to in Article 2(1)(c) appears on their surface.’;

3. Article 4 shall be replaced by the following:

‘Article 4

Derogations by authorisation

The Commission may grant specific authorisations to use the terms “euro” or “euro cent” or the euro symbol on the surface of medals and tokens, under controlled conditions of use, in cases where no risk of confusion exists. In such cases, the economic operator concerned within a Member State shall be clearly identifiable on the surface of the medal or token and, when the medal or token bears an associated nominal value, the indication “Not legal tender” must be stamped on the obverse or the reverse of the medal or token.’

Article 2

Entry into force

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

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaty establishing the European Community.

Done at Brussels, 18 December 2008.

For the Council
The President
M. BARNIER

COUNCIL REGULATION (EC) No 47/2009**of 18 December 2008****amending Regulation (EC) No 2183/2004 extending to the non-participating Member States the application of Regulation (EC) No 2182/2004 concerning medals and tokens similar to euro coins**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament,

Having regard to the opinion of the European Central Bank ⁽¹⁾,

Whereas:

- (1) Council Regulation (EC) No 2183/2004 ⁽²⁾ extended the application of Council Regulation (EC) No 2182/2004 ⁽³⁾ to Member States other than the participating Member States as defined in Regulation (EC) No 974/98 of 3 May 1998 on the introduction of the euro ⁽⁴⁾.
- (2) Regulation (EC) No 2182/2004 has been amended by Council Regulation (EC) No 46/2009 ⁽⁵⁾. It is important that the rules concerning medals and tokens similar to euro coins should be uniform throughout the Community, and the requisite provisions should be adopted to that end.

- (3) Regulation (EC) No 2183/2004 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Article 1 of Regulation (EC) No 2183/2004 shall be replaced by the following:

'Article 1

The application of Regulation (EC) No 2182/2004 as amended by Regulation (EC) No 46/2009 ^(*) shall be extended to Member States other than the participating Member States as defined in Article 1(a) of Regulation (EC) No 974/98.

^(*) Council Regulation (EC) No 46/2009 of 18 December 2008 amending Regulation (EC) No 2182/2004 concerning medals and tokens similar to euro coins (OJ L 17, 22.1.2009, p. 5).'

Article 2

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

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

Done at Brussels, 18 December 2008.

For the Council
The President
M. BARNIER

⁽¹⁾ OJ C 283, 7.11.2008, p. 1.

⁽²⁾ OJ L 373, 21.12.2004, p. 7.

⁽³⁾ OJ L 373, 21.12.2004, p. 1.

⁽⁴⁾ OJ L 139, 11.5.1998, p. 1.

⁽⁵⁾ See page 5 of this Official Journal.

COMMISSION REGULATION (EC) No 48/2009
of 21 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) ⁽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 22 January 2009.

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

Done at Brussels, 21 January 2009.

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	IL	138,6
	JO	75,8
	MA	44,4
	TN	134,4
	TR	99,6
	ZZ	98,6
0707 00 05	JO	155,5
	MA	116,0
	TR	132,3
	ZZ	134,6
0709 90 70	MA	164,3
	TR	98,4
	ZZ	131,4
0805 10 20	EG	56,8
	IL	49,6
	MA	64,1
	TN	61,5
	TR	62,6
	ZZ	58,9
0805 20 10	MA	91,6
	ZZ	91,6
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	CN	63,5
	EG	88,6
	IL	68,2
	JM	93,4
	PK	46,6
	TR	77,2
	ZZ	72,9
0805 50 10	EG	52,5
	MA	67,1
	TR	63,2
	ZZ	60,9
0808 10 80	CN	79,9
	MK	32,6
	TR	67,5
	US	104,9
	ZZ	71,2
0808 20 50	CN	66,8
	KR	148,7
	TR	97,0
	US	118,2
	ZZ	107,7

⁽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 49/2009**of 21 January 2009****setting the allocation coefficient for the issuing of import licences applied for from 12 to 16 January 2009 for sugar products under tariff quotas and preferential agreements**

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 950/2006 of 28 June 2006 laying down detailed rules of application for the 2006/07, 2007/08 and 2008/09 marketing years for the import and refining of sugar products under certain tariff quotas and preferential agreements ⁽²⁾, and in particular Article 5(3) thereof,

Whereas:

- (1) Applications for import licences were submitted to the competent authorities in the period from 12 to 16 January 2009 in accordance with Commission Regulation (EC) No 950/2006 and/or Council Regulation (EC) No 508/2007 of 7 May 2007 opening tariff quotas for imports into Bulgaria and Romania of raw cane sugar for

supply to refineries in the marketing years 2006/07, 2007/08 and 2008/09 ⁽³⁾, for a total quantity equal to or exceeding the quantity available for order number 09.4319.

- (2) In these circumstances, the Commission should establish an allocation coefficient for licences to be issued in proportion to the quantity available and/or inform the Member States that the limit established has been reached,

HAS ADOPTED THIS REGULATION:

Article 1

Licences shall be issued within the quantitative limits set in the Annex to this Regulation in respect of import licence applications submitted from 12 to 16 January 2009, in accordance with Article 4(2) of Regulation (EC) No 950/2006 and/or Article 3 of Regulation (EC) No 508/2007.

Article 2

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

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

Done at Brussels, 21 January 2009.

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 178, 1.7.2006, p. 1.

⁽³⁾ OJ L 122, 11.5.2007, p. 1.

ANNEX

ACP/India Preferential Sugar
Chapter IV of Regulation (EC) No 950/2006
2008/09 marketing year

Order No	Country	Week of 12.1.2009-16.1.2009: percentage of requested quantity to be granted	Limit
09.4331	Barbados	100	
09.4332	Belize	100	
09.4333	Côte d'Ivoire	100	
09.4334	Republic of the Congo	100	
09.4335	Fiji	100	
09.4336	Guyana	100	
09.4337	India	0	Reached
09.4338	Jamaica	100	
09.4339	Kenya	100	
09.4340	Madagascar	100	
09.4341	Malawi	100	
09.4342	Mauritius	100	
09.4343	Mozambique	0	Reached
09.4344	Saint Kitts and Nevis	—	
09.4345	Suriname	—	
09.4346	Swaziland	0	Reached
09.4347	Tanzania	100	
09.4348	Trinidad and Tobago	100	
09.4349	Uganda	—	
09.4350	Zambia	100	
09.4351	Zimbabwe	100	

ACP/India Preferential Sugar
Chapter IV of Regulation (EC) No 950/2006
July-September 2009 marketing year

Order No	Country	Week of 12.1.2009-16.1.2009: percentage of requested quantity to be granted	Limit
09.4331	Barbados	—	Reached
09.4332	Belize	—	
09.4333	Côte d'Ivoire	—	
09.4334	Republic of the Congo	—	
09.4335	Fiji	—	
09.4336	Guyana	—	
09.4337	India	0	
09.4338	Jamaica	—	
09.4339	Kenya	—	
09.4340	Madagascar	—	
09.4341	Malawi	—	
09.4342	Mauritius	—	
09.4343	Mozambique	100	
09.4344	Saint Kitts and Nevis	—	
09.4345	Suriname	—	
09.4346	Swaziland	100	
09.4347	Tanzania	—	
09.4348	Trinidad and Tobago	—	
09.4349	Uganda	—	
09.4350	Zambia	—	
09.4351	Zimbabwe	—	

Complementary sugar
Chapter V of Regulation (EC) No 950/2006
2008/09 marketing year

Order No	Country	Week of 12.1.2009-16.1.2009: percentage of requested quantity to be granted	Limit
09.4315	India	—	
09.4316	ACP Protocol signatory countries	—	

CXL Concessions Sugar
Chapter VI of Regulation (EC) No 950/2006
2008/09 marketing year

Order No	Country	Week of 12.1.2009-16.1.2009: percentage of requested quantity to be granted	Limit
09.4317	Australia	0	Reached
09.4318	Brazil	0	Reached
09.4319	Cuba	100	Reached
09.4320	Other third countries	0	Reached

Balkans sugar
Chapter VII of Regulation (EC) No 950/2006
2008/09 marketing year

Order No	Country	Week of 12.1.2009-16.1.2009: percentage of requested quantity to be granted	Limit
09.4324	Albania	100	Reached
09.4325	Bosnia and Herzegovina	0	
09.4326	Serbia and Kosovo (*)	100	
09.4327	Former Yugoslav Republic of Macedonia	100	
09.4328	Croatia	100	

(*) As defined by United Nations Security Council Resolution 1244 of 10 June 1999.

Exceptional import sugar and industrial import sugar
Chapter VIII of Regulation (EC) No 950/2006
2008/09 marketing year

Order No	Type	Week of 12.1.2009-16.1.2009: percentage of requested quantity to be granted	Limit
09.4380	Exceptional	—	
09.4390	Industrial	100	

Additional EPA sugar
Chapter VIIIa of Regulation (EC) No 950/2006
2008/09 marketing year

Order No	Country	Week of 12.1.2009-16.1.2009: percentage of requested quantity to be granted	Limit
09.4431	Comoros, Madagascar, Mauritius, Seychelles, Zambia, Zimbabwe	100	
09.4432	Burundi, Kenya, Rwanda, Tanzania, Uganda	100	
09.4433	Swaziland	100	
09.4434	Mozambique	0	Reached
09.4435	Antigua and Barbuda, Bahamas, Barbados, Belize, Dominica, Dominican Republic, Grenada, Guyana, Haiti, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago	0	Reached
09.4436	Dominican Republic	0	Reached
09.4437	Fiji, Papua New Guinea	100	

Import of sugar under the transitional tariff quotas opened for Bulgaria and Romania
Article 1 of Regulation (EC) No 508/2007
2008/09 marketing year

Order No	Type	Week of 12.1.2009-16.1.2009: percentage of requested quantity to be granted	Limit
09.4365	Bulgaria	0	Reached
09.4366	Romania	100	

COMMISSION REGULATION (EC) No 50/2009**of 21 January 2009****amending the representative prices and additional import duties for certain products in the sugar sector fixed by Regulation (EC) No 945/2008 for the 2008/2009 marketing year**

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 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector ⁽²⁾, and in particular Article 36(2), second subparagraph, second sentence thereof,

Whereas:

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

for the 2008/2009 marketing year are fixed by Commission Regulation (EC) No 945/2008 ⁽³⁾. These prices and duties have been last amended by Commission Regulation (EC) No 10/2009 ⁽⁴⁾.

