

Official Journal

of the European Union

L 110



English edition

Legislation

Volume 52

1 May 2009

Contents

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

REGULATIONS

Commission Regulation (EC) No 358/2009 of 30 April 2009 establishing the standard import values for determining the entry price of certain fruit and vegetables 1

★ **Commission Regulation (EC) No 359/2009 of 30 April 2009 suspending the introduction into the Community of specimens of certain species of wild fauna and flora** 3

Commission Regulation (EC) No 360/2009 of 30 April 2009 fixing the import duties in the cereals sector applicable from 1 May 2009 27

DIRECTIVES

★ **Directive 2009/22/EC of the European Parliament and of the Council of 23 April 2009 on injunctions for the protection of consumers' interests (Codified version) ⁽¹⁾** 30

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

DECISIONS

Commission

2009/357/EC:

- ★ **Commission Decision of 27 April 2009 amending Decision 2007/134/EC establishing the European Research Council ⁽¹⁾** 37

2009/358/EC:

- ★ **Commission Decision of 29 April 2009 on the harmonisation, the regular transmission of the information and the questionnaire referred to in Articles 22(1)(a) and 18 of Directive 2006/21/EC of the European Parliament and of the Council on the management of waste from extractive industries (notified under document number C(2009) 3011)** 39

2009/359/EC:

- ★ **Commission Decision of 30 April 2009 completing the definition of inert waste in implementation of Article 22(1)(f) of Directive 2006/21/EC of the European Parliament and the Council concerning the management of waste from extractive industries (notified under document number C(2009) 3012)** 46

2009/360/EC:

- ★ **Commission Decision of 30 April 2009 completing the technical requirements for waste characterisation laid down by Directive 2006/21/EC of the European Parliament and of the Council on the management of waste from extractive industries (notified under document number C(2009) 3013)** 48

2009/361/EC:

- ★ **Commission Decision of 30 April 2009 authorising Finnish aid for seeds and cereal seed in respect of the harvest year 2009 (notified under document number C(2009) 3078)**..... 52

2009/362/EC:

- ★ **Commission Decision of 30 April 2009 authorising the placing on the market of lycopene as novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council (notified under document number C(2009) 3149)**..... 54



⁽¹⁾ Text with EEA relevance

I

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

REGULATIONS

COMMISSION REGULATION (EC) No 358/2009**of 30 April 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 1 May 2009.

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

Done at Brussels, 30 April 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	JO	88,9
	MA	82,6
	TN	139,0
	TR	120,1
	ZZ	107,7
0707 00 05	JO	155,5
	MA	32,7
	TR	143,3
	ZZ	110,5
0709 90 70	JO	216,7
	TR	96,2
	ZZ	156,5
0805 10 20	EG	45,0
	IL	55,9
	MA	49,7
	TN	53,5
	TR	54,0
	US	51,9
	ZZ	51,7
0805 50 10	TR	55,3
	ZA	56,7
	ZZ	56,0
0808 10 80	AR	83,6
	BR	73,4
	CA	114,7
	CL	86,5
	CN	96,9
	MK	33,9
	NZ	117,2
	US	127,7
	UY	71,7
	ZA	79,5
	ZZ	88,5

⁽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 359/2009

of 30 April 2009

suspending the introduction into the Community of specimens of certain species of wild fauna and flora

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein ⁽¹⁾, and in particular Article 19(2) thereof,

After consulting the Scientific Review Group,

Whereas:

(1) Article 4(6) of Regulation (EC) No 338/97 provides that the Commission may establish restrictions to the introduction of certain species into the Community in accordance with the conditions laid down in points (a) to (d) thereof. Furthermore, implementing measures for such restrictions have been laid down in Commission Regulation (EC) No 865/2006 of 4 May 2006 laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97 of the protection of species of wild fauna and flora by regulating trade therein ⁽²⁾.

(2) A list of species for which the introduction into the Community is suspended was established in Commission Regulation (EC) No 811/2008 of 13 August 2008 suspending the introduction into the Community of specimens of certain species of wild fauna and flora ⁽³⁾.

(3) On the basis of recent information, the Scientific Review Group has concluded that the conservation status of certain species listed in Annexes A and B to Regulation (EC) No 338/97 will be seriously jeopardised if their introduction into the Community from certain countries of origin is not suspended. The introduction of the following species should therefore be suspended:

— *Psittacus erithacus* from Equatorial Guinea,

— *Calumma andringitraensis*, *Calumma glawi*, *Calumma guillaumeti*, *Calumma marojezensis*, *Calumma vatosoa*, *Calumma vencesi* and *Furcifer nicosiai* from Madagascar,

— *Chamaeleo camerunensis* from Cameroon,

— *Phelsuma berghofi*, *Phelsuma hielscheri*, *Phelsuma malamakibo* and *Phelsuma masohoala* from Madagascar.

(4) The Scientific Review Group has also concluded that, on the basis of the most recent available information, the suspension of the introduction into the Community of the following species should no longer be required:

— *Lynx lynx* from the Republic of Moldova and Ukraine,

— *Lama guanicoe* (now known as *Lama glama guanicoe*) from Argentina,

— *Hippopotamus amphibius* from Rwanda,

— *Aratinga erythrogenys* from Peru,

— *Dendrobates auratus* and *Dendrobates pumilio* from Nicaragua,

— *Dendrobates tinctorius* from Suriname,

— *Pterogyra simplex*, *Hydnophora rigida* and *Blastomussa wellsi* from Fiji,

— *Pterogyra sinuosa*, *Acanthastrea* spp. (except *Acanthastrea hemprichii*) and *Cynarina lacrymalis* from Tonga.

(5) The countries of origin of the species which are subject to new restrictions to introduction into the Community pursuant to this Regulation have all been consulted.

(6) Some inconsistencies between the Appendices of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and the scientific names in the nomenclatural references for animals adopted at the 14th Conference of the Parties to CITES should be corrected.

(7) The list of species for which the introduction into the Community is suspended should therefore be amended and Regulation (EC) No 811/2008 should be, for clarity reasons, replaced.

⁽¹⁾ OJ L 61, 3.3.1997, p. 1.

⁽²⁾ OJ L 166, 19.6.2006, p. 1.

⁽³⁾ OJ L 219, 14.8.2008, p. 17.

- (8) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Trade in Wild Fauna and Flora,

HAS ADOPTED THIS REGULATION:

Article 1

Subject to the provisions of Article 71 of Regulation (EC) No 865/2006, the introduction into the Community of specimens of the species of wild fauna and flora listed in the Annex to this Regulation is hereby suspended.

Article 2

Regulation (EC) No 811/2008 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation.

Article 3

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, 30 April 2009.

For the Commission

Stavros DIMAS

Member of the Commission

ANNEX

Specimens of species included in Annex A to Regulation (EC) No 338/97 whose introduction into the Community is suspended

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), point:
FAUNA				
CHORDATA				
MAMMALIA				
ARTIODACTYLA				
Bovidae				
<i>Capra falconeri</i>	Wild	Hunting trophies	Uzbekistan	a
<i>Ovis ammon nigrimontana</i>	Wild	Hunting trophies	Kazakhstan	a
CARNIVORA				
Canidae				
<i>Canis lupus</i>	Wild	Hunting trophies	Belarus, Kyrgyzstan, Turkey	a
Felidae				
<i>Lynx lynx</i>	Wild	Hunting trophies	Azerbaijan	a
Ursidae				
<i>Ursus arctos</i>	Wild	Hunting trophies	Canada (British Columbia)	a
<i>Ursus thibetanus</i>	Wild	Hunting trophies	Russia	a
AVES				
FALCONIFORMES				
Accipitridae				
<i>Leucopternis occidentalis</i>	Wild	All	Ecuador, Peru	a
Falconidae				
<i>Falco cherrug</i>	Wild	All	Armenia, Bahrain, Iraq, Mauritania, Tajikistan	a

Specimens of species included in Annex B to Regulation (EC) No 338/97 whose introduction into the Community is suspended

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), point:
FAUNA				
CHORDATA				
MAMMALIA				
ARTIODACTYLA				
Bovidae				
<i>Ovis vignei boharensis</i>	Wild	All	Uzbekistan	b

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), point:
<i>Saiga borealis</i>	Wild	All	Russia	b
<i>Saiga tatarica</i>	Wild	All	Kazakhstan, Russia	b
Cervidae				
<i>Cervus elaphus bactrianus</i>	Wild	All	Uzbekistan	b
Hippopotamidae				
<i>Hexaprotodon liberiensis</i> (synonym <i>Choeropsis liberiensis</i>)	Wild	All	Côte d'Ivoire, Guinea, Guinea-Bissau, Nigeria, Sierra Leone	b
<i>Hippopotamus amphibius</i>	Wild	All	Democratic Republic of the Congo, Gambia, Malawi, Niger, Nigeria, Sierra Leone, Togo	b
Moschidae				
<i>Moschus anhuiensis</i>	Wild	All	China	b
<i>Moschus berezovskii</i>	Wild	All	China	b
<i>Moschus chrysogaster</i>	Wild	All	China	b
<i>Moschus fuscus</i>	Wild	All	China	b
<i>Moschus moschiferus</i>	Wild	All	China, Russia	b
CARNIVORA				
Canidae				
<i>Chrysocyon brachyurus</i>	Wild	All	Bolivia, Peru	b
Eupleridae				
<i>Cryptoprocta ferox</i>	Wild	All	Madagascar	b
<i>Eupleres goudotii</i>	Wild	All	Madagascar	b
<i>Fossa fossana</i>	Wild	All	Madagascar	b
Felidae				
<i>Leopardus colocolo</i>	Wild	All	Chile	b
<i>Leopardus pajeros</i>	Wild	All	Chile	b
<i>Leptailurus serval</i>	Wild	All	Algeria	b
<i>Panthera leo</i>	Wild	All	Ethiopia	b
<i>Prionailurus bengalensis</i>	Wild	All	China (Macau)	b
<i>Profelis aurata</i>	Wild	All	Togo	b
Mustelidae				
<i>Hydrictis maculicollis</i>	Wild	All	Tanzania	b
Odobenidae				
<i>Odobenus rosmarus</i>	Wild	All	Greenland	b
Viverridae				
<i>Cynogale bennettii</i>	Wild	All	Brunei, China, Indonesia, Malaysia, Thailand	b