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

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties applicable to imports of the products referred to in Article 36 of Regulation (EC) No 951/2006, as fixed by Regulation (EC) No 945/2008 for the 2008/2009, marketing year, are hereby amended as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 22 January 2009.

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

Done at Brussels, 21 January 2009.

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 178, 1.7.2006, p. 24.

⁽³⁾ OJ L 258, 26.9.2008, p. 56.

⁽⁴⁾ OJ L 4, 8.1.2009, p. 5.

ANNEX

Amended representative prices and additional import duties applicable to white sugar, raw sugar and products covered by CN code 1702 90 95 from 22 January 2009

(EUR)

CN code	Representative price per 100 kg net of the product concerned	Additional duty per 100 kg net of the product concerned
1701 11 10 ⁽¹⁾	24,73	3,93
1701 11 90 ⁽¹⁾	24,73	9,17
1701 12 10 ⁽¹⁾	24,73	3,74
1701 12 90 ⁽¹⁾	24,73	8,74
1701 91 00 ⁽²⁾	26,92	11,77
1701 99 10 ⁽²⁾	26,92	7,25
1701 99 90 ⁽²⁾	26,92	7,25
1702 90 95 ⁽³⁾	0,27	0,38

⁽¹⁾ For the standard quality defined in point III of Annex IV to Regulation (EC) No 1234/2007.⁽²⁾ For the standard quality defined in point II of Annex IV to Regulation (EC) No 1234/2007.⁽³⁾ Per 1 % sucrose content.

COMMISSION REGULATION (EC) No 51/2009
of 15 January 2009
concerning the classification of certain goods in the Combined Nomenclature

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific Community provisions, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column 1 of the table set out in the Annex should be classified under the CN code indicated in column 2, by virtue of the reasons set out in column 3 of that table.

(4) It is appropriate to provide that binding tariff information which has been issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature but which is not in accordance with this Regulation can, for a period of three months, continue to be invoked by the holder, under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽²⁾.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column 2 of that table.

Article 2

Binding tariff information issued by the customs authorities of Member States, which is not in accordance with this Regulation, can continue to be invoked for a period of three months under Article 12(6) of Regulation (EEC) No 2913/92.

Article 3

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

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

Done at Brussels, 15 January 2009.

For the Commission
László KOVÁCS
Member of the Commission

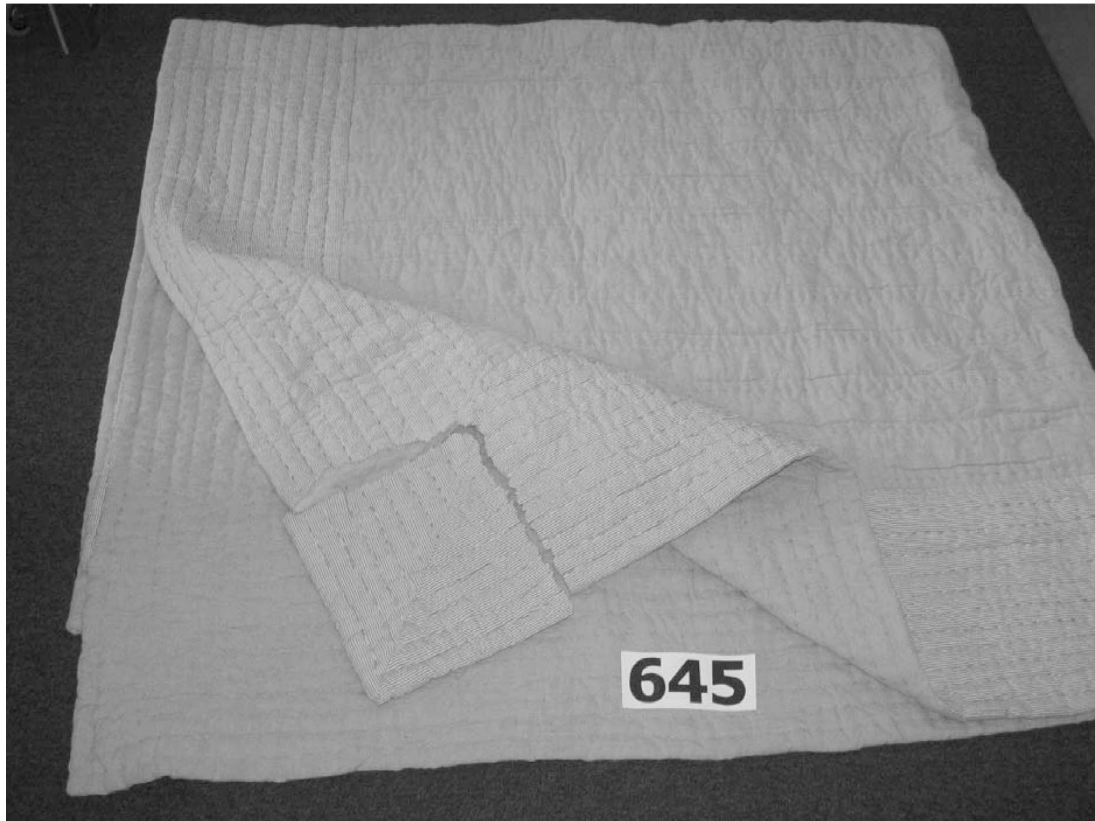
⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ OJ L 302, 19.10.1992, p. 1.

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
<p>Quilted rectangular article, measuring approx. 260 cm × 240 cm, consisting of three layers, the two outer layers are made of woven cotton fabric, the middle layer is synthetic wadding which constitutes the internal fitting. The upper layer has a sewn-on border, approx. 30 cm wide, of a contrasting colour. The layers are held together by decorative stitching.</p> <p>(bedspread)</p> <p>(See photograph No 645) (*)</p>	9404 90 90	<p>Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 1(s) to Section XI and the wording of CN codes 9404, 9404 90 and 9404 90 90.</p> <p>Articles of bedding and similar furnishing which are internally fitted with any material are to be classified in heading 9404. See also the Harmonised System (HS) Explanatory Notes to heading 9404 paragraph (B) and subparagraph (B)(2), which explicitly mention quilts and bedspreads.</p> <p>Classification in heading 6304 is ruled out because Section XI does not cover bedding articles of Chapter 94 (see Note 1(s) to Section XI). Moreover, heading 6304 excludes furnishing articles of heading 9404 such as bedspreads (see also the HS Explanatory Notes to heading 6304, second paragraph).</p> <p>Accordingly the article is to be classified under CN Code 9404 90 90.</p>

(*) The photograph is purely for information.



COMMISSION REGULATION (EC) No 52/2009**of 21 January 2009****initiating a ‘new exporter’ review of Council Regulation (EC) No 1174/2005 imposing a definitive anti-dumping duty on imports of hand pallet trucks and their essential parts originating in the People’s Republic of China, repealing the duty with regard to imports from one exporter in this country and making these imports subject to registration**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

C. EXISTING MEASURES

Having regard to the Treaty establishing the European Community,

- (3) The measures currently in force are a definitive anti-dumping duty imposed by Council Regulation (EC) No 1174/2005⁽²⁾ under which imports into the Community of the product concerned originating in the People’s Republic of China, including the product concerned produced by the applicant, are subject to a definitive anti-dumping duty of 46,7 % with the exception of several companies expressly mentioned which are subject to individual duty rates.

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 11(4) thereof,**D. GROUNDS FOR THE REVIEW**

After consulting the Advisory Committee,

- (4) The applicant alleges that it operates under market economy conditions as defined in Article 2(7)(c) of the basic Regulation. It further alleges that it did not export the product concerned to the Community during the period of investigation on which the anti-dumping measures were based, i.e. the period from 1 April 2003 to 31 March 2004 (‘the original investigation period’) and that it is not related to any of the exporting producers of the product which are subject to the abovementioned anti-dumping measures.

Whereas:

A. REQUEST FOR A REVIEW

- (1) The Commission has received an application for a ‘new exporter’ review pursuant to Article 11(4) of the basic Regulation. The application was lodged by Crown Equipment (Suzhou) Co. Ltd (‘the applicant’), an exporting producer in the People’s Republic of China (‘the country concerned’).

- (5) The applicant further alleges that it began exporting the product concerned to the Community after the end of the original investigation period.

B. PRODUCT

- (2) The product under review is hand pallet trucks and their essential parts, i.e. chassis and hydraulics, originating in the People’s Republic of China, currently classifiable within CN codes ex 8427 90 00 and ex 8431 20 00. Hand pallet trucks are defined as trucks with wheels supporting lifting fork arms for handling pallets, designed to be manually pushed, pulled and steered, on smooth, level, hard surfaces, by a pedestrian operator using an articulated tiller. The hand pallet trucks are only designed to raise a load, by pumping the tiller, to a height sufficient for transporting and do not have any other additional functions or uses such as for example (i) to move and to lift the loads in order to place them higher or assist in storage of loads (high lifters); (ii) to stack one pallet above the other (stackers); (iii) to lift the load to a working level (scissor lifts); or (iv) to lift and to weigh the loads (weighing trucks) (‘the product concerned’).

E. PROCEDURE

- (6) Community producers known to be concerned have been informed of the above application and have been given an opportunity to comment. No comments have been received.
- (7) Having examined the evidence available, the Commission concludes that there is sufficient evidence to justify the initiation of a ‘new exporter’ review, pursuant to Article 11(4) of the basic Regulation. Upon receipt of the claim mentioned below under 8(c), it will be determined whether the applicant operates under market economy conditions as defined in Article 2(7)(c) of the basic Regulation or alternatively whether the applicant fulfils the requirements to have an individual duty established in accordance with Article 9(5) of the basic Regulation. If so, the applicant’s individual margin of dumping shall be calculated and, should dumping be found, the level of the duty to which its imports of the product concerned into the Community should be subject shall be determined.