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), point:
MONOTREMATA				
Tachyglossidae				
<i>Zaglossus bartoni</i>	Wild	All	Indonesia, Papua New Guinea	b
<i>Zaglossus bruijni</i>	Wild	All	Indonesia	b
PERISSODACTYLA				
Equidae				
<i>Equus zebra hartmannae</i>	Wild	All	Angola	b
PHOLIDOTA				
Manidae				
<i>Manis temminckii</i>	Wild	All	Democratic Republic of the Congo	b
PILOSA				
Myrmecophagidae				
<i>Myrmecophaga tridactyla</i>	Wild	All	Belize, Uruguay	b
PRIMATES				
Atelidae				
<i>Alouatta guariba</i>	Wild	All	All	b
<i>Alouatta macconnelli</i>	Wild	All	Trinidad and Tobago	b
<i>Ateles belzebuth</i>	Wild	All	All	b
<i>Ateles fusciceps</i>	Wild	All	All	b
<i>Ateles geoffroyi</i>	Wild	All	All	b
<i>Ateles hybridus</i>	Wild	All	All	b
<i>Ateles paniscus</i>	Wild	All	Peru	b
<i>Lagothrix cana</i>	Wild	All	All	b
<i>Lagothrix lagotricha</i>	Wild	All	All	b
<i>Lagothrix lugens</i>	Wild	All	All	b
<i>Lagothrix poeppigii</i>	Wild	All	All	b
Cebidae				
<i>Callithrix geoffroyi</i> (synonym <i>C. jacchus geoffroyi</i>)	Wild	All	Brazil	b
<i>Cebus capucinus</i>	Wild	All	Belize	b
Cercopithecidae				
<i>Cercocebus atys</i>	Wild	All	Ghana	b

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), point:
<i>Cercopithecus ascanius</i>	Wild	All	Burundi	b
<i>Cercopithecus cephus</i>	Wild	All	Central African Republic	b
<i>Cercopithecus dryas</i> (including <i>C. salongo</i>)	Wild	All	Democratic Republic of the Congo	b
<i>Cercopithecus erythrogaster</i>	Wild	All	All	b
<i>Cercopithecus erythrotis</i>	Wild	All	All	b
<i>Cercopithecus hamlyni</i>	Wild	All	All	b
<i>Cercopithecus mona</i>	Wild	All	Togo	b
<i>Cercopithecus petaurista</i>	Wild	All	Togo	b
<i>Cercopithecus pogonias</i>	Wild	All	Cameroon, Equatorial Guinea, Nigeria	b
<i>Cercopithecus preussi</i> (synonym <i>C. lhoesti preussi</i>)	Wild	All	Cameroon, Equatorial Guinea, Nigeria	b
<i>Colobus polykomos</i>	Wild	All	Côte d'Ivoire	b
<i>Colobus vellerosus</i>	Wild	All	Côte d'Ivoire, Ghana, Nigeria, Togo	b
<i>Lophocebus albigena</i> (synonym <i>Cercocebus albigena</i>)	Wild	All	Nigeria	b
<i>Macaca arctoides</i>	Wild	All	India, Malaysia, Thailand	b
<i>Macaca assamensis</i>	Wild	All	Nepal	b
<i>Macaca cyclopis</i>	Wild	All	All	b
<i>Macaca fascicularis</i>	Wild	All	Bangladesh, India	b
<i>Macaca leonina</i>	Wild	All	China	b
<i>Macaca maura</i>	Wild	All	Indonesia	b
<i>Macaca nigra</i>	Wild	All	Indonesia	b
<i>Macaca nigrescens</i>	Wild	All	Indonesia	b
<i>Macaca ochreata</i>	Wild	All	Indonesia	b
<i>Macaca pagensis</i>	Wild	All	Indonesia	b
<i>Macaca sylvanus</i>	Wild	All	Algeria, Morocco	b
<i>Papio anubis</i>	Wild	All	Libya	b
<i>Papio papio</i>	Wild	All	Guinea-Bissau	b
<i>Ptilocolobus badius</i> (synonym <i>Colobus badius</i>)	Wild	All	All	b
<i>Procolobus verus</i> (synonym <i>Colobus verus</i>)	Wild	All	Benin, Côte d'Ivoire, Ghana, Sierra Leone, Togo	b
<i>Trachypithecus phayrei</i> (synonym <i>Presbytis phayrei</i>)	Wild	All	Cambodia, China, India	b
<i>Trachypithecus vetulus</i> (synonym <i>Presbytis senex</i>)	Wild	All	Sri Lanka	b

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), point:
Galagidae				
<i>Euoticus pallidus</i> (synonym <i>Galago elegantulus pallidus</i>)	Wild	All	Nigeria	b
<i>Galago demidoff</i> (synonym <i>Galago demidovii</i>)	Wild	All	Burkina Faso, Central African Republic	b
<i>Galago granti</i>	Wild	All	Malawi	b
<i>Galago matschiei</i> (synonym <i>G. inustus</i>)	Wild	All	Rwanda	b
Lorisidae				
<i>Arctocebus aureus</i>	Wild	All	Central African Republic, Gabon	b
<i>Arctocebus calabarensis</i>	Wild	All	Nigeria	b
<i>Nycticebus pygmaeus</i>	Wild	All	Cambodia, Laos	b
<i>Perodicticus potto</i>	Wild	All	Togo	b
Pitheciidae				
<i>Chiropotes chiropotes</i>	Wild	All	Brazil, Guyana	b
<i>Chiropotes israelita</i>	Wild	All	Brazil	b
<i>Chiropotes satanas</i>	Wild	All	Brazil	b
<i>Chiropotes utahickae</i>	Wild	All	Brazil	b
<i>Pithecia pithecia</i>	Wild	All	Guyana	b
RODENTIA				
Sciuridae				
<i>Ratufa affinis</i>	Wild	All	Singapore	b
<i>Ratufa bicolor</i>	Wild	All	China	b
AVES				
ANSERIFORMES				
Anatidae				
<i>Anas bernieri</i>	Wild	All	Madagascar	b
<i>Oxyura jamaicensis</i>	All	Live	All	d
APODIFORMES				
Trochilidae				
<i>Chalcostigma olivaceum</i>	Wild	All	Peru	b
<i>Heliodoxa rubinoides</i>	Wild	All	Peru	b
CICONIIFORMES				
Balaenicipitidae				
<i>Balaeniceps rex</i>	Wild	All	Tanzania, Zambia	b

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), point:
COLUMBIFORMES				
Columbidae				
<i>Goura cristata</i>	Wild	All	Indonesia	b
<i>Goura scheepmakeri</i>	Wild	All	Indonesia	b
<i>Goura victoria</i>	Wild	All	Indonesia	b
CORACIIFORMES				
Bucerotidae				
<i>Buceros rhinoceros</i>	Wild	All	Thailand	b
CUCULIFORMES				
Musophagidae				
<i>Tauraco corythaix</i>	Wild	All	Mozambique	b
<i>Tauraco fischeri</i>	Wild	All	Tanzania	b
<i>Tauraco macrorhynchus</i>	Wild	All	Guinea	b
<i>Tauraco porphyreolopha</i>	Wild	All	Uganda	b
FALCONIFORMES				
Accipitridae				
<i>Accipiter brachyurus</i>	Wild	All	Papua New Guinea	b
<i>Accipiter erythropus</i>	Wild	All	Guinea	b
<i>Accipiter gundlachi</i>	Wild	All	Cuba	b
<i>Accipiter imitator</i>	Wild	All	Papua New Guinea, Solomon Islands	b
<i>Accipiter melanoleucus</i>	Wild	All	Guinea	b
<i>Accipiter ovampensis</i>	Wild	All	Guinea	b
<i>Aquila rapax</i>	Wild	All	Guinea	b
<i>Aviceda cuculoides</i>	Wild	All	Guinea	b
<i>Buteo albonotatus</i>	Wild	All	Peru	b
<i>Buteo galapagoensis</i>	Wild	All	Ecuador	b
<i>Buteo platypterus</i>	Wild	All	Peru	b
<i>Buteo ridgwayi</i>	Wild	All	Dominican Republic, Haiti	b
<i>Erythrotriorchis radiatus</i>	Wild	All	Australia	b
<i>Gyps africanus</i>	Wild	All	Guinea	b
<i>Gyps bengalensis</i>	Wild	All	All	b
<i>Gyps coprotheres</i>	Wild	All	Mozambique, Namibia, Swaziland	b
<i>Gyps indicus</i>	Wild	All	All	b
<i>Gyps rueppellii</i>	Wild	All	Guinea	b
<i>Gyps tenuirostris</i>	Wild	All	All	b

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), point:
<i>Harpyopsis novaeguineae</i>	Wild	All	Indonesia, Papua New Guinea	b
<i>Hieraetus ayresii</i>	Wild	All	Cameroon, Guinea, Togo	b
<i>Hieraetus spilogaster</i>	Wild	All	Guinea, Togo	b
<i>Leucopternis lacernulatus</i>	Wild	All	Brazil	b
<i>Lophaetus occipitalis</i>	Wild	All	Guinea	b
<i>Lophoictinia isura</i>	Wild	All	Australia	b
<i>Macheiramphus alcinus</i>	Wild	All	Guinea	b
<i>Polemaetus bellicosus</i>	Wild	All	Cameroon, Guinea, Togo	b
<i>Spizaetus africanus</i>	Wild	All	Guinea	b
<i>Spizaetus bartelsi</i>	Wild	All	Indonesia	b
<i>Stephanoetus coronatus</i>	Wild	All	Côte d'Ivoire, Guinea, Togo	b
<i>Terathopius ecaudatus</i>	Wild	All	Guinea	b
<i>Torgos tracheliotus</i>	Wild	All	Cameroon, Sudan	b
<i>Trigonoceps occipitalis</i>	Wild	All	Côte d'Ivoire, Guinea	b
<i>Urotriorchis macrourus</i>	Wild	All	Guinea	b
Falconidae				
<i>Falco chicquera</i>	Wild	All	Guinea, Togo	b
<i>Falco deiroleucus</i>	Wild	All	Belize, Guatemala	b
<i>Falco fasciinucha</i>	Wild	All	Botswana, Ethiopia, Kenya, Malawi, Mozambique, South Africa, Sudan, Tanzania, Zambia, Zimbabwe	b
<i>Falco hypoleucos</i>	Wild	All	Australia, Papua New Guinea	b
<i>Micrastur plumbeus</i>	Wild	All	Colombia, Ecuador	b
Sagittariidae				
<i>Sagittarius serpentarius</i>	Wild	All	Cameroon, Guinea, Togo	b
GALLIFORMES				
Phasianidae				
<i>Polyplectron schleiermacheri</i>	Wild	All	Indonesia, Malaysia	b
GRUIFORMES				
Gruidae				
<i>Anthropoides virgo</i>	Wild	All	Sudan	b
<i>Balearica pavonina</i>	Wild	All	Guinea, Mali	b
<i>Balearica regulorum</i>	Wild	All	Angola, Botswana, Burundi, Democratic Republic of the Congo, Kenya, Lesotho, Malawi, Mozambique, Namibia, Rwanda, South Africa, Swaziland, Uganda, Zambia, Zimbabwe	b
<i>Bugeranus carunculatus</i>	Wild	All	South Africa, Tanzania	b

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), point:
PASSERIFORMES				
Pittidae				
<i>Pitta nympha</i>	Wild	All	All (except Vietnam)	b
Pycnonotidae				
<i>Pycnonotus zeylanicus</i>	Wild	All	Malaysia	b
PSITTACIFORMES				
Cacatuidae				
<i>Cacatua sanguinea</i>	Wild	All	Indonesia	b
Loriidae				
<i>Chamosyna aureicincta</i>	Wild	All	Fiji	b
<i>Chamosyna diadema</i>	Wild	All	All	b
<i>Lorius domicella</i>	Wild	All	Indonesia	b
<i>Trichoglossus johnstoniae</i>	Wild	All	Philippines	b
Psittacidae				
<i>Agapornis fischeri</i>	Wild	All	Tanzania	b
	Ranched	All	Mozambique	b
<i>Agapornis lilianae</i>	Wild	All	Tanzania	b
<i>Agapornis nigrigenis</i>	Wild	All	All	b
<i>Agapornis pullarius</i>	Wild	All	Angola, Democratic Republic of the Congo, Côte d'Ivoire, Guinea, Kenya, Mali, Togo	b
<i>Alisterus chloropterus chloropterus</i>	Wild	All	Indonesia	b
<i>Amazona agilis</i>	Wild	All	Jamaica	b
<i>Amazona autumnalis</i>	Wild	All	Ecuador	b
<i>Amazona collaria</i>	Wild	All	Jamaica	b
<i>Amazona mercenaria</i>	Wild	All	Venezuela	b
<i>Amazona xanthops</i>	Wild	All	Bolivia, Paraguay	b
<i>Ara chloropterus</i>	Wild	All	Argentina, Panama	b
<i>Ara severus</i>	Wild	All	Guyana	b
<i>Aratinga acuticaudata</i>	Wild	All	Uruguay	b
<i>Aratinga aurea</i>	Wild	All	Argentina	b
<i>Aratinga auricapillus</i>	Wild	All	All	b
<i>Aratinga euops</i>	Wild	All	Cuba	b
<i>Bolborhynchus ferrugineifrons</i>	Wild	All	Colombia	b
<i>Coracopsis vasa</i>	Wild	All	Madagascar	b
<i>Cyanoliseus patagonus</i>	Wild	All	Chile, Uruguay	b

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), point:
<i>Deroptyus accipitrinus</i>	Wild	All	Peru, Surinam	b
<i>Eclactus roratus</i>	Wild	All	Indonesia	b
<i>Forpus xanthops</i>	Wild	All	Peru	b
<i>Hapalopsittaca amazonina</i>	Wild	All	All	b
<i>Hapalopsittaca fuertesi</i>	Wild	All	Colombia	b
<i>Hapalopsittaca pyrrhops</i>	Wild	All	All	b
<i>Leptosittaca branickii</i>	Wild	All	All	b
<i>Nannopsittaca panychlora</i>	Wild	All	Brazil	b
<i>Pionus chalcopterus</i>	Wild	All	Peru	b
<i>Poicephalus cryptoxanthus</i>	Wild	All	Tanzania	b
<i>Poicephalus gulielmi</i>	Wild	All	Cameroon, Côte d'Ivoire, Congo, Guinea	b
<i>Poicephalus meyeri</i>	Wild	All	Tanzania	b
<i>Poicephalus robustus</i>	Wild	All	Botswana, Democratic Republic of the Congo, Côte d'Ivoire, Gambia, Guinea, Mali, Namibia, Nigeria, Senegal, South Africa, Swaziland, Togo, Uganda	b
<i>Poicephalus rufiventris</i>	Wild	All	Tanzania	b
<i>Polytelis alexandrae</i>	Wild	All	Australia	b
<i>Prioniturus luconensis</i>	Wild	All	Philippines	b
<i>Psittacula alexandri</i>	Wild	All	Indonesia	b
<i>Psittacula finschii</i>	Wild	All	Bangladesh, Cambodia	b
<i>Psittacula roseata</i>	Wild	All	China	b
<i>Psittacus erithacus</i>	Wild	All	Benin, Burundi, Equatorial Guinea, Liberia, Mali, Nigeria, Togo	b
<i>Psittacus erithacus timneh</i>	Wild	All	Guinea, Guinea-Bissau	b
<i>Psittrichas fulgidus</i>	Wild	All	All	b
<i>Pyrrhura albipectus</i>	Wild	All	Ecuador	b
<i>Pyrrhura caeruleiceps</i>	Wild	All	Colombia	b
<i>Pyrrhura calliptera</i>	Wild	All	Colombia	b
<i>Pyrrhura leucotis</i>	Wild	All	Brazil	b
<i>Pyrrhura orcesi</i>	Wild	All	Ecuador	b
<i>Pyrrhura pfrimeri</i>	Wild	All	Brazil	b
<i>Pyrrhura subandina</i>	Wild	All	Colombia	b
<i>Pyrrhura viridicata</i>	Wild	All	Colombia	b
<i>Tanygnathus gramineus</i>	Wild	All	Indonesia	b
<i>Touit melanonotus</i>	Wild	All	Brazil	b
<i>Touit surdus</i>	Wild	All	Brazil	b
<i>Triclaria malachitacea</i>	Wild	All	Argentina, Brazil	b

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), point:
STRIGIFORMES				
Strigidae				
<i>Asio capensis</i>	Wild	All	Guinea	b
<i>Bubo blakistoni</i>	Wild	All	China, Japan, Russia	b
<i>Bubo lacteus</i>	Wild	All	Guinea	b
<i>Bubo philippensis</i>	Wild	All	Philippines	b
<i>Bubo poensis</i>	Wild	All	Guinea	b
<i>Bubo vosseleri</i>	Wild	All	Tanzania	b
<i>Glaucidium capense</i>	Wild	All	Democratic Republic of the Congo, Rwanda	b
<i>Glaucidium perlatum</i>	Wild	All	Cameroon, Guinea	b
<i>Ketupa ketupu</i>	Wild	All	Singapore	b
<i>Nesasio solomonensis</i>	Wild	All	Papua New Guinea, Solomon Islands	b
<i>Ninox affinis</i>	Wild	All	India	b
<i>Ninox rudolfi</i>	Wild	All	Indonesia	b
<i>Otus angelinae</i>	Wild	All	Indonesia	b
<i>Otus capnodes</i>	Wild	All	Comoros	b
<i>Otus fuliginosus</i>	Wild	All	Philippines	b
<i>Otus insularis</i>	Wild	All	Seychelles	b
<i>Otus longicornis</i>	Wild	All	Philippines	b
<i>Otus mindorensis</i>	Wild	All	Philippines	b
<i>Otus mirus</i>	Wild	All	Philippines	b
<i>Otus pauliani</i>	Wild	All	Comoros	b
<i>Otus roboratus</i>	Wild	All	Peru	b
<i>Pseudoscops clamator</i>	Wild	All	Peru	b
<i>Ptilopsis leucotis</i>	Wild	All	Guinea	b
<i>Pulsatrix melanota</i>	Wild	All	Peru	b
<i>Scotopelia bowieri</i>	Wild	All	Cameroon	b
<i>Scotopelia peli</i>	Wild	All	Guinea	b
<i>Scotopelia ussheri</i>	Wild	All	Côte d'Ivoire, Ghana, Guinea, Liberia, Sierra Leone	b
<i>Strix uralensis davidi</i>	Wild	All	China	b
<i>Strix woodfordii</i>	Wild	All	Guinea	b
Tytonidae				
<i>Phodilus prigoginei</i>	Wild	All	Democratic Republic of the Congo	b
<i>Tyto aurantia</i>	Wild	All	Papua New Guinea	b

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), point:
<i>Tyto inexpectata</i>	Wild	All	Indonesia	b
<i>Tyto manusi</i>	Wild	All	Papua New Guinea	b
<i>Tyto nigrobrunnea</i>	Wild	All	Indonesia	b
<i>Tyto sororcula</i>	Wild	All	Indonesia	b
REPTILIA				
CROCODYLIA				
Alligatoridae				
<i>Caiman crocodilus</i>	Wild	All	El Salvador, Guatemala, Mexico	b
<i>Palaeosuchus trigonatus</i>	Wild	All	Guyana	b
Crocodylidae				
<i>Crocodylus niloticus</i>	Wild	All	Madagascar	b
SAURIA				
Agamidae				
<i>Uromastix aegyptia</i>	Source 'F' (1)	All	Egypt	b
<i>Uromastix dispar</i>	Wild	All	Algeria, Mali, Sudan	b
<i>Uromastix geyri</i>	Wild	All	Mali, Niger	b
Chamaeleonidae				
<i>Brookesia decaryi</i>	Wild	All	Madagascar	b
<i>Calumma andringitraensis</i>	Wild	All	Madagascar	b
<i>Calumma boettgeri</i>	Wild	All	Madagascar	b
<i>Calumma brevicornis</i>	Wild	All	Madagascar	b
<i>Calumma capuroni</i>	Wild	All	Madagascar	b
<i>Calumma cucullata</i>	Wild	All	Madagascar	b
<i>Calumma fallax</i>	Wild	All	Madagascar	b
<i>Calumma furcifer</i>	Wild	All	Madagascar	b
<i>Calumma gallus</i>	Wild	All	Madagascar	b
<i>Calumma gastrotaenia</i>	Wild	All	Madagascar	b
<i>Calumma glawi</i>	Wild	All	Madagascar	b
<i>Calumma globifer</i>	Wild	All	Madagascar	b
<i>Calumma guibei</i>	Wild	All	Madagascar	b
<i>Calumma guillaumeti</i>	Wild	All	Madagascar	b
<i>Calumma hilleniusi</i>	Wild	All	Madagascar	b
<i>Calumma linota</i>	Wild	All	Madagascar	b
<i>Calumma malthe</i>	Wild	All	Madagascar	b
<i>Calumma marojezensis</i>	Wild	All	Madagascar	b