⁽¹⁾ OJ L 56, 6.3.1996, p. 1.⁽²⁾ OJ L 189, 21.7.2005, p. 1.

- (8) If it is determined that the applicant fulfils the requirements to have an individual duty established, it may be necessary to amend the rate of duty currently applicable to imports of the product concerned from companies not individually mentioned in Article 1(2) of Regulation (EC) No 1174/2005.

(a) Questionnaires

In order to obtain the information it deems necessary for its investigation, the Commission will send a questionnaire to the applicant.

(b) Collection of information and holding of hearings

All interested parties are hereby invited to make their views known in writing and to provide supporting evidence.

Furthermore, the Commission may hear interested parties, provided that they make a request in writing showing that there are particular reasons why they should be heard.

Attention is drawn to the fact that the exercise of most procedural rights set out in the basic Regulation depends on the parties making them known within the period provided for by the present Regulation.

(c) Market economy treatment/individual treatment

In the event that the applicant provides sufficient evidence that it operates under market economy conditions, i.e. that it meets the criteria laid down in Article 2(7)(c) of the basic Regulation, normal value will be determined in accordance with Article 2(7)(b) of the basic Regulation. For this purpose, duly substantiated claims must be submitted within the specific time limit set in Article 4(3) of this Regulation. The Commission will send claim forms to the applicant, as well as to the authorities of the People's Republic of China. This claim form may also be used by the applicant to claim individual treatment, i.e. that it meets the criteria laid down in Article 9(5) of the basic Regulation.

(d) Selection of the market economy country

In the event that the applicant is not granted market economy treatment but fulfils the requirements to

have an individual duty established in accordance with Article 9(5) of the basic Regulation, an appropriate market economy country will be used for the purpose of establishing normal value in respect of the People's Republic of China in accordance with Article 2(7)(a) of the basic Regulation. The Commission proposes using Canada again for this purpose as was done in the investigation which led to the imposition of measures on imports of the product concerned from the People's Republic of China. Interested parties are hereby invited to comment on the appropriateness of this choice within the specific time limit set in Article 4(2) of this Regulation.

Furthermore, in the event that the applicant is granted market economy treatment, the Commission may, if necessary, also use findings concerning the normal value established in an appropriate market economy country, e.g. for the purpose of replacing any unreliable cost or price elements in the People's Republic of China which are needed in establishing the normal value, if reliable required data are not available in the People's Republic of China. The Commission proposes using Canada also for this purpose.

F. REPEAL OF THE DUTY IN FORCE AND REGISTRATION OF IMPORTS

- (9) Pursuant to Article 11(4) of the basic Regulation, the anti-dumping duty in force should be repealed with regard to imports of the product concerned which are produced and sold for export to the Community by the applicant. At the same time, such imports should be made subject to registration in accordance with Article 14(5) of the basic Regulation, in order to ensure that, should the review result in a finding of dumping in respect of the applicant, anti-dumping duties can be levied retroactively from the date of the initiation of this review. The amount of the applicant possible future liabilities cannot be estimated at this stage of the proceeding.

G. TIME LIMITS

- (10) In the interest of sound administration, time limits should be stated within which:
- (a) interested parties may make themselves known to the Commission, present their views in writing and submit the replies to the questionnaire mentioned in recital 8(a) of this Regulation or provide any other information to be taken into account during the investigation;
- (b) interested parties may make a written request to be heard by the Commission;

- (c) interested parties may comment on the appropriateness of Canada which, in the event that the applicant will not be granted market economy treatment, is proposed as a market-economy country for the purpose of establishing normal value in respect of the People's Republic of China;
- (d) the applicant should submit a duly substantiated claim for market economy treatment and/or for individual treatment pursuant to Article 9(5) of the basic Regulation.

H. NON-COOPERATION

- (11) In cases in which any interested party refuses access to or does not provide the necessary information within the time limits, or significantly impedes the investigation, findings, affirmative or negative, may be made in accordance with Article 18 of the basic Regulation, on the basis of the facts available.
- (12) Where it is found that any interested party has supplied false or misleading information, the information shall be disregarded and use may be made, in accordance with Article 18 of the basic Regulation, of the facts available. If an interested party does not cooperate or cooperates only partially, and use of facts available is made, the result may be less favourable to that party than if it had cooperated.

I. PROCESSING OF PERSONAL DATA

- (13) It is noted that any personal data collected in this investigation will be treated in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data⁽¹⁾.

J. HEARING OFFICER

- (14) It is also noted that if interested parties consider that they are encountering difficulties in the exercise of their rights of defence, they may request the intervention of the Hearing Officer of DG Trade. He acts as an interface between the interested parties and the Commission services, offering, where necessary, mediation on procedural matters affecting the protection of their interests in this proceeding, in particular with regard to issues concerning access to the file, confidentiality, extension of time limits and the treatment of written and/or oral submission of views. For further information and contact details, interested parties may consult the Hearing Officer's web pages on the website of DG Trade (<http://ec.europa.eu/trade>),

HAS ADOPTED THIS REGULATION:

Article 1

A review of Regulation (EC) No 1174/2005 is hereby initiated pursuant to Article 11(4) of Regulation (EC) No 384/96 in order to determine if and to what extent the imports of hand pallet trucks and their essential parts falling within CN codes ex 8427 90 00 and ex 8431 20 00 (TARIC codes 8427 90 00 11, 8427 90 00 19, 8431 20 00 11 and 8431 20 00 19) originating in the People's Republic of China, produced and sold for export to the Community by Crown Equipment (Suzhou) Co. Ltd (TARIC additional code A929) should be subject to the anti-dumping duty imposed by Regulation (EC) No 1174/2005. For the purpose of this Regulation, hand pallet trucks shall be trucks with wheels supporting lifting fork arms for handling pallets, designed to be manually pushed, pulled and steered, on smooth, level, hard surfaces, by a pedestrian operator using an articulated tiller. The hand pallet trucks are only designed to raise a load, by pumping the tiller, to a height sufficient for transporting and do not have any other additional functions or uses such as for example (i) to move and to lift the loads in order to place them higher or assist in storage of loads (high lifters), (ii) to stack one pallet above the other (stackers), (iii) to lift the load to a working level (scissor lifts) or (iv) to lift and to weigh the loads (weighing trucks).

Article 2

The anti-dumping duty imposed by Regulation (EC) No 1174/2005 is hereby repealed with regard to the imports identified in Article 1 of the present Regulation.

Article 3

The customs authorities of the Member States are hereby directed, pursuant to Article 14(5) of Regulation (EC) No 384/96, to take the appropriate steps to register the imports identified in Article 1 of this Regulation. Registration shall expire nine months following the date of entry into force of this Regulation.

Article 4

1. Interested parties, if their representations are to be taken into account during the investigation, must make themselves known to the Commission, present their views in writing and submit the replies to the questionnaire mentioned in recital 8(a) of this Regulation or any other information, unless otherwise specified, within 40 days of the entry into force of this Regulation. Attention is drawn to the fact that the exercise of most procedural rights set out in the basic Regulation depends on the party making itself known within the aforementioned period. Interested parties may also apply in writing to be heard by the Commission within the same 40-day time limit.

⁽¹⁾ OJ L 8, 12.1.2001, p. 1.

2. Parties to the investigation wanting to comment on the appropriateness of Canada, which is proposed as a market economy third country for the purpose of establishing normal value in respect of the People's Republic of China, must submit their comments within 10 days of the date of entry into force of this Regulation.

3. A duly substantiated claim for market economy treatment and/or individual treatment must reach the Commission within 40 days of the date of the entry into force of this Regulation.

4. All submissions and requests made by interested parties must be made in writing (not in electronic format, unless otherwise specified) and must indicate the name, address, e-mail address, telephone and fax numbers of the interested party. All written submissions, including the information requested in this Regulation, questionnaire replies and correspondence provided by interested parties on a confidential basis shall be labelled as '*Limited*'⁽¹⁾ and, in accordance with Article 19(2) of Regulation (EC) No 384/96, shall be accom-

panied by a non-confidential version, which will be labelled 'FOR INSPECTION BY INTERESTED PARTIES'.

Any information relating to the matter and/or any request for a hearing should be sent to the following address:

European Commission
Directorate-General for Trade
Directorate H
Office: N-105 4/92
B-1040 Bruxelles/Brussel
BELGIQUE/BELGIË
Fax (32-2) 295 65 05

Article 5

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, 21 January 2009.

For the Commission
Catherine ASHTON
Member of the Commission

⁽¹⁾ This means that the document is for internal use only. It is protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43). It is a confidential document pursuant to Article 19 of Council Regulation (EC) No 384/96 (OJ L 56, 6.3.1996, p. 1) and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-dumping Agreement).

COMMISSION REGULATION (EC) No 53/2009

of 21 January 2009

amending Regulation (EC) No 1126/2008 adopting certain international accounting standards in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council as regards International Accounting Standard (IAS) 32 and IAS 1

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1606/2002 of the European Parliament and of the Council of 19 July 2002 on the application of international accounting standards ⁽¹⁾, and in particular Article 3(1) thereof,

Whereas:

(1) By Commission Regulation (EC) No 1126/2008 ⁽²⁾ certain international standards and interpretations that were extant at 15 October 2008 were adopted.

(2) On 14 February 2008, the International Accounting Standards Board (IASB) published amendments to International Accounting Standard (IAS) 32 Financial Instruments: Presentation and IAS 1 Presentation of Financial Statements — Puttable Financial Instruments and Obligations Arising on Liquidation, hereinafter 'amendments to IAS 32 and IAS 1'. The amendments require certain instruments issued by companies that are currently classified as liabilities despite having characteristics similar to ordinary shares, to be classified as equity. Additional disclosures are required relating to those instruments and new rules should apply to their reclassification.