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), point:
<i>Calumma nasuta</i>	Wild	All	Madagascar	b
<i>Calumma oshaughnessyi</i>	Wild	All	Madagascar	b
<i>Calumma parsonii</i>	Wild	All	Madagascar	b
<i>Calumma peyrierasi</i>	Wild	All	Madagascar	b
<i>Calumma tsaratananensis</i>	Wild	All	Madagascar	b
<i>Calumma vatosoa</i>	Wild	All	Madagascar	b
<i>Calumma vencesi</i>	Wild	All	Madagascar	b
<i>Chamaeleo camerunensis</i>	Wild	All	Cameroon	b
<i>Chamaeleo deremensis</i>	Wild	All	Tanzania	b
<i>Chamaeleo eisentrauti</i>	Wild	All	Cameroon	b
<i>Chamaeleo ellioti</i>	Wild	All	Burundi	b
<i>Chamaeleo feae</i>	Wild	All	Equatorial Guinea	b
<i>Chamaeleo fuelleborni</i>	Wild	All	Tanzania	b
<i>Chamaeleo gracilis</i>	Wild	All	Benin	b
	Ranched	All	Benin	b
	Ranched	Snout-to-vent length greater than 8 cm	Togo	b
<i>Chamaeleo montium</i>	Wild	All	Cameroon	b
<i>Chamaeleo pfefferi</i>	Wild	All	Cameroon	b
<i>Chamaeleo senegalensis</i>	Ranched	Snout-to-vent length greater than 6 cm	Togo	b
<i>Chamaeleo werneri</i>	Wild	All	Tanzania	b
<i>Chamaeleo wiedersheimi</i>	Wild	All	Cameroon	b
<i>Furcifer angeli</i>	Wild	All	Madagascar	b
<i>Furcifer antimena</i>	Wild	All	Madagascar	b
<i>Furcifer balteatus</i>	Wild	All	Madagascar	b
<i>Furcifer belalandaensis</i>	Wild	All	Madagascar	b
<i>Furcifer bifidus</i>	Wild	All	Madagascar	b
<i>Furcifer campani</i>	Wild	All	Madagascar	b
<i>Furcifer labordi</i>	Wild	All	Madagascar	b
<i>Furcifer minor</i>	Wild	All	Madagascar	b
<i>Furcifer monoceras</i>	Wild	All	Madagascar	b
<i>Furcifer nicosiai</i>	Wild	All	Madagascar	b
<i>Furcifer petteri</i>	Wild	All	Madagascar	b
<i>Furcifer rhinocerotus</i>	Wild	All	Madagascar	b
<i>Furcifer tuzetae</i>	Wild	All	Madagascar	b
<i>Furcifer willsii</i>	Wild	All	Madagascar	b

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), point:
Cordylidae				
<i>Cordylus mossambicus</i>	Wild	All	Mozambique	b
<i>Cordylus tropidosternum</i>	Wild	All	Mozambique	b
<i>Cordylus vittifer</i>	Wild	All	Mozambique	b
Gekkonidae				
<i>Phelsuma abbotti</i>	Wild	All	Madagascar	b
<i>Phelsuma antanosy</i>	Wild	All	Madagascar	b
<i>Phelsuma barbouri</i>	Wild	All	Madagascar	b
<i>Phelsuma berghofi</i>	Wild	All	Madagascar	b
<i>Phelsuma breviceps</i>	Wild	All	Madagascar	b
<i>Phelsuma comorensis</i>	Wild	All	Comoros	b
<i>Phelsuma dubia</i>	Wild	All	Comoros, Madagascar	b
<i>Phelsuma flavigularis</i>	Wild	All	Madagascar	b
<i>Phelsuma guttata</i>	Wild	All	Madagascar	b
<i>Phelsuma hielscheri</i>	Wild	All	Madagascar	b
<i>Phelsuma klemmeri</i>	Wild	All	Madagascar	b
<i>Phelsuma laticauda</i>	Wild	All	Comoros	b
<i>Phelsuma malamakibo</i>	Wild	All	Madagascar	b
<i>Phelsuma masohoala</i>	Wild	All	Madagascar	b
<i>Phelsuma modesta</i>	Wild	All	Madagascar	b
<i>Phelsuma mutabilis</i>	Wild	All	Madagascar	b
<i>Phelsuma pronki</i>	Wild	All	Madagascar	b
<i>Phelsuma pusilla</i>	Wild	All	Madagascar	b
<i>Phelsuma seippi</i>	Wild	All	Madagascar	b
<i>Phelsuma serraticauda</i>	Wild	All	Madagascar	b
<i>Phelsuma standingi</i>	Wild	All	Madagascar	b
<i>Phelsuma v-nigra</i>	Wild	All	Comoros	b
<i>Uroplatus ebenau</i>	Wild	All	Madagascar	b
<i>Uroplatus fimbriatus</i>	Wild	All	Madagascar	b
<i>Uroplatus guentheri</i>	Wild	All	Madagascar	b
<i>Uroplatus henkeli</i>	Wild	All	Madagascar	b
<i>Uroplatus lineatus</i>	Wild	All	Madagascar	b
<i>Uroplatus malama</i>	Wild	All	Madagascar	b
<i>Uroplatus phantasticus</i>	Wild	All	Madagascar	b
<i>Uroplatus pietschmanni</i>	Wild	All	Madagascar	b
<i>Uroplatus sikorae</i>	Wild	All	Madagascar	b

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), point:
Helodermatidae				
<i>Heloderma horridum</i>	Wild	All	Guatemala, Mexico	b
<i>Heloderma suspectum</i>	Wild	All	Mexico, United States	b
Iguanidae				
<i>Conolophus pallidus</i>	Wild	All	Ecuador	b
<i>Conolophus subcristatus</i>	Wild	All	Ecuador	b
<i>Iguana iguana</i>	Wild	All	El Salvador	b
Scincidae				
<i>Corucia zebrata</i>	Wild	All	Solomon Islands	b
Varanidae				
<i>Varanus bogerti</i>	Wild	All	Papua New Guinea	b
<i>Varanus dumerilii</i>	Wild	All	Indonesia	b
<i>Varanus exanthematicus</i>	Wild	All	Benin, Togo	b
	Ranched	All	Benin	b
	Ranched	Greater than 35 cm in length	Togo	b
<i>Varanus jobiensis</i> (synonym <i>V. karlschmidti</i>)	Wild	All	Indonesia	b
<i>Varanus keithhornei</i>	Wild	All	Australia	b
<i>Varanus niloticus</i>	Wild	All	Benin, Burundi, Mozambique, Togo	b
	Ranched	All	Benin, Togo	b
<i>Varanus ornatus</i>	Wild	All	Togo	b
	Ranched	All	Togo	b
<i>Varanus prasinus beccarii</i>	Wild	All	Indonesia	b
<i>Varanus salvadorii</i>	Wild	All	Indonesia	b
<i>Varanus salvator</i>	Wild	All	China, India, Singapore	b
<i>Varanus telonesetes</i>	Wild	All	Papua New Guinea	b
<i>Varanus yemenensis</i>	Wild	All	All	b
SERPENTES				
Boidae				
<i>Boa constrictor</i>	Wild	All	El Salvador, Honduras	b
<i>Calabaria reinhardtii</i>	Wild	All	Togo	b
	Ranched	All	Benin, Togo	b
<i>Eunectes deschauenseei</i>	Wild	All	Brazil	b
<i>Eunectes murinus</i>	Wild	All	Paraguay	b
<i>Gongylophis colubrinus</i>	Wild	All	Tanzania	b

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), point:
Elapidae				
<i>Naja atra</i>	Wild	All	Laos	b
<i>Naja kaouthia</i>	Wild	All	Laos	b
<i>Naja siamensis</i>	Wild	All	Laos	b
Pythonidae				
<i>Liasis fuscus</i>	Wild	All	Indonesia	b
<i>Morelia boeleni</i>	Wild	All	Indonesia	b
<i>Python molurus</i>	Wild	All	China	b
<i>Python regius</i>	Wild	All	Benin, Guinea	b
<i>Python reticulatus</i>	Wild	All	India, Malaysia (Peninsular), Singapore	b
<i>Python sebae</i>	Wild	All	Mauritania, Mozambique	b
	Ranched	All	Mozambique	b
TESTUDINES				
Emydidae				
<i>Chrysemys picta</i>	All	Live	All	d
<i>Trachemys scripta elegans</i>	All	Live	All	d
Geoemydidae				
<i>Callagur borneoensis</i>	Wild	All	All	b
<i>Cuora amboinensis</i>	Wild	All	Indonesia, Malaysia	b
<i>Cuora galbinifrons</i>	Wild	All	China	b
<i>Heosemys spinosa</i>	Wild	All	Indonesia	b
<i>Leucocephalon yuwonoi</i>	Wild	All	Indonesia	b
<i>Malayemys subtrijuga</i>	Wild	All	Indonesia	b
<i>Notochelys platynota</i>	Wild	All	Indonesia	b
<i>Siebenrockiella crassicollis</i>	Wild	All	Indonesia	b
Podocnemididae				
<i>Erymnochelys madagascariensis</i>	Wild	All	Madagascar	b
<i>Peltocephalus dumerilianus</i>	Wild	All	Guyana	b
<i>Podocnemis erythrocephala</i>	Wild	All	Colombia, Venezuela	b
<i>Podocnemis expansa</i>	Wild	All	Colombia, Ecuador, Guyana, Peru, Trinidad and Tobago, Venezuela	b
<i>Podocnemis lewyana</i>	Wild	All	All	b
<i>Podocnemis sextuberculata</i>	Wild	All	Peru	b
<i>Podocnemis unifilis</i>	Wild	All	Suriname	b
Testudinidae				
<i>Aldabrachelys gigantea</i>	Wild	All	Seychelles	b

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), point:
<i>Chelonoidis denticulata</i>	Wild	All	Bolivia, Ecuador	b
<i>Geochelone elegans</i>	Wild	All	Pakistan	b
<i>Geochelone platynota</i>	Wild	All	Myanmar	b
<i>Geochelone sulcata</i>	Ranched	All	Togo, Benin	b
<i>Gopherus agassizii</i>	Wild	All	All	b
<i>Gopherus berlandieri</i>	Wild	All	All	b
<i>Gopherus polyphemus</i>	Wild	All	United States	b
<i>Indotestudo elongata</i>	Wild	All	Bangladesh, China, India	b
<i>Indotestudo forstenii</i>	Wild	All	All	b
<i>Indotestudo travancorica</i>	Wild	All	All	b
<i>Kinixys belliana</i>	Wild	All	Mozambique	b
	Ranched	All	Benin	b
<i>Kinixys homeana</i>	Wild	All	Benin, Togo	b
	Ranched	All	Benin	b
<i>Kinixys spekii</i>	Wild	All	Mozambique	b
<i>Manouria emys</i>	Wild	All	Bangladesh, India, Indonesia, Myanmar, Thailand	b
<i>Manouria impressa</i>	Wild	All	Vietnam	b
<i>Stigmochelys pardalis</i>	Wild	All	Democratic Republic of the Congo, Mozambique, Uganda, Tanzania	b
	Ranched	All	Mozambique, Zambia	b
	Source 'F' (1)	All	Zambia	b
<i>Testudo horsfieldii</i>	Wild	All	China, Kazakhstan, Pakistan	b
Trionychidae				
<i>Amyda cartilaginea</i>	Wild	All	Indonesia	b
<i>Chitra chitra</i>	Wild	All	Malaysia	b
<i>Pelochelys cantorii</i>	Wild	All	Indonesia	b
AMPHIBIA				
ANURA				
Dendrobatidae				
<i>Cryptophyllobates azureiventris</i>	Wild	All	Peru	b
<i>Dendrobates variabilis</i>	Wild	All	Peru	b
<i>Dendrobates ventrimaculatus</i>	Wild	All	Peru	b
Mantellidae				
<i>Mantella aurantiaca</i>	Wild	All	Madagascar	b

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), point:
<i>Mantella baroni</i> (syn. <i>Phrynomantis maculatus</i>)	Wild	All	Madagascar	b
<i>Mantella</i> aff. <i>baroni</i>	Wild	All	Madagascar	b
<i>Mantella bernhardi</i>	Wild	All	Madagascar	b
<i>Mantella cowanii</i>	Wild	All	Madagascar	b
<i>Mantella crocea</i>	Wild	All	Madagascar	b
<i>Mantella expectata</i>	Wild	All	Madagascar	b
<i>Mantella haraldmeieri</i> (syn. <i>M. madagascariensis haraldmeieri</i>)	Wild	All	Madagascar	b
<i>Mantella laevigata</i>	Wild	All	Madagascar	b
<i>Mantella madagascariensis</i>	Wild	All	Madagascar	b
<i>Mantella manery</i>	Wild	All	Madagascar	b
<i>Mantella milotympanum</i> (syn. <i>M. aurantiaca milotympanum</i>)	Wild	All	Madagascar	b
<i>Mantella nigricans</i> (syn. <i>M. cowani nigricans</i>)	Wild	All	Madagascar	b
<i>Mantella pulchra</i>	Wild	All	Madagascar	b
<i>Mantella viridis</i>	Wild	All	Madagascar	b
Microhylidae				
<i>Scaphiophyne gottlebei</i>	Wild	All	Madagascar	b
Ranidae				
<i>Conraua goliath</i>	Wild	All	Cameroon	b
<i>Rana catesbeiana</i>	All	Live	All	d
ACTINOPTERYGII				
PERCIFORMES				
Labridae				
<i>Cheilinus undulatus</i>	Wild	All	Indonesia	b
SYNGNATHIFORMES				
Syngnathidae				
<i>Hippocampus barbouri</i>	Wild	All	Indonesia	b
<i>Hippocampus comes</i>	Wild	All	Indonesia	b
<i>Hippocampus histrix</i>	Wild	All	Indonesia	b
<i>Hippocampus kelloggi</i>	Wild	All	Indonesia	b
<i>Hippocampus kuda</i>	Wild	All	Indonesia, Vietnam	b
<i>Hippocampus spinosissimus</i>	Wild	All	Indonesia	b

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), point:
ARTHROPODA				
ARACHNIDA				
ARANEAE				
Theraphosidae				
<i>Brachypelma albopilosum</i>	Wild	All	Nicaragua	b
SCORPIONES				
Scorpionidae				
<i>Pandinus imperator</i>	Ranched	All	Benin	b
INSECTA				
LEPIDOPTERA				
Papilionidae				
<i>Ornithoptera croesus</i>	Wild	All	Indonesia	b
<i>Ornithoptera tithonus</i>	Wild	All	Indonesia	b
<i>Ornithoptera urvillianus</i>	Wild	All	Solomon Islands	b
	Ranched	All	Solomon Islands	b
<i>Ornithoptera victoriae</i>	Wild	All	Solomon Islands	b
	Ranched	All	Solomon Islands	b
<i>Troides andromache</i>	Wild	All	Indonesia	b
	Ranched	All	Indonesia	b
MOLLUSCA				
BIVALVIA				
MESOGASTROPODA				
Strombidae				
<i>Strombus gigas</i>	Wild	All	Grenada, Haiti	b
VENEROIDA				
Tridacnidae				
<i>Hippopus hippopus</i>	Wild	All	New Caledonia, Tonga, Vanuatu, Vietnam	b
<i>Tridacna crocea</i>	Wild	All	Fiji, Tonga, Vanuatu, Vietnam	b
<i>Tridacna derasa</i>	Wild	All	Fiji, New Caledonia, Philippines, Palau, Tonga, Vanuatu, Vietnam	b
<i>Tridacna gigas</i>	Wild	All	Fiji, Indonesia, Marshall Islands, Micronesia, Palau, Papua New Guinea, Solomon Islands, Tonga, Vanuatu, Vietnam	b

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), point:
<i>Tridacna maxima</i>	Wild	All	Micronesia, Fiji, Marshall Islands, Mozambique, New Caledonia, Tonga, Vanuatu, Vietnam	b
<i>Tridacna rosewateri</i>	Wild	All	Mozambique	b
<i>Tridacna squamosa</i>	Wild	All	Fiji, Mozambique, New Caledonia, Tonga, Vanuatu, Vietnam	b
<i>Tridacna tevoroa</i>	Wild	All	Tonga	b
CNIDARIA				
<i>HELIOPORACEA</i>				
Helioporidae				
<i>Heliopora coerulea</i>	Wild	All	Solomon Islands	b
<i>SCLERACTINIA</i>				
Acroporidae				
<i>Montipora calculata</i>	Wild	All	Tonga	b
Agariciidae				
<i>Agaricia agaricites</i>	Wild	All	Haiti	b
Caryophylliidae				
<i>Catalaphyllia jardinei</i>	Wild	All except mari-cultured specimens attached to artificial substrates	Indonesia	b
<i>Catalaphyllia jardinei</i>	Wild	All	Solomon Islands	b
<i>Euphyllia cristata</i>	Wild	All except mari-cultured specimens attached to artificial substrates	Indonesia	b
<i>Euphyllia divisa</i>	Wild	All except mari-cultured specimens attached to artificial substrates	Indonesia	b
<i>Euphyllia fimbriata</i>	Wild	All except mari-cultured specimens attached to artificial substrates	Indonesia	b
<i>Plerogyra</i> spp.	Wild	All except mari-cultured specimens attached to artificial substrates	Indonesia	b
Faviidae				
<i>Favites halicora</i>	Wild	All	Tonga	b
<i>Platygyra sinensis</i>	Wild	All	Tonga	b

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), point:
Merulinidae				
<i>Hydnophora microconos</i>	Wild	All except mari-cultured specimens attached to artificial substrates	Indonesia	b
Mussidae				
<i>Acanthastrea hemprichii</i>	Wild	All	Tonga	b
<i>Blastomussa</i> spp.	Wild	All except mari-cultured specimens attached to artificial substrates	Indonesia	b
<i>Cynarina lacrymalis</i>	Wild	All except mari-cultured specimens attached to artificial substrates	Indonesia	b
<i>Scolymia vitiensis</i>	Wild	All	Tonga	b
<i>Scolymia vitiensis</i>	Wild	All except mari-cultured specimens attached to artificial substrates	Indonesia	b
Pocilloporidae				
<i>Seriatopora stellata</i>	Wild	All	Indonesia	b
Trachyphyllidae				
<i>Trachyphyllia geoffroyi</i>	Wild	All	Fiji	b
<i>Trachyphyllia geoffroyi</i>	Wild	All except mari-cultured specimens attached to artificial substrates	Indonesia	b
FLORA				
Amaryllidaceae				
<i>Galanthus nivalis</i>	Wild	All	Bosnia and Herzegovina, Switzerland, Ukraine	b
Apocynaceae				
<i>Pachypodium inopinatum</i>	Wild	All	Madagascar	b
<i>Pachypodium rosulatum</i>	Wild	All	Madagascar	b
<i>Pachypodium rutenbergianum</i> ssp. <i>sofiense</i>	Wild	All	Madagascar	b
Cycadaceae				
<i>Cycadaceae</i> spp.	Wild	All	Madagascar, Mozambique, Vietnam	b
Euphorbiaceae				
<i>Euphorbia ankarensis</i>	Wild	All	Madagascar	b
<i>Euphorbia banae</i>	Wild	All	Madagascar	b
<i>Euphorbia berorohae</i>	Wild	All	Madagascar	b