(3) The consultation with the Technical Expert Group (TEG) of the European Financial Reporting Advisory Group (EFRAG) confirms that the amendments to IAS 32 and IAS 1 meet the technical criteria for adoption set out in Article 3(2) of Regulation (EC) No 1606/2002. In accordance with Commission Decision 2006/505/EC of 14 July 2006 setting up a Standards Advice Review Group to advise the Commission on the objectivity and

neutrality of the European Financial Reporting Advisory Group's (EFRAG's) opinions ⁽³⁾, the Standards Advice Review Group considered EFRAG's opinion on endorsement and advised the Commission that it is well balanced and objective.

(4) Regulation (EC) No 1126/2008 should therefore be amended accordingly.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Accounting Regulatory Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 1126/2008 is amended as follows:

1. International Accounting Standard (IAS) 32 Financial Instruments: Presentation is amended as set out in the Annex to this Regulation;
2. IAS 1 Presentation of Financial Statements is amended as set out in the Annex to this Regulation;
3. International Reporting Financial Standard (IFRS) 7, IAS 39 and International Financial Reporting Interpretations Committee's (IFRIC) Interpretation 2 are amended in accordance with the amendments to IAS 32 and IAS 1 as set out in the Annex to this Regulation.

Article 2

Each company shall apply the amendments to IAS 32 and to IAS 1, as set out in the Annex to this Regulation, at the latest, as from the commencement date of its first financial year starting after 31 December 2008.

⁽¹⁾ OJ L 243, 11.9.2002, p. 1.

⁽²⁾ OJ L 320, 29.11.2008, p. 1.

⁽³⁾ OJ L 199, 21.7.2006, p. 33.

Article 3

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

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

Done at Brussels, 21 January 2009.

For the Commission
Charlie McCREEVY
Member of the Commission

ANNEX

INTERNATIONAL ACCOUNTING STANDARDS

IAS 32	Amendments to IAS 32 <i>Financial Instruments: Presentation</i>
IAS 1	Amendments IAS 1 <i>Presentation of Financial Statements</i>

AMENDMENTS TO IAS 32 FINANCIAL INSTRUMENTS: PRESENTATION AND IAS 1 PRESENTATION OF FINANCIAL STATEMENTS

PUTTABLE FINANCIAL INSTRUMENTS AND OBLIGATIONS ARISING ON LIQUIDATION

Amendments to IFRSs

This document sets out amendments to IAS 32 *Financial Instruments: Presentation* and IAS 1 *Presentation of Financial Statements* (as revised in 2007) and consequential amendments to IFRS 7 *Financial Instruments: Disclosures*, IAS 39 *Financial Instruments: Recognition and Measurement* and IFRIC 2 *Members' Shares in Co-operative Entities and Similar Instruments*. This document also contains amendments to the Basis for Conclusions on IAS 32 and IAS 1 and the illustrative examples accompanying IAS 32. The amendments result from proposals that were contained in an exposure draft of proposed amendments to IAS 32 and IAS 1—*Financial Instruments Puttable at Fair Value and Obligations Arising on Liquidation* published in June 2006.

Entities shall apply these amendments for annual periods beginning on or after 1 January 2009. Earlier application is permitted. If entities apply these amendments for an earlier period, they shall disclose that fact.

Amendments to IAS 32***Financial Instruments: Presentation***

In paragraph 11 of the Standard, the definitions of a financial asset and a financial liability are amended and the definition of a puttable instrument is added after the definition of fair value.

DEFINITIONS (SEE ALSO PARAGRAPHS AG3–AG23)

11 The following terms are used in this Standard with the meanings specified:

...

A *financial asset* is any asset that is:

(a) ...

(d) a contract that will or may be settled in the entity's own equity instruments and is:

(i) ...

(ii) a derivative that will or may be settled other than by the exchange of a fixed amount of cash or another financial asset for a fixed number of the entity's own equity instruments. For this purpose the entity's own equity instruments do not include puttable financial instruments classified as equity instruments in accordance with paragraphs 16A and 16B, instruments that impose on the entity an obligation to deliver to another party a pro rata share of the net assets of the entity only on liquidation and are classified as equity instruments in accordance with paragraphs 16C and 16D, or instruments that are contracts for the future receipt or delivery of the entity's own equity instruments.

A *financial liability* is any liability that is:

(a) a contractual obligation:

(i) to deliver cash or another financial asset to another entity; or

(ii) to exchange financial assets or financial liabilities with another entity under conditions that are potentially unfavourable to the entity; or

(b) a contract that will or may be settled in the entity's own equity instruments and is:

(i) a non-derivative for which the entity is or may be obliged to deliver a variable number of the entity's own equity instruments; or

- (ii) a derivative that will or may be settled other than by the exchange of a fixed amount of cash or another financial asset for a fixed number of the entity's own equity instruments. For this purpose the entity's own equity instruments do not include puttable financial instruments that are classified as equity instruments in accordance with paragraphs 16A and 16B, instruments that impose on the entity an obligation to deliver to another party a pro rata share of the net assets of the entity only on liquidation and are classified as equity instruments in accordance with paragraphs 16C and 16D, or instruments that are contracts for the future receipt or delivery of the entity's own equity instruments.

As an exception, an instrument that meets the definition of a financial liability is classified as an equity instrument if it has all the features and meets the conditions in paragraphs 16A and 16B or paragraphs 16C and 16D.

...

A *puttable instrument* is a financial instrument that gives the holder the right to put the instrument back to the issuer for cash or another financial asset or is automatically put back to the issuer on the occurrence of an uncertain future event or the death or retirement of the instrument holder.

The heading before paragraph 15 and paragraph 16 is amended. After paragraph 16, a heading, paragraphs 16A and 16B, another heading, paragraphs 16C and 16D, another heading and paragraphs 16E and 16F are added.

PRESENTATION

Liabilities and equity (see also paragraphs AG13-AG14J and AG25-AG29A)

...

- 16 When an issuer applies the definitions in paragraph 11 to determine whether a financial instrument is an equity instrument rather than a financial liability, the instrument is an equity instrument if, and only if, both conditions (a) and (b) below are met.

(a) ...

(b) If the instrument will or may be settled in the issuer's own equity instruments, it is:

(i) ...

- (ii) a derivative that will be settled only by the issuer exchanging a fixed amount of cash or another financial asset for a fixed number of its own equity instruments. For this purpose the issuer's own equity instruments do not include instruments that have all the features and meet the conditions described in paragraphs 16A and 16B or paragraphs 16C and 16D, or instruments that are contracts for the future receipt or delivery of the issuer's own equity instruments.

A contractual obligation, including one arising from a derivative financial instrument, that will or may result in the future receipt or delivery of the issuer's own equity instruments, but does not meet conditions (a) and (b) above, is not an equity instrument. As an exception, an instrument that meets the definition of a financial liability is classified as an equity instrument if it has all the features and meets the conditions in paragraphs 16A and 16B or paragraphs 16C and 16D.

Puttable instruments

- 16A A puttable financial instrument includes a contractual obligation for the issuer to repurchase or redeem that instrument for cash or another financial asset on exercise of the put. As an exception to the definition of a financial liability, an instrument that includes such an obligation is classified as an equity instrument if it has all the following features:

(a) It entitles the holder to a pro rata share of the entity's net assets in the event of the entity's liquidation. The entity's net assets are those assets that remain after deducting all other claims on its assets. A pro rata share is determined by:

(i) dividing the entity's net assets on liquidation into units of equal amount; and

(ii) multiplying that amount by the number of the units held by the financial instrument holder.

(b) The instrument is in the class of instruments that is subordinate to all other classes of instruments. To be in such a class the instrument:

(i) has no priority over other claims to the assets of the entity on liquidation, and

- (ii) does not need to be converted into another instrument before it is in the class of instruments that is subordinate to all other classes of instruments.
- (c) All financial instruments in the class of instruments that is subordinate to all other classes of instruments have identical features. For example, they must all be puttable, and the formula or other method used to calculate the repurchase or redemption price is the same for all instruments in that class.
- (d) Apart from the contractual obligation for the issuer to repurchase or redeem the instrument for cash or another financial asset, the instrument does not include any contractual obligation to deliver cash or another financial asset to another entity, or to exchange financial assets or financial liabilities with another entity under conditions that are potentially unfavourable to the entity, and it is not a contract that will or may be settled in the entity's own equity instruments as set out in subparagraph (b) of the definition of a financial liability.
- (e) The total expected cash flows attributable to the instrument over the life of the instrument are based substantially on the profit or loss, the change in the recognised net assets or the change in the fair value of the recognised and unrecognised net assets of the entity over the life of the instrument (excluding any effects of the instrument).

16B For an instrument to be classified as an equity instrument, in addition to the instrument having all the above features, the issuer must have no other financial instrument or contract that has:

- (a) total cash flows based substantially on the profit or loss, the change in the recognised net assets or the change in the fair value of the recognised and unrecognised net assets of the entity (excluding any effects of such instrument or contract) and
- (b) the effect of substantially restricting or fixing the residual return to the puttable instrument holders.

For the purposes of applying this condition, the entity shall not consider non-financial contracts with a holder of an instrument described in paragraph 16A that have contractual terms and conditions that are similar to the contractual terms and conditions of an equivalent contract that might occur between a non-instrument holder and the issuing entity. If the entity cannot determine that this condition is met, it shall not classify the puttable instrument as an equity instrument.

Instruments, or components of instruments, that impose on the entity an obligation to deliver to another party a pro rata share of the net assets of the entity only on liquidation

16C Some financial instruments include a contractual obligation for the issuing entity to deliver to another entity a pro rata share of its net assets only on liquidation. The obligation arises because liquidation either is certain to occur and outside the control of the entity (for example, a limited life entity) or is uncertain to occur but is at the option of the instrument holder. As an exception to the definition of a financial liability, an instrument that includes such an obligation is classified as an equity instrument if it has all the following features:

- (a) It entitles the holder to a pro rata share of the entity's net assets in the event of the entity's liquidation. The entity's net assets are those assets that remain after deducting all other claims on its assets. A pro rata share is determined by:
 - (i) dividing the net assets of the entity on liquidation into units of equal amount; and
 - (ii) multiplying that amount by the number of the units held by the financial instrument holder.
- (b) The instrument is in the class of instruments that is subordinate to all other classes of instruments. To be in such a class the instrument:
 - (i) has no priority over other claims to the assets of the entity on liquidation, and
 - (ii) does not need to be converted into another instrument before it is in the class of instruments that is subordinate to all other classes of instruments.