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), point:
<i>Euphorbia bongolavensis</i>	Wild	All	Madagascar	b
<i>Euphorbia bulbispina</i>	Wild	All	Madagascar	b
<i>Euphorbia duranii</i>	Wild	All	Madagascar	b
<i>Euphorbia fiananantsoae</i>	Wild	All	Madagascar	b
<i>Euphorbia guillauminiana</i>	Wild	All	Madagascar	b
<i>Euphorbia iharanae</i>	Wild	All	Madagascar	b
<i>Euphorbia kondoi</i>	Wild	All	Madagascar	b
<i>Euphorbia labatii</i>	Wild	All	Madagascar	b
<i>Euphorbia lophogona</i>	Wild	All	Madagascar	b
<i>Euphorbia millotii</i>	Wild	All	Madagascar	b
<i>Euphorbia neohumbertii</i>	Wild	All	Madagascar	b
<i>Euphorbia pachypodoides</i>	Wild	All	Madagascar	b
<i>Euphorbia razafindratsirae</i>	Wild	All	Madagascar	b
<i>Euphorbia suzannae-manieri</i>	Wild	All	Madagascar	b
<i>Euphorbia waringiae</i>	Wild	All	Madagascar	b
Orchidaceae				
<i>Anacamptis pyramidalis</i>	Wild	All	Switzerland, Turkey	b
<i>Barlia robertiana</i>	Wild	All	Turkey	b
<i>Cephalanthera rubra</i>	Wild	All	Norway	b
<i>Cypripedium japonicum</i>	Wild	All	China, North Korea, Japan, South Korea	b
<i>Cypripedium macranthos</i>	Wild	All	South Korea, Russia	b
<i>Cypripedium margaritaceum</i>	Wild	All	China	b
<i>Cypripedium micranthum</i>	Wild	All	China	b
<i>Dactylorhiza latifolia</i>	Wild	All	Norway	b
<i>Dactylorhiza romana</i>	Wild	All	Turkey	b
<i>Dactylorhiza russowii</i>	Wild	All	Norway	b
<i>Dactylorhiza traunsteineri</i>	Wild	All	Liechtenstein	b
<i>Dendrobium bellatulum</i>	Wild	All	Vietnam	b
<i>Dendrobium wardianum</i>	Wild	All	Vietnam	b
<i>Himantoglossum hircinum</i>	Wild	All	Switzerland	b
<i>Nigritella nigra</i>	Wild	All	Norway	b
<i>Ophrys holoserica</i>	Wild	All	Turkey	b
<i>Ophrys insectifera</i>	Wild	All	Liechtenstein, Norway	b
<i>Ophrys pallida</i>	Wild	All	Algeria	b
<i>Ophrys sphegodes</i>	Wild	All	Switzerland	b
<i>Ophrys tenthredinifera</i>	Wild	All	Turkey	b

Species	Source(s) covered	Specimen(s) covered	Countries of origin	Basis in Article 4(6), point:
<i>Ophrys umbilicata</i>	Wild	All	Turkey	b
<i>Orchis coriophora</i>	Wild	All	Russia, Switzerland	b
<i>Orchis italica</i>	Wild	All	Turkey	b
<i>Orchis laxiflora</i>	Wild	All	Switzerland	b
<i>Orchis mascula</i>	Wild/Ranched	All	Albania	b
<i>Orchis morio</i>	Wild	All	Turkey	b
<i>Orchis pallens</i>	Wild	All	Russia	b
<i>Orchis provincialis</i>	Wild	All	Switzerland	b
<i>Orchis punctulata</i>	Wild	All	Turkey	b
<i>Orchis purpurea</i>	Wild	All	Switzerland, Turkey	b
<i>Orchis simia</i>	Wild	All	Bosnia and Herzegovina, Croatia, former Yugoslav Republic of Macedonia, Switzerland, Turkey	b
<i>Orchis tridentata</i>	Wild	All	Turkey	b
<i>Orchis ustulata</i>	Wild	All	Russia	b
<i>Phalaenopsis parishii</i>	Wild	All	Vietnam	b
<i>Serapias cordigera</i>	Wild	All	Turkey	b
<i>Serapias parviflora</i>	Wild	All	Turkey	b
<i>Serapias vomeracea</i>	Wild	All	Switzerland, Turkey	b
<i>Spiranthes spiralis</i>	Wild	All	Liechtenstein, Switzerland	b
Primulaceae				
<i>Cyclamen intaminatum</i>	Wild	All	Turkey	b
<i>Cyclamen mirabile</i>	Wild	All	Turkey	b
<i>Cyclamen pseudibericum</i>	Wild	All	Turkey	b
<i>Cyclamen trochopteranthum</i>	Wild	All	Turkey	b
Stangeriaceae				
<i>Stangeriaceae</i> spp.	Wild	All	Madagascar, Mozambique, Vietnam	b
Zamiaceae				
<i>Zamiaceae</i> spp.	Wild	All	Madagascar, Mozambique, Vietnam	b

(¹) Animals born in captivity but for which the criteria of Chapter XIII of Regulation (EC) No 865/2006 are not met, as well as parts and derivatives thereof.

COMMISSION REGULATION (EC) No 360/2009**of 30 April 2009****fixing the import duties in the cereals sector applicable from 1 May 2009**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 in respect of import duties in the cereals sector ⁽²⁾, and in particular Article 2(1) thereof,

Whereas:

(1) Article 136(1) of Regulation (EC) No 1234/2007 states that the import duty on products falling within CN codes 1001 10 00, 1001 90 91, ex 1001 90 99 (high quality common wheat), 1002, ex 1005 other than hybrid seed, and ex 1007 other than hybrids for sowing, is to be equal to the intervention price valid for such products on importation increased by 55 %, minus the cif import price applicable to the consignment in question. However, that duty may not exceed the rate of duty in the Common Customs Tariff.

(2) Article 136(2) of Regulation (EC) No 1234/2007 lays down that, for the purposes of calculating the import duty referred to in paragraph 1 of that Article, representative cif import prices are to be established on a regular basis for the products in question.

(3) Under Article 2(2) of Regulation (EC) No 1249/96, the price to be used for the calculation of the import duty on products of CN codes 1001 10 00, 1001 90 91, ex 1001 90 99 (high quality common wheat), 1002 00, 1005 10 90, 1005 90 00 and 1007 00 90 is the daily cif representative import price determined as specified in Article 4 of that Regulation.

(4) Import duties should be fixed for the period from 1 May 2009 and should apply until new import duties are fixed and enter into force,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 May 2009, the import duties in the cereals sector referred to in Article 136(1) of Regulation (EC) No 1234/2007 shall be those fixed in Annex I to this Regulation on the basis of the information contained in Annex II.

Article 2

This Regulation shall enter into force on 1 May 2009.

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

Done at Brussels, 30 April 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 161, 29.6.1996, p. 125.

ANNEX I

Import duties on the products referred to in Article 136(1) of Regulation (EC) No 1234/2007 applicable from 1 May 2009

CN code	Description	Import duties ⁽¹⁾ (EUR/t)
1001 10 00	Durum wheat, high quality	0,00
	medium quality	0,00
	low quality	0,00
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	High quality common wheat, other than for sowing	0,00
1002 00 00	Rye	37,15
1005 10 90	Maize seed other than hybrid	18,95
1005 90 00	Maize, other than seed ⁽²⁾	18,95
1007 00 90	Grain sorghum other than hybrids for sowing	37,15

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

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

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

ANNEX II

Factors for calculating the duties laid down in Annex I

16.4.2009-29.4.2009

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

	(EUR/t)					
	Common wheat ⁽¹⁾	Maize	Durum wheat, high quality	Durum wheat, medium quality ⁽²⁾	Durum wheat, low quality ⁽³⁾	Barley
Exchange	Minneapolis	Chicago	—	—	—	—
Quotation	197,12	113,72	—	—	—	—
Fob price USA	—	—	207,54	197,54	177,54	108,89
Gulf of Mexico premium	—	14,13	—	—	—	—
Great Lakes premium	12,66	—	—	—	—	—

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

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

Freight costs: Gulf of Mexico–Rotterdam: 15,22 EUR/t

Freight costs: Great Lakes–Rotterdam: 15,98 EUR/t

DIRECTIVES

DIRECTIVE 2009/22/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 23 April 2009

on injunctions for the protection of consumers' interests

(Codified version)

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

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

Whereas:

(1) Directive 98/27/EC of the European Parliament and of the Council of 19 May 1998 on injunctions for the protection of consumers' interests ⁽³⁾ has been substantially amended several times ⁽⁴⁾. In the interests of clarity and rationality the said Directive should be codified.

(2) Certain Directives, listed in Annex I to this Directive, lay down rules with regard to the protection of consumers' interests.

(3) Current mechanisms available for ensuring compliance with those Directives, both at national and at Community level, do not always allow infringements harmful to the collective interests of consumers to be terminated in good time. Collective interests means interests which do not include the cumulation of interests of individuals who have been harmed by an infringement. This is without prejudice to individual actions brought by individuals who have been harmed by an infringement.

(4) As far as the purpose of bringing about the cessation of practices that are unlawful under the national provisions applicable is concerned, the effectiveness of national measures transposing the Directives in question, including protective measures that go beyond the level required by those Directives, provided they are compatible with the Treaty and allowed by those Directives, may be thwarted where those practices produce effects in a Member State other than that in which they originate.

(5) Those difficulties can disrupt the smooth functioning of the internal market, their consequence being that it is sufficient to move the source of an unlawful practice to another country in order to place it out of reach of all forms of enforcement. This constitutes a distortion of competition.

(6) Those difficulties are likely to diminish consumer confidence in the internal market and may limit the scope for action by organisations representing the collective interests of consumers or independent public bodies responsible for protecting the collective interests of consumers, adversely affected by practices that infringe Community law.

(7) Those practices often extend beyond the frontiers between the Member States. There is an urgent need for some degree of approximation of national provisions designed to enjoin the cessation of the unlawful practices irrespective of the Member State in which the unlawful practice has produced its effects. With regard to jurisdiction, this is without prejudice to the rules of private international law and the Conventions in force between Member States, while respecting the general obligations of the Member States deriving from the Treaty, in particular those related to the smooth functioning of the internal market.

(8) The objective of the action envisaged can only be attained by the Community. It is therefore incumbent on the Community to act.

⁽¹⁾ OJ C 161, 13.7.2007, p. 39.

⁽²⁾ Opinion of the European Parliament of 19 June 2007 (OJ C 146 E, 12.6.2008, p. 73) and Council Decision of 23 March 2009.

⁽³⁾ OJ L 166, 11.6.1998, p. 51.

⁽⁴⁾ See Annex II, Part A.

- (9) The third paragraph of Article 5 of the Treaty makes it incumbent on the Community not to go beyond what is necessary to achieve the objectives of the Treaty. In accordance with that Article, the specific features of national legal systems must be taken into account to every extent possible by leaving Member States free to choose between different options having equivalent effect. The courts or administrative authorities competent to rule on the proceedings referred to in this Directive should have the right to examine the effects of previous decisions.
- (10) One option should consist in requiring one or more independent public bodies, specifically responsible for the protection of the collective interests of consumers, to exercise the rights of action set out in this Directive. Another option should provide for the exercise of those rights by organisations whose purpose is to protect the collective interests of consumers, in accordance with criteria laid down by national law.
- (11) Member States should be able to choose between or combine these two options in designating at national level the bodies and/or organisations qualified for the purposes of this Directive.
- (12) For the purposes of intra-Community infringements the principle of mutual recognition should apply to these bodies and/or organisations. The Member States should, at the request of their national entities, communicate to the Commission the name and purpose of their national entities which are qualified to bring an action in their own country according to the provisions of this Directive.
- (13) It is the business of the Commission to ensure the publication of a list of these qualified entities in the *Official Journal of the European Union*. Until a statement to the contrary is published, a qualified entity is assumed to have legal capacity if its name is included in that list.
- (14) Member States should be able to require that a prior consultation be undertaken by the party that intends to bring an action for an injunction, in order to give the defendant an opportunity to bring the contested infringement to an end. Member States should be able to require that this prior consultation take place jointly with an independent public body designated by those Member States.
- (15) Where the Member States have established that there should be prior consultation, a deadline of two weeks after the request for consultation is received should be set after which, should the cessation of the infringement not be achieved, the applicant shall be entitled to bring an action, without any further delay, before the competent court or administrative authority.
- (16) It is appropriate that the Commission report on the functioning of this Directive and in particular on its scope and on the operation of prior consultation.
- (17) The application of this Directive should not prejudice the application of Community competition rules.
- (18) This Directive should be without prejudice to the obligations of the Member States concerning the time limits for transposition and application in national law of the Directives set out in Annex II, Part B,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Scope

1. The purpose of this Directive is to approximate the laws, regulations and administrative provisions of the Member States relating to actions for an injunction referred to in Article 2 aimed at the protection of the collective interests of consumers included in the Directives listed in Annex I, with a view to ensuring the smooth functioning of the internal market.
2. For the purposes of this Directive, an infringement means any act contrary to the Directives listed in Annex I as transposed into the internal legal order of the Member States which harms the collective interests referred to in paragraph 1.

Article 2

Actions for an injunction

1. Member States shall designate the courts or administrative authorities competent to rule on proceedings commenced by qualified entities within the meaning of Article 3 seeking:
 - (a) an order with all due expediency, where appropriate by way of summary procedure, requiring the cessation or prohibition of any infringement;
 - (b) where appropriate, measures such as the publication of the decision, in full or in part, in such form as deemed adequate and/or the publication of a corrective statement with a view to eliminating the continuing effects of the infringement;
 - (c) in so far as the legal system of the Member State concerned so permits, an order against the losing defendant for payments into the public purse or to any beneficiary designated in or under national legislation, in the event of failure to comply with the decision within a time limit specified by the courts or administrative authorities, of a fixed amount for each day's delay or any other amount provided for in national legislation, with a view to ensuring compliance with the decisions.

2. This Directive shall be without prejudice to the rules of private international law with respect to the applicable law, that is, normally, either the law of the Member State where the infringement originated or the law of the Member State where the infringement has its effects.

Article 3

Entities qualified to bring an action

For the purposes of this Directive, a 'qualified entity' means any body or organisation which, being properly constituted according to the law of a Member State, has a legitimate interest in ensuring that the provisions referred to in Article 1 are complied with, in particular:

- (a) one or more independent public bodies, specifically responsible for protecting the interests referred to in Article 1, in Member States in which such bodies exist; and/or
- (b) organisations whose purpose is to protect the interests referred to in Article 1, in accordance with the criteria laid down by the national law.

Article 4

Intra-Community infringements

1. Each Member State shall take the measures necessary to ensure that, in the event of an infringement originating in that Member State, any qualified entity from another Member State where the interests protected by that qualified entity are affected by the infringement, may apply to the court or administrative authority referred to in Article 2, on presentation of the list provided for in paragraph 3 of this Article. The courts or administrative authorities shall accept this list as proof of the legal capacity of the qualified entity without prejudice to their right to examine whether the purpose of the qualified entity justifies its taking action in a specific case.

2. For the purposes of intra-Community infringements, and without prejudice to the rights granted to other entities under national legislation, the Member States shall, at the request of their qualified entities, communicate to the Commission that these entities are qualified to bring an action under Article 2. The Member States shall inform the Commission of the name and purpose of these qualified entities.

3. The Commission shall draw up a list of the qualified entities referred to in paragraph 2, with the specification of their purpose. This list shall be published in the *Official Journal of the European Union*; changes to this list shall be

published without delay and the updated list shall be published every six months.

Article 5

Prior consultation

1. Member States may introduce or maintain in force provisions whereby the party that intends to seek an injunction can only start this procedure after it has tried to achieve the cessation of the infringement in consultation either with the defendant or with both the defendant and a qualified entity within the meaning of Article 3(a) of the Member State in which the injunction is sought. It shall be for the Member State to decide whether the party seeking the injunction must consult the qualified entity. If the cessation of the infringement is not achieved within two weeks after the request for consultation is received, the party concerned may bring an action for an injunction without any further delay.

2. The rules governing prior consultation adopted by Member States shall be notified to the Commission and shall be published in the *Official Journal of the European Union*.

Article 6

Reports

1. Every three years and for the first time no later than 2 July 2003 the Commission shall submit to the European Parliament and to the Council a report on the application of this Directive.

2. In its first report the Commission shall examine in particular:

- (a) the scope of this Directive in relation to the protection of the collective interests of persons exercising a commercial, industrial, craft or professional activity;
- (b) the scope of this Directive as determined by the Directives listed in Annex I;
- (c) whether the prior consultation provided for in Article 5 has contributed to the effective protection of consumers.

Where appropriate, this report shall be accompanied by proposals with a view to amending this Directive.

Article 7

Provisions for wider action

This Directive shall not prevent Member States from adopting or maintaining in force provisions designed to grant qualified entities and any other person concerned more extensive rights to bring action at national level.

*Article 8***Implementation**

Member States shall communicate to the Commission the provisions of national law which they adopt in the field covered by this Directive.

*Article 9***Repeal**

Directive 98/27/EC, as amended by the Directives set out in Annex II, Part A, is repealed, without prejudice to the obligations of the Member States concerning the time limits for transposition into national law and application of the Directives set out in Annex II, Part B.

References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex III.

*Article 10***Entry into force**

This Directive shall enter into force on 29 December 2009.

*Article 11***Addressees**

This Directive is addressed to the Member States.

Done at Strasbourg, 23 April 2009.

For the European Parliament

The President

H.-G. PÖTTERING

For the Council

The President

P. NEČAS

ANNEX I

LIST OF DIRECTIVES REFERRED TO IN ARTICLE 1 ⁽¹⁾

1. Council Directive 85/577/EEC of 20 December 1985 to protect the consumer in respect of contracts negotiated away from business premises (OJ L 372, 31.12.1985, p. 31).
2. Council Directive 87/102/EEC of 22 December 1986 for the approximation of the laws, regulations and administrative provisions of the Member States concerning consumer credit (OJ L 42, 12.2.1987, p. 48) ⁽²⁾.
3. Council Directive 89/552/EEC of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities: Articles 10 to 21 (OJ L 298, 17.10.1989, p. 23).
4. Council Directive 90/314/EEC of 13 June 1990 on package travel, package holidays and package tours (OJ L 158, 23.6.1990, p. 59).
5. Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts (OJ L 95, 21.4.1993, p. 29).
6. Directive 97/7/EC of the European Parliament and of the Council of 20 May 1997 on the protection of consumers in respect of distance contracts (OJ L 144, 4.6.1997, p. 19).
7. Directive 1999/44/EC of the European Parliament and of the Council of 25 May 1999 on certain aspects of the sale of consumer goods and associated guarantees (OJ L 171, 7.7.1999, p. 12).
8. Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects on information society services, in particular electronic commerce, in the internal market (Directive on electronic commerce) (OJ L 178, 17.7.2000, p. 1).
9. Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use: Articles 86 to 100 (OJ L 311, 28.11.2001, p. 67).
10. Directive 2002/65/EC of the European Parliament and of the Council of 23 September 2002 concerning the distance marketing of consumer financial services (OJ L 271, 9.10.2002, p. 16).
11. Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market (OJ L 149, 11.6.2005, p. 22).
12. Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ L 376, 27.12.2006, p. 36).
13. Directive 2008/122/EC of the European Parliament and of the Council of 14 January 2009 on the protection of consumers in respect of certain aspects of timeshare, long-term holiday product, resale and exchange contracts (OJ L 33, 3.2.2009, p. 10).

⁽¹⁾ The Directives referred to in points 5, 6, 9 and 11 contain specific provisions concerning injunctions.

⁽²⁾ The said Directive was repealed and replaced, with effect from 12 May 2010, by Directive 2008/48/EC of the European Parliament and of the Council of 23 April 2008 on credit agreements for consumers (OJ L 133, 22.5.2008, p. 66).

ANNEX II

PART A

Repealed Directive and its amendments

(referred to in Article 9)

Directive 98/27/EC of the European Parliament and of the Council
(OJ L 166, 11.6.1998, p. 51).

Directive 1999/44/EC of the European Parliament and of the Council
(OJ L 171, 7.7.1999, p. 12). Article 10 only

Directive 2000/31/EC of the European Parliament and of the Council
(OJ L 178, 17.7.2000, p. 1). Article 18(2) only

Directive 2002/65/EC of the European Parliament and of the Council
(OJ L 271, 9.10.2002, p. 16). Article 19 only

Directive 2005/29/EC of the European Parliament and of the Council
(OJ L 149, 11.6.2005, p. 22). Article 16(1) only

Directive 2006/123/EC of the European Parliament and of the Council
(OJ L 376, 27.12.2006, p. 36). Article 42 only

PART B

List of time limits for transposition into national law and application

(referred to in Article 9)

Directive	Time limit for transposition	Date of application
98/27/EC	1 January 2001	—
1999/44/EC	1 January 2002	—
2000/31/EC	16 January 2002	—
2002/65/EC	9 October 2004	—
2005/29/EC	12 June 2007	12 December 2007
2006/123/EC	28 December 2009	—

ANNEX III

CORRELATION TABLE

Directive 98/27/EC	This Directive
Articles 1 to 5	Articles 1 to 5
Article 6(1)	Article 6(1)
Article 6(2), first subparagraph, first indent	Article 6(2), first subparagraph, point (a)
Article 6(2), first subparagraph, second indent	Article 6(2), first subparagraph, point (b)
Article 6(2), first subparagraph, third indent	Article 6(2), first subparagraph, point (c)
Article 6(2), second subparagraph	Article 6(2), second subparagraph
Article 7	Article 7
Article 8(1)	—
Article 8(2)	Article 8
—	Article 9
Article 9	Article 10
Article 10	Article 11
Annex	Annex I
—	Annex II
—	Annex III

II

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

DECISIONS

COMMISSION

COMMISSION DECISION

of 27 April 2009

amending Decision 2007/134/EC establishing the European Research Council

(Text with EEA relevance)

(2009/357/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Decision No 1982/2006/EC of the European Parliament and the Council of 18 December 2006 concerning the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007 to 2013) ⁽¹⁾, and in particular Articles 2 and 3 thereof,

Having regard to Council Decision 2006/972/EC of 19 December 2006 concerning the Specific Programme 'Ideas' implementing the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007 to 2013) ⁽²⁾, and in particular Article 4(2) and (3) thereof,

Whereas:

- (1) Under the Seventh Framework Programme, the Specific Programme 'Ideas' has the objective of supporting investigator-driven frontier research across all fields of science, engineering and scholarship carried out by researchers on subjects of their choice.
- (2) By Decision 2007/134/EC ⁽³⁾ the Commission established the European Research Council (hereinafter referred to as

the ERC) which is the means for implementing the Specific Programme 'Ideas'.