- (c) All financial instruments in the class of instruments that is subordinate to all other classes of instruments must have an identical contractual obligation for the issuing entity to deliver a pro rata share of its net assets on liquidation.

16D For an instrument to be classified as an equity instrument, in addition to the instrument having all the above features, the issuer must have no other financial instrument or contract that has:

- (a) total cash flows based substantially on the profit or loss, the change in the recognised net assets or the change in the fair value of the recognised and unrecognised net assets of the entity (excluding any effects of such instrument or contract) and
- (b) the effect of substantially restricting or fixing the residual return to the instrument holders.

For the purposes of applying this condition, the entity shall not consider non-financial contracts with a holder of an instrument described in paragraph 16C that have contractual terms and conditions that are similar to the contractual terms and conditions of an equivalent contract that might occur between a non-instrument holder and the issuing entity. If the entity cannot determine that this condition is met, it shall not classify the instrument as an equity instrument.

Reclassification of puttable instruments and instruments that impose on the entity an obligation to deliver to another party a pro rata share of the net assets of the entity only on liquidation

16E An entity shall classify a financial instrument as an equity instrument in accordance with paragraphs 16A and 16B or paragraphs 16C and 16D from the date when the instrument has all the features and meets the conditions set out in those paragraphs. An entity shall reclassify a financial instrument from the date when the instrument ceases to have all the features or meet all the conditions set out in those paragraphs. For example, if an entity redeems all its issued non-puttable instruments and any puttable instruments that remain outstanding have all the features and meet all the conditions in paragraphs 16A and 16B, the entity shall reclassify the puttable instruments as equity instruments from the date when it redeems the non-puttable instruments.

16F An entity shall account as follows for the reclassification of an instrument in accordance with paragraph 16E:

- (a) It shall reclassify an equity instrument as a financial liability from the date when the instrument ceases to have all the features or meet the conditions in paragraphs 16A and 16B or paragraphs 16C and 16D. The financial liability shall be measured at the instrument's fair value at the date of reclassification. The entity shall recognise in equity any difference between the carrying value of the equity instrument and the fair value of the financial liability at the date of reclassification.
- (b) It shall reclassify a financial liability as equity from the date when the instrument has all the features and meets the conditions set out in paragraphs 16A and 16B or paragraphs 16C and 16D. An equity instrument shall be measured at the carrying value of the financial liability at the date of reclassification.

Paragraphs 17–19 are amended.

No contractual obligation to deliver cash or another financial asset (paragraph 16(a))

17 With the exception of the circumstances described in paragraphs 16A and 16B or paragraphs 16C and 16D, a critical feature in differentiating a financial liability from an equity instrument is the existence of a contractual obligation of one party to the financial instrument (the issuer) either to deliver cash or another financial asset to the other party (the holder) or to exchange financial assets or financial liabilities with the holder under conditions that are potentially unfavourable to the issuer. ...

18 The substance of a financial instrument, rather than its legal form, governs its classification in the entity's statement of financial position. Substance and legal form are commonly consistent, but not always. Some financial instruments take the legal form of equity but are liabilities in substance and others may combine features associated with equity instruments and features associated with financial liabilities. For example:

- (a) ...

(b) a financial instrument that gives the holder the right to put it back to the issuer for cash or another financial asset (a puttable instrument) is a financial liability, except for those instruments classified as equity instruments in accordance with paragraphs 16A and 16B or paragraphs 16C and 16D. The financial instrument is a financial liability even when the amount of cash or other financial assets is determined on the basis of an index or other item that has the potential to increase or decrease. The existence of an option for the holder to put the instrument back to the issuer for cash or another financial asset means that the puttable instrument meets the definition of a financial liability, except for those instruments classified as equity instruments in accordance with paragraphs 16A and 16B or paragraphs 16C and 16D. For example, open-ended mutual funds, unit trusts, partnerships and some co-operative entities may provide their unitholders or members with a right to redeem their interests in the issuer at any time for cash, which results in the unitholders' or members' interests being classified as financial liabilities, except for those instruments classified as equity instruments in accordance with paragraphs 16A and 16B or paragraphs 16C and 16D. However, classification as a financial liability does not preclude the use of descriptors such as 'net asset value attributable to unitholders' and 'change in net asset value attributable to unitholders' in the financial statements of an entity that has no contributed equity (such as some mutual funds and unit trusts, see Illustrative Example 7) or the use of additional disclosure to show that total members' interests comprise items such as reserves that meet the definition of equity and puttable instruments that do not (see Illustrative Example 8).

19 If an entity does not have an unconditional right to avoid delivering cash or another financial asset to settle a contractual obligation, the obligation meets the definition of a financial liability, except for those instruments classified as equity instruments in accordance with paragraphs 16A and 16B or paragraphs 16C and 16D. For example:

...

Paragraphs 22, 23 and 25 are amended. After paragraph 22, paragraph 22A is added.

Settlement in the entity's own equity instruments (paragraph 16(b))

22 Except as stated in paragraph 22A, a contract that will be settled by the entity (receiving or) delivering a fixed number of its own equity instruments in exchange for a fixed amount of cash or another financial asset is an equity instrument. For example, ...

22A If the entity's own equity instruments to be received, or delivered, by the entity upon settlement of a contract are puttable financial instruments with all the features and meeting the conditions described in paragraphs 16A and 16B, or instruments that impose on the entity an obligation to deliver to another party a pro rata share of the net assets of the entity only on liquidation with all of the features and meeting the conditions described in paragraphs 16C and 16D, the contract is a financial asset or a financial liability. This includes a contract that will be settled by the entity receiving or delivering a fixed number of such instruments in exchange for a fixed amount of cash or another financial asset.

23 With the exception of the circumstances described in paragraphs 16A and 16B or paragraphs 16C and 16D, a contract that contains an obligation for an entity to purchase its own equity instruments for cash or another financial asset gives rise to a financial liability for the present value of the redemption amount (for example, for the present value of the forward repurchase price, option exercise price or other redemption amount). This is the case even if the contract itself is an equity instrument. One example ...

Contingent settlement provisions

25 A financial instrument may require the entity to deliver cash or another financial asset, or otherwise to settle it in such a way that it would be a financial liability, in the event of the occurrence or non-occurrence of uncertain future events (or on the outcome of uncertain circumstances) that are beyond the control of both the issuer and the holder of the instrument, such as a change in a stock market index, consumer price index, interest rate or taxation requirements, or the issuer's future revenues, net income or debt-to-equity ratio. The issuer of such an instrument does not have the unconditional right to avoid delivering cash or another financial asset (or otherwise to settle it in such a way that it would be a financial liability). Therefore, it is a financial liability of the issuer unless:

(a) the part of the contingent settlement provision that could require settlement in cash or another financial asset (or otherwise in such a way that it would be a financial liability) is not genuine;

- (b) the issuer can be required to settle the obligation in cash or another financial asset (or otherwise to settle it in such a way that it would be a financial liability) only in the event of liquidation of the issuer; or
- (c) the instrument has all the features and meets the conditions in paragraphs 16A and 16B.

Before paragraph 96, the heading is amended. After paragraph 96, paragraphs 96A–96C are added. After paragraph 97B, paragraph 97C is added.

EFFECTIVE DATE AND TRANSITION

- 96A *Puttable Financial Instruments and Obligations Arising on Liquidation* (Amendments to IAS 32 and IAS 1), issued in February 2008, required financial instruments that contain all the features and meet the conditions in paragraphs 16A and 16B or paragraphs 16C and 16D to be classified as an equity instrument, amended paragraphs 11, 16, 17–19, 22, 23, 25, AG13, AG14 and AG27, and inserted paragraphs 16A–16F, 22A, 96B, 96C, 97C, AG14A–AG14J and AG29A. An entity shall apply those amendments for annual periods beginning on or after 1 January 2009. Earlier application is permitted. If an entity applies the changes for an earlier period, it shall disclose that fact and apply the related amendments to IAS 1, IAS 39, IFRS 7 and IFRIC 2 at the same time.
- 96B *Puttable Financial Instruments and Obligations Arising on Liquidation* introduced a limited scope exception; therefore, an entity shall not apply the exception by analogy.
- 96C The classification of instruments under this exception shall be restricted to the accounting for such an instrument under IAS 1, IAS 32, IAS 39 and IFRS 7. The instrument shall not be considered an equity instrument under other guidance, for example IFRS 2 *Share-based Payment*.
- 97C When applying the amendments described in paragraph 96A, an entity is required to split a compound financial instrument with an obligation to deliver to another party a pro rata share of the net assets of the entity only on liquidation into separate liability and equity components. If the liability component is no longer outstanding, a retrospective application of those amendments to IAS 32 would involve separating two components of equity. The first component would be in retained earnings and represent the cumulative interest accreted on the liability component. The other component would represent the original equity component. Therefore, an entity need not separate these two components if the liability component is no longer outstanding at the date of application of the amendments.

In the Appendix Application Guidance, paragraphs AG13 and AG14 are amended. After paragraph AG14, a heading, paragraphs AG14A–AG14D, another heading, paragraph AG14E, another heading, paragraphs AG14F–AG14I, another heading and paragraph AG14J are added.

Equity instruments

- AG13 Examples of equity instruments include non-puttable ordinary shares, some puttable instruments (see paragraphs 16A and 16B), some instruments that impose on the entity an obligation to deliver to another party a pro rata share of the net assets of the entity only on liquidation (see paragraphs 16C and 16D), some types of preference shares (see paragraphs AG25 and AG26), and warrants or written call options that allow the holder to subscribe for or purchase a fixed number of non-puttable ordinary shares in the issuing entity in exchange for a fixed amount of cash or another financial asset. An entity's obligation to issue or purchase a fixed number of its own equity instruments in exchange for a fixed amount of cash or another financial asset is an equity instrument of the entity (except as stated in paragraph 22A). However, if such a contract contains an obligation for the entity to pay cash or another financial asset (other than a contract classified as equity in accordance with paragraphs 16A and 16B or paragraphs 16C and 16D), it also gives rise to a liability for the present value of the redemption amount (see paragraph AG27(a)). An issuer of non-puttable ordinary shares assumes a liability when it formally acts to make a distribution and becomes legally obliged to the shareholders to do so. This may be the case following the declaration of a dividend or when the entity is being wound up and any assets remaining after the satisfaction of liabilities become distributable to shareholders.
- AG14 A purchased call option or other similar contract acquired by an entity that gives it the right to reacquire a fixed number of its own equity instruments in exchange for delivering a fixed amount of cash or another financial asset is not a financial asset of the entity (except as stated in paragraph 22A). Instead, any consideration paid for such a contract is deducted from equity.

The class of instruments that is subordinate to all other classes (paragraphs 16A(b) and 16C(b))

AG14A One of the features of paragraphs 16A and 16C is that the financial instrument is in the class of instruments that is subordinate to all other classes.

AG14B When determining whether an instrument is in the subordinate class, an entity evaluates the instrument's claim on liquidation as if it were to liquidate on the date when it classifies the instrument. An entity shall reassess the classification if there is a change in relevant circumstances. For example, if the entity issues or redeems another financial instrument, this may affect whether the instrument in question is in the class of instruments that is subordinate to all other classes.

AG14C An instrument that has a preferential right on liquidation of the entity is not an instrument with an entitlement to a pro rata share of the net assets of the entity. For example, an instrument has a preferential right on liquidation if it entitles the holder to a fixed dividend on liquidation, in addition to a share of the entity's net assets, when other instruments in the subordinate class with a right to a pro rata share of the net assets of the entity do not have the same right on liquidation.

AG14D If an entity has only one class of financial instruments, that class shall be treated as if it were subordinate to all other classes.

Total expected cash flows attributable to the instrument over the life of the instrument (paragraph 16A(e))

AG14E The total expected cash flows of the instrument over the life of the instrument must be substantially based on the profit or loss, change in the recognised net assets or fair value of the recognised and unrecognised net assets of the entity over the life of the instrument. Profit or loss and the change in the recognised net assets shall be measured in accordance with relevant IFRSs.

Transactions entered into by an instrument holder other than as owner of the entity (paragraphs 16A and 16C)

AG14F The holder of a puttable financial instrument or an instrument that imposes on the entity an obligation to deliver to another party a pro rata share of the net assets of the entity only on liquidation may enter into transactions with the entity in a role other than that of an owner. For example, an instrument holder may also be an employee of the entity. Only the cash flows and the contractual terms and conditions of the instrument that relate to the instrument holder as an owner of the entity shall be considered when assessing whether the instrument should be classified as equity under paragraph 16A or paragraph 16C.

AG14G An example is a limited partnership that has limited and general partners. Some general partners may provide a guarantee to the entity and may be remunerated for providing that guarantee. In such situations, the guarantee and the associated cash flows relate to the instrument holders in their role as guarantors and not in their roles as owners of the entity. Therefore, such a guarantee and the associated cash flows would not result in the general partners being considered subordinate to the limited partners, and would be disregarded when assessing whether the contractual terms of the limited partnership instruments and the general partnership instruments are identical.

AG14H Another example is a profit or loss sharing arrangement that allocates profit or loss to the instrument holders on the basis of services rendered or business generated during the current and previous years. Such arrangements are transactions with instrument holders in their role as non-owners and should not be considered when assessing the features listed in paragraph 16A or paragraph 16C. However, profit or loss sharing arrangements that allocate profit or loss to instrument holders based on the nominal amount of their instruments relative to others in the class represent transactions with the instrument holders in their roles as owners and should be considered when assessing the features listed in paragraph 16A or paragraph 16C.

AG14I The cash flows and contractual terms and conditions of a transaction between the instrument holder (in the role as a non-owner) and the issuing entity must be similar to an equivalent transaction that might occur between a non-instrument holder and the issuing entity.

No other financial instrument or contract with total cash flows that substantially fixes or restricts the residual return to the instrument holder (paragraphs 16B and 16D)

AG14J A condition for classifying as equity a financial instrument that otherwise meets the criteria in paragraph 16A or paragraph 16C is that the entity has no other financial instrument or contract that has (a) total cash flows based substantially on the profit or loss, the change in the recognised net assets or the change in the fair value of the recognised and unrecognised net assets of the entity and (b) the effect of substantially restricting or fixing the residual return. The following instruments, when entered into on normal commercial terms with unrelated parties, are unlikely to prevent instruments that otherwise meet the criteria in paragraph 16A or paragraph 16C from being classified as equity:

- (a) instruments with total cash flows substantially based on specific assets of the entity.
- (b) instruments with total cash flows based on a percentage of revenue.
- (c) contracts designed to reward individual employees for services rendered to the entity.
- (d) contracts requiring the payment of an insignificant percentage of profit for services rendered or goods provided.

Paragraph AG27 is amended and after paragraph AG29, paragraph AG29A is added.

AG27 The following examples illustrate how to classify different types of contracts on an entity's own equity instruments:

- (a) A contract that will be settled by the entity receiving or delivering a fixed number of its own shares for no future consideration, or exchanging a fixed number of its own shares for a fixed amount of cash or another financial asset, is an equity instrument (except as stated in paragraph 22A). Accordingly, any consideration received or paid for such a contract is added directly to or deducted directly from equity. One example is an issued share option that gives the counterparty a right to buy a fixed number of the entity's shares for a fixed amount of cash. However, if the contract requires the entity to purchase (redeem) its own shares for cash or another financial asset at a fixed or determinable date or on demand, the entity also recognises a financial liability for the present value of the redemption amount (with the exception of instruments that have all the features and meet the conditions in paragraphs 16A and 16B or paragraphs 16C and 16D). One example is an entity's obligation under a forward contract to repurchase a fixed number of its own shares for a fixed amount of cash.
- (b) An entity's obligation to purchase its own shares for cash gives rise to a financial liability for the present value of the redemption amount even if the number of shares that the entity is obliged to repurchase is not fixed or if the obligation is conditional on the counterparty exercising a right to redeem (except as stated in paragraphs 16A and 16B or paragraphs 16C and 16D). One example of a conditional obligation is an issued option that requires the entity to repurchase its own shares for cash if the counterparty exercises the option.
- (c) A contract that will be settled in cash or another financial asset is a financial asset or financial liability even if the amount of cash or another financial asset that will be received or delivered is based on changes in the market price of the entity's own equity (except as stated in paragraphs 16A and 16B or paragraphs 16C and 16D). One example is a net cash-settled share option.
- (d) ...

AG29A Some types of instruments that impose a contractual obligation on the entity are classified as equity instruments in accordance with paragraphs 16A and 16B or paragraphs 16C and 16D. Classification in accordance with those paragraphs is an exception to the principles otherwise applied in this Standard to the classification of an instrument. This exception is not extended to the classification of non-controlling interests in the consolidated financial statements. Therefore, instruments classified as equity instruments in accordance with either paragraphs 16A and 16B or paragraphs 16C and 16D in the separate or individual financial statements that are non-controlling interests are classified as liabilities in the consolidated financial statements of the group.

Amendments to IAS 1

Presentation of Financial Statements (as revised in 2007)

DEFINITIONS

After paragraph 8, paragraph 8A is added.

8A The following terms are described in IAS 32 *Financial Instruments: Presentation* and are used in this Standard with the meaning specified in IAS 32:

- (a) puttable financial instrument classified as an equity instrument (described in paragraphs 16A and 16B of IAS 32)

- (b) an instrument that imposes on the entity an obligation to deliver to another party a pro rata share of the net assets of the entity only on liquidation and is classified as an equity instrument (described in paragraphs 16C and 16D of IAS 32).

Information to be presented either in the statement of financial position or in the notes

After paragraph 80, paragraph 80A is added.

80A If an entity has reclassified

- (a) a puttable financial instrument classified as an equity instrument, or
- (b) an instrument that imposes on the entity an obligation to deliver to another party a pro rata share of the net assets of the entity only on liquidation and is classified as an equity instrument

between financial liabilities and equity, it shall disclose the amount reclassified into and out of each category (financial liabilities or equity), and the timing and reason for that reclassification.

After paragraph 136, a heading and paragraph 136A are inserted. Paragraph 138 is amended.

Puttable financial instruments classified as equity

136A For puttable financial instruments classified as equity instruments, an entity shall disclose (to the extent not disclosed elsewhere):

- (a) summary quantitative data about the amount classified as equity;
- (b) its objectives, policies and processes for managing its obligation to repurchase or redeem the instruments when required to do so by the instrument holders, including any changes from the previous period;
- (c) the expected cash outflow on redemption or repurchase of that class of financial instruments; and
- (d) information about how the expected cash outflow on redemption or repurchase was determined.

Other disclosures

138 An entity shall disclose the following, if not disclosed elsewhere in information published with the financial statements:

- (a) the domicile and legal form of the entity, its country of incorporation and the address of its registered office (or principal place of business, if different from the registered office);
- (b) a description of the nature of the entity's operations and its principal activities;
- (c) the name of the parent and the ultimate parent of the group; and
- (d) if it is a limited life entity, information regarding the length of its life.

After paragraph 139A, paragraph 139B is added.

TRANSITION AND EFFECTIVE DATE

139B *Puttable Financial Instruments and Obligations Arising on Liquidation* (Amendments to IAS 32 and IAS 1), issued in February 2008, amended paragraph 138 and inserted paragraphs 8A, 80A and 136A. An entity shall apply those amendments for annual periods beginning on or after 1 January 2009. Earlier application is permitted. If an entity applies the amendments for an earlier period, it shall disclose that fact and apply the related amendments to IAS 32, IAS 39, IFRS 7 and IFRIC 2 *Members' Shares in Co-operative Entities and Similar Instruments* at the same time.

Amendments to IFRS 7, IAS 39 and IFRIC 2

Entities shall apply the following amendments to IFRS 7, IAS 39 and IFRIC 2 when they apply the related amendments to IAS 32 and IAS 1.

IFRS 7**Financial Instruments: Disclosures**

Paragraph 3 is amended.

SCOPE

3 This IFRS shall be applied by all entities to all types of financial instruments, except:

(a) ...

(f) instruments that are required to be classified as equity instruments in accordance with paragraphs 16A and 16B or paragraphs 16C and 16D of IAS 32.

After paragraph 44B, paragraph 44C is added.

EFFECTIVE DATE AND TRANSITION

44C An entity shall apply the amendment in paragraph 3 for annual periods beginning on or after 1 January 2009. If an entity applies *Puttable Financial Instruments and Obligations Arising on Liquidation* (Amendments to IAS 32 and IAS 1), issued in February 2008, for an earlier period, the amendment in paragraph 3 shall be applied for that earlier period.

IAS 39**Financial Instruments: Recognition and Measurement**

Paragraph 2(d) is amended.

SCOPE

2 This Standard shall be applied by all entities to all types of financial instruments except:

(d) financial instruments issued by the entity that meet the definition of an equity instrument in IAS 32 (including options and warrants) or that are required to be classified as an equity instrument in accordance with paragraphs 16A and 16B or paragraphs 16C and 16D of IAS 32. However, the holder of such equity instruments shall apply this Standard to those instruments, unless they meet the exception in (a) above.

After paragraph 103E, paragraph 103F is added.

EFFECTIVE DATE AND TRANSITION

103F An entity shall apply the amendment in paragraph 2 for annual periods beginning on or after 1 January 2009. If an entity applies *Puttable Financial Instruments and Obligations Arising on Liquidation* (Amendments to IAS 32 and IAS 1), issued in February 2008, for an earlier period, the amendment in paragraph 2 shall be applied for that earlier period.

IFRIC 2**Members' Shares in Co-operative Entities and Similar Instruments**

In the References section, the footnote is amended.

(*) In August 2005, IAS 32 was amended as IAS 32 *Financial Instruments: Presentation*. In February 2008 the IASB amended IAS 32 by requiring instruments to be classified as equity if those instruments have all the features and meet the conditions in paragraphs 16A and 16B or paragraphs 16C and 16D of IAS 32.

Paragraphs 6 and 9 are amended and paragraph 14A is added.

CONSENSUS

6 Members' shares that would be classified as equity if the members did not have a right to request redemption are equity if either of the conditions described in paragraphs 7 and 8 is present or the members' shares have all the features and meet the conditions in paragraphs 16A and 16B or paragraphs 16C and 16D of IAS 32. Demand deposits, including current accounts, deposit accounts and similar contracts that arise when members act as customers are financial liabilities of the entity.

- 9 An unconditional prohibition may be absolute, in that all redemptions are prohibited. An unconditional prohibition may be partial, in that it prohibits redemption of members' shares if redemption would cause the number of members' shares or amount of paid-in capital from members' shares to fall below a specified level. Members' shares in excess of the prohibition against redemption are liabilities, unless the entity has the unconditional right to refuse redemption as described in paragraph 7 or the members' shares have all the features and meet the conditions in paragraphs 16A and 16B or paragraphs 16C and 16D of IAS 32. In some cases, the number of shares or the amount of paid-in capital subject to a redemption prohibition may change from time to time. Such a change in the redemption prohibition leads to a transfer between financial liabilities and equity.

EFFECTIVE DATE

- 14A An entity shall apply the amendments in paragraphs 6, 9, A1 and A12 for annual periods beginning on or after 1 January 2009. If an entity applies Puttable Financial Instruments and Obligations Arising on Liquidation (Amendments to IAS 32 and IAS 1), issued in February 2008, for an earlier period, the amendments in paragraphs 6, 9, A1 and A12 shall be applied for that earlier period.

In the Appendix (Examples of application of the consensus), paragraphs A1 and A12 are amended.

EXAMPLES OF APPLICATION OF THE CONSENSUS

- A1 This appendix sets out seven examples of the application of the IFRIC consensus. The examples do not constitute an exhaustive list; other fact patterns are possible. Each example assumes that there are no conditions other than those set out in the facts of the example that would require the financial instrument to be classified as a financial liability and that the financial instrument does not have all the features or does not meet the conditions in paragraphs 16A and 16B or paragraphs 16C and 16D of IAS 32.

Example 4

Classification

- A12 In this case, CU750,000 would be classified as equity and CU150,000 would be classified as financial liabilities. In addition to the paragraphs already cited, paragraph 18(b) of IAS 32 states in part:

... a financial instrument that gives the holder the right to put it back to the issuer for cash or another financial asset (a puttable instrument) is a financial liability, except for those instruments classified as equity instruments in accordance with paragraphs 16A and 16B or paragraphs 16C and 16D. The financial instrument is a financial liability even when the amount of cash or other financial assets is determined on the basis of an index or other item that has the potential to increase or decrease. The existence of an option for the holder to put the instrument back to the issuer for cash or another financial asset means that the puttable instrument meets the definition of a financial liability, except for those instruments classified as equity instruments in accordance with paragraphs 16A and 16B or paragraphs 16C a

COMMISSION REGULATION (EC) No 54/2009

of 21 January 2009

amending Council Regulation (EC) No 669/97 as regards the opening and management of Community tariff quotas for certain fish and fishery products originating in the Faroe Islands

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 669/97 of 14 April 1997 opening and providing for the administration of Community tariff quotas for certain fish and fishery products originating in the Faroe Islands, defining detailed provisions for amending and adapting these measures and repealing Regulation (EC) No 1983/95 ⁽¹⁾, and in particular Article 5(1) thereof,

Whereas:

(1) Decision No 2/2008 of the EC-Denmark/Faroe Islands Joint Committee (2008/957/EC) ⁽²⁾ has amended Tables I and II of the Annex to Protocol 1 to the Agreement between the European Community, of the one part, and the Government of Denmark and the Home Government of the Faroe Islands, of the other part.

(2) In the amended Protocol 1 to the Agreement, provision is made for three new annual tariff quotas covering import into the Community of certain fish and fishery products originating in the Faroe Islands. The new tariff quotas are to apply from 1 September 2008. In order to implement these new tariff quotas, it is necessary to adjust the list of fish and fishery products subject to tariff quotas laid down in Regulation (EC) No 669/97.

(3) Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽³⁾ provides for a system of management for tariff quotas, designed to be used following the chronological order of dates of acceptance of the customs declarations. For reasons of simplification

and to ensure efficient management carried out in close cooperation between the authorities of the Faroe Islands, the customs authorities of the Member States and the Commission, that management system should apply to the tariff quotas provided for in Regulation (EC) No 669/97.

(4) For the year 2008, the volumes of the tariff quotas provided for in this Regulation should be calculated as a *pro rata* of the basic volumes set out in Decision No 2/2008 (2008/957/EC), in proportion to the part of the year which has elapsed before the tariff quotas apply.

(5) Regulation (EC) No 669/97 should therefore be amended accordingly.

(6) In accordance with Decision No 2/2008 (2008/957/EC), the new tariff quotas are to apply from 1 September 2008. This Regulation should therefore apply from the same date.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 669/97 is amended as follows:

1. Article 2 is replaced by the following:

'Article 2

The tariff quotas provided for in this Regulation shall be managed in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.'

⁽¹⁾ OJ L 101, 18.4.1997, p. 1.

⁽²⁾ OJ L 338, 17.12.2008, p. 72.

⁽³⁾ OJ L 253, 11.10.1993, p. 1.

2. The Annex is amended as set out in the Annex to this Regulation.

Article 2

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

It shall apply from 1 September 2008.

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

Done at Brussels, 21 January 2009.

For the Commission
László KOVÁCS
Member of the Commission

ANNEX

In the Annex to Regulation (EC) No 669/97 the following rows are inserted:

Order No	CN code	TARIC subdivision	Description	Rate of duty	Quota volume (tonnes)
09.0672	ex 0305 59 80	80	Coalfish (<i>Pollachius Virens</i>), salted and dried	0	From 1.9 to 31.12.2008: 250 From 1.1 to 31.12.2009 and thereafter from 1.1 to 31.12 of each year: 750
09.0674	ex 0307 91 00 ex 0307 99 18 ex 1605 90 30	10 10 30	Common whelk (<i>Buccinum Undatum</i>), live, fresh or chilled, frozen, prepared or preserved	0	From 1.9. to 31.12.2008: 400 From 1.1.2009 to 31.12.2009 and thereafter from 1.1 to 31.12 of each year: 1 200
09.0676	ex 0306 14 90	10	Crab of the species <i>Geryon affinis</i> , frozen	0	From 1.9. to 31.12.2008: 250 From 1.1.2009 to 31.12.2009 and thereafter from 1.1 to 31.12 of each year: 750

III

(Acts adopted under the EU Treaty)

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

COUNCIL DECISION 2009/42/CFSP

of 19 January 2009

on support for EU activities in order to promote among third countries the process leading towards an Arms Trade Treaty, in the framework of the European Security Strategy

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

- (1) On 12 December 2003 the European Council adopted a European Security Strategy which called for an international order based on effective multilateralism. The European Security Strategy acknowledges the United Nations Charter as the fundamental framework for international relations. Strengthening the United Nations, equipping it to fulfil its responsibilities and to act effectively, is a priority of the European Union.
- (2) On 6 December 2006 the United Nations General Assembly adopted Resolution 61/89 entitled 'Towards an arms trade treaty: establishing common international standards for the import, export and transfer of conventional arms'.
- (3) In its conclusions of 11 December 2006, the Council welcomed the formal start of the process towards the elaboration of a legally binding international Arms Trade Treaty and noted with appreciation that a clear majority of UN Member States had supported the above referred Resolution, including all EU Member States. The Council reaffirmed that the EU and its Member States would play an active role in this process, and underlined the importance of cooperation in this process with other States and regional organisations.
- (4) The United Nations Secretary-General set up a Group of Governmental Experts (GGE) of 28 members to continue the consideration of a possible Arms Trade Treaty. The GGE met throughout 2008 and presented its conclusions during the ministerial week of the 63rd General Assembly. The Group concluded that further consideration was required and that efforts should be carried out, on a step-by-step basis, in an open and transparent manner, within the framework of the United Nations. The GGE encouraged those States in a position to do so, to render assistance to States in need, upon request.
- (5) In its conclusions of 10 December 2007, the Council underlined the importance of the UN-appointed GGE which it encouraged to move the process forward. The Council expressed its firm belief that a comprehensive, legally binding instrument, consistent with existing responsibilities of States under relevant international law and establishing common international standards for the import, export and transfer of conventional arms, would be a major contribution to tackling the undesirable and irresponsible proliferation of conventional arms.
- (6) In October 2008 the First Committee of the UN General Assembly adopted the resolution 'Towards an arms trade treaty: establishing common international standards for the import, export and transfer of conventional arms'. All EU Member States co-sponsored the text.
- (7) The United Nations Institute for Disarmament Research (Unidir) supported this process by undertaking a two-part study consisting of two in-depth analyses of UN Member States' views on the feasibility, scope and draft parameters of an Arms Trade Treaty. Unidir's analyses contributed to advancing discussions on an Arms Trade Treaty through the identification of areas of consensus and divergence, as well as neglected areas. The analyses served as a useful input to the GGE. For these reasons, it is reasonable to entrust Unidir with the technical implementation of the activities under this Decision.

- (8) Based on the above Council conclusions, the EU should support this process, in order to reinforce the work that has been accomplished to date, by opening the debate to include States not members of the GGE, as well as to other actors such as civil society and industry, to develop the understanding of the issue and to contribute to broadening the recommendations made by the GGE,

HAS DECIDED AS FOLLOWS:

Article 1

1. For the purpose of promoting among third countries the process leading towards an Arms Trade Treaty, the European Union shall support activities in order to further the following objectives:

- (a) increase awareness by national and regional actors, United Nations Member States, civil society and industry, of the current international discussions around an Arms Trade Treaty;
- (b) reinforce the purpose of the United Nations Secretary-General's Group of Governmental Experts (GGE) on an Arms Trade Treaty and strengthen the United Nations as the only forum that can deliver a truly universal instrument;
- (c) contribute to the better involvement of all United Nations Member States and regional organisations in the Arms Trade Treaty process;
- (d) encourage the exchange of views between States which are part of the GGE and those which are not part of it;
- (e) foster debate among United Nations Member States, particularly among those which are not part of the GGE;
- (f) promote an exchange of views among United Nations Member States, regional organisations, civil society and industry;
- (g) identify possible elements, the scope and the implications of an Arms Trade Treaty; and
- (h) share these debates and views with the whole international community.

2. For achieving the above objectives, the EU will undertake the following project:

- organisation of a launching event, six regional seminars, a concluding seminar, including the dissemination of results, and a side-event in the margins of the 1st Committee (UNGA 64th session).

A detailed description is set out in the Annex.

Article 2

1. The Presidency, assisted by the Secretary-General of the Council/High Representative (SG/HR) for the CFSP, shall be responsible for implementing this Decision. The Commission shall be fully associated.

2. The technical implementation of the project referred to in Article 1(2) shall be carried out by the United Nations Institute for Disarmament Research (Unidir). It shall perform this task under the control of the SG/HR, assisting the Presidency. For this purpose, the SG/HR shall enter into the necessary arrangements with Unidir.

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

Article 3

1. The financial reference amount for the implementation of the activities referred to in Article 1(2) shall be EUR 836 260, to be funded from the general budget of the European Union.

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

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

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

Article 4

The Presidency, assisted by the SG/HR for the CFSP, shall report to the Council on the implementation of this Decision on the basis of regular reports following the organisation of each of the regional seminars and the final seminar prepared by United Nations Institute for Disarmament Research (Unidir). The Commission shall be fully associated and shall provide information on the financial aspects of the implementation of the project referred to in Article 1(2).

Article 5

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

It shall expire 15 months after the date of conclusion of the financing agreement referred to in Article 3(3) or 6 months after the date of its adoption if no financing agreement has been concluded within that period.

Article 6

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

Done at Brussels, 19 January 2009.

For the Council
The President
P. GANDALOVIČ

ANNEX

1. Objective

The overall objective of this Council Decision is to promote the participation of all stakeholders in the discussion on an Arms Trade Treaty (ATT), integrate national and regional contributions to the international process under way, and to identify the scope and implication of a possible treaty on the trade in arms.

2. Project**2.1. Purpose of the project**

The project will:

- (a) increase awareness by national and regional actors, United Nations Member States, civil society and industry, of the current international discussions around an ATT;
- (b) reinforce the purpose of the United Nations Secretary-General's Group of Governmental Experts (GGE) on an Arms Trade Treaty and strengthen the United Nations as the only forum that can deliver a truly universal instrument;
- (c) contribute to the better involvement of all United Nations Member States and regional organisations in the ATT process;
- (d) encourage the exchange of views between States which are part of the GGE and those which are not part of it;
- (e) foster debate among United Nations Member States, particularly among those which are not part of the GGE;
- (f) promote an exchange of views among United Nations Member States, regional organisations, civil society and industry;
- (g) identify possible elements, the scope and the implications of an ATT; and
- (h) share these debates and views with the whole international community.

2.2. Results of the project

The project will:

- (a) increase the awareness, knowledge and understanding of the ATT process;
- (b) involve new actors in the debate;
- (c) share national and regional concerns and ideas with the international discussions; and
- (d) feed ideas and suggestions into the content of an ATT, particularly on the scope and implications of an ATT.

2.3. Description of the project

The project provides for the organisation of a launching event, six regional seminars, a final seminar to present overall results and a side-event in the margins of the 1st Committee (UNGA 64th session). The final seminar will be structured as follows: one-day OSCE countries regional seminar and one-day final seminar.

2.3.1. Launching event:

A launching event will take place over one day to present the aims of the project and seek inputs from civil society, researchers and NGOs to secure support for the project.

2.3.2. Regional seminars:

1. The regional seminars will take place over two days in a location to be determined in the target regions. The seminars will be structured in four parts to allow the following presentations and discussions to take place:

- (a) general overview of the ATT, background, actors, etc.;

- (b) specific presentation of the international process currently underway;
 - (c) discussion of the scope and implication of a possible ATT; and
 - (d) gathering of ideas for further action, recommendations and suggestions to feed into the ATT process.
2. Participants in these regional seminars will include:
- (a) representatives from countries in the region;
 - (b) representatives from regional organisations, including NGOs;
 - (c) representatives from local/regional industry;
 - (d) representatives from Unidir and UNODA (Conventional Arms Branch and Regional Branch, including regional centres if appropriate);
 - (e) technical experts from EU Member States, including representatives from the industry;
 - (f) representatives from partner organisations which may include among others the Stockholm International Peace Research Institute (Sweden) or the Foundation for Strategic Research (France).
3. Depending on the size of the regions, between 30 and 40 participants are expected to participate in each seminar.
4. A summary report of the discussions and recommendations will be produced after each seminar. This summary report will be made available online and on electronic storage devices.
5. The regional seminars will take place according to the following groupings:
- (a) one seminar for Central, Northern and Western Africa;
 - (b) one seminar for Eastern and Southern Africa;
 - (c) one seminar for Latin America and the Caribbean;
 - (d) one seminar for Asia and the Pacific;
 - (e) one seminar for OSCE countries;
 - (f) one seminar for the Middle East.
6. Suggested tentative locations for the seminars are:
- (a) Dakar and Nairobi or Addis Abeba (for each of the two seminars in Africa);
 - (b) Mexico or Rio de Janeiro (for Latin America and the Caribbean);
 - (c) Phnom Penh or New Delhi (for Asia and the Pacific);
 - (d) Amman or Cairo (for the Middle East);
 - (e) Brussels or Vienna (for OSCE countries).
7. Final locations will be determined to maximise resources and the available assistance at local level. The Presidency, assisted by the HR/SG, will be responsible for the final choice of location following the recommendations made by Unidir.

2.3.3. Concluding seminar:

A concluding seminar will be organised after all six regional seminars have been hosted to present the discussions, recommendations and ideas on the ATT process to the international community. The final seminar will be structured as follows: one-day OSCE countries regional seminar and one-day final seminar.

2.3.4. Side-event at the 1st Committee (64th session of the UNGA)

A side event will be organised in the margins of the 1st Committee (64th session of the UNGA) to present to stakeholders gathered in New York with the results of the project to date.

2.3.5. Outputs — Publication

Each seminar will produce a short summary report of the discussions and of the recommendations and ideas put forward for an ATT. The seminar reports will be made available online and on electronic data storage devices for distribution.

A final report compiling the summary reports of the six regional meetings will be produced and presented for comments at the concluding seminar, and made available online and on electronic data storage devices for distribution.

3. Duration

The estimated implementation period of this project is 15 months.

4. Beneficiaries

The beneficiaries of this project are:

- (a) all UN Member States, with particular emphasis on those not part of the GGE;
- (b) civil society and industry;
- (c) relevant regional organisations.

5. Implementing entity

The Presidency, assisted by the SG/HR, is responsible for the implementation and supervision of this project. The Presidency will entrust the technical implementation to the United Nations Institute for Disarmament Research (Unidir).

In implementing the project Unidir shall cooperate with UN-ODA, the Stockholm International Peace Research Institute (Sweden) or the Foundation for Strategic Research (France). Unidir shall, where appropriate, work with institutions such as regional organisations, NGOs and industry.

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

6. Financial reference amount to cover the costs of the project

The total cost of the project is EUR 836 260.

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.