- (3) According to Article 1 of Decision 2007/134/EC, the ERC consists of an independent Scientific Council supported by a dedicated implementation structure.
- (4) The Scientific Council is composed of scientists, engineers and scholars of the highest repute, appointed by the Commission, and acting in their personal capacity, independent of any outside influence. It acts according to the mandate provided for it in Article 3 of Decision 2007/134/EC.
- (5) According to Article 4(1) of Decision 2007/134/EC, the Scientific Council is composed of up to 22 members.
- (6) Three members of the Scientific Council have resigned for personal reasons: Prof. Manuel CASTELLS, Open University of Catalonia; Prof. Paul J. CRUTZEN, Max Planck Institute for Chemistry, Mainz; Prof. Lord MAY, University of Oxford.
- (7) According to Article 4(7) of Decision 2007/134/EC, upon resignation of a member or on the expiry of a term that cannot be renewed, the Commission shall appoint a new member.

⁽¹⁾ OJ L 412, 30.12.2006, p. 1.

⁽²⁾ OJ L 400, 30.12.2006, p. 243; corrected by OJ L 54, 22.2.2007, p. 81.

⁽³⁾ OJ L 57, 24.2.2007, p. 14.

- (8) According to Article 4(6) of Decision 2007/134/EC, members shall be appointed for a term of four years, renewable once on a basis of a rotating system, which shall ensure the continuity of the work of the Scientific Council.
- (9) According to Article 4(4) of Decision 2007/134/EC, future members shall be appointed by the Commission based on the factors and criteria set out in Annex I to that Decision, and following an independent and transparent procedure for their identification, agreed with the Scientific Council, including a consultation of the scientific community and a report to Parliament and Council; Such a procedure was carried out by means of an independent Identification Committee, whose report was sent to Parliament and Council. This Committee made recommendations for the three new members and these have been accepted.
- (10) According to Article 4(4) of Decision 2007/134/EC, the appointment of future members shall be published in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council ⁽¹⁾,

⁽¹⁾ OJ L 8, 12.1.2001, p. 1.

HAS DECIDED AS FOLLOWS:

Article 1

The persons listed in the Annex to this Decision are hereby appointed as members of the European Research Council Scientific Council for a term of four years.

Article 2

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

Done at Brussels, 27 April 2009.

For the Commission

Janez POTOČNIK

Member of the Commission

ANNEX

NEW MEMBERS OF THE ERC SCIENTIFIC COUNCIL

Prof. Sierd A.P.L. CLOETINGH, Free University of Amsterdam

Prof. Carlos M. DUARTE, Spanish Council for Scientific Research, Majorca

Prof. Henrietta L. MOORE, University of Cambridge

COMMISSION DECISION

of 29 April 2009

on the harmonisation, the regular transmission of the information and the questionnaire referred to in Articles 22(1)(a) and 18 of Directive 2006/21/EC of the European Parliament and of the Council on the management of waste from extractive industries

(notified under document number C(2009) 3011)

(2009/358/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006 on the management of waste from extractive industries and amending Directive 2004/35/EC⁽¹⁾, and in particular Article 22(1)(a) and Article 18 thereof,

Whereas:

- (1) The purpose of this decision is to establish minimum requirements for ensuring an harmonized, timely and appropriate gathering and if requested, transmission of the information referred to in Article 7(5), 11(3) and 12(6) of Directive 2006/21/EC, and to set the basis for the questionnaire referred to in Article 18(1) of the same Directive.
- (2) The annual transmission of the information referred to in Article 7(5), 11(3) and 12(6) of Directive 2006/21/EC should cover the period between 1 May and 30 April of the following year.
- (3) The report referred to in Article 18(1) of Directive 2006/21/EC should cover, for the first time, the period from 1 May 2008 to 30 April 2011 and should be transmitted to the Commission no later than 1 February 2012.
- (4) In order to limit the administrative burden linked with the implementation of this decision, the list of information required should be limited to useful data with the view of improving Directive implementation. Similarly, the transmission of yearly information on events referred to in Article 11(3) and 12(6) of Directive 2006/21/EC should be limited to Member States in which such an event occurs during the considered period.

- (5) The measures provided for in this Decision are in accordance with the opinion of the Committee, established in accordance with Article 23(2) of Directive 2006/21/EC,

HAS ADOPTED THIS DECISION:

Article 1

The information contained in the permits granted under Article 7 of Directive 2006/21/EC, to be made available to the Community statistical authorities where requested for statistical purposes, is detailed in Annex I.

Article 2

In case of one or more events referred to in Article 11(3) and 12(6) of Directive 2006/21/EC occur in a Member State, the concerned Member State shall transmit to the Commission for each event the information detailed in Annex II on a yearly basis. This information shall cover the period between 1 May and 30 April of the following year and shall be transmitted no later than 1 July of that year to the Commission.

Article 3

The questionnaire in Annex III shall be used by the Member States to report on Directive implementation referred to in Article 18(1) of Directive 2006/21/EC.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 29 April 2009.

For the Commission

Stavros DIMAS

Member of the Commission

⁽¹⁾ OJ L 102, 11.4.2006, p. 15.

ANNEX I

Information to be included in the list of permits issued under Directive 2006/21/EC

1. Name and address of the facility, the competent authority for issuing the permit and the competent authority for inspection.
 2. Basic information on the permit issued including date of issuing, period of validity, category of waste facility according to Article 9 of the Directive, description of the operating phase of the installation (in operation, closure phase or after closure phase).
 3. If appropriate, information on the type of waste and a brief description of the installations and of the monitoring and control procedures.
-

ANNEX II

Information to be transmitted to the Commission on the events referred to in Articles 11(3) and 12(6) pursuant to 18(2) of Directive 2006/21/EC

For each event the following list of information shall be gathered and transmitted:

1. Name and address of the facility, the competent authority for issuing the permit and the competent authority for inspection.
 2. Information on the permit issued including date of issuing, period of validity, category of waste facility according to Article 9 of the Directive, type of waste and a brief description of the installations and of the monitoring and control procedures; description of the operating phase of the installation (in operation, closure phase or after closure phase).
 3. Description of the event including:
 - (a) Nature and description of the incident; description on how the event has been revealed; location and timing of the event;
 - (b) Timing and description of the information transmitted by the operator to the competent authorities and of the information given to the public and if relevant, to the other potentially concerned Member States in case of potential transboundary impact;
 - (c) Assessment of the possible environmental and public health impacts, and of possible consequences on the stability of the waste facility;
 - (d) Analysis of the possible causes of the event.
 4. Description of the corrective measures taken to remediate to the event and notably:
 - (a) If applicable, description of how the emergency plan has been implemented;
 - (b) Type of instructions given by the competent authorities;
 - (c) Other measures to be specified.
 5. Description of the measures taken to prevent another incident of the same nature and notably:
 - (a) New conditions included in the permit;
 - (b) Adaptation of the monitoring and control systems;
 - (c) Improvement of the transmission of information;
 - (d) Other measures to be specified.
 6. Additional information potentially useful for other Member States and for the Commission with the view to improve the implementation of the Directive.
-

ANNEX III

'Questionnaire for the report by Member States on the implementation of Directive 2006/21/EC

PART A. QUESTIONS TO BE ANSWERED ONCE FOR THE FIRST REPORTING PERIOD

1. *Administrative arrangements and general information*

Please indicate the competent authority(ies) in charge of:

- (a) verifying and approving the waste management plans proposed by the operators;
- (b) establishing the external emergency plans for Category "A" installations;
- (c) issuing and updating permits and establishing and updating the financial guarantee, and
- (d) making inspection of the waste facilities.

2. *Waste management plans and major-accident prevention and information*

- (a) Please describe in brief: the procedures set up for the approval of the waste management plans as referred to in Article 5(6) of the Directive.
- (b) For the category "A" installations not falling within the scope of Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances ⁽¹⁾, please describe the measures taken to:
 - identify major-accident hazards,
 - incorporate the necessary features into the design, operation and closure of the installation, and,
 - limit the adverse consequences for human health and/or the environment.

3. *Permit and financial guarantee*

- (a) Please indicate the measures taken to ensure that all facilities in operation will be covered by a permit in conformity with the Directive before 1 May 2012.
- (b) Please briefly describe the actions taken to make the best available techniques knowledgeable to the authorities in charge of establishing and controlling the permits.
- (c) Please indicate whether the possibility referred to in Article 2(3) of the Directive of reducing or waiving the requirements for the deposit of non hazardous waste – inert or not, unpolluted soil or peat has been used?
- (d) Please explain the measures taken to ensure that permits are regularly updated as foreseen in Article 7(4) of the Directive.
- (e) Please detail the procedure referred to in Article 14(1) of the Directive and set up for the establishment of the financial guarantee and its periodical adjustment. How many installations are already covered by a guarantee in accordance with the provisions of the Directive? How will it be ensured that all installations will be covered by a guarantee before the 1 May 2014?

4. *Public participation, transboundary effects*

- (a) Please explain how the public opinion and comments is analysed and taken into account before the taking of a decision on permits and for the preparation of the external emergency plans.

⁽¹⁾ OJ L 10, 14.1.1997, p. 13.

- (b) For installations having a potential transboundary impact, how is it ensured that required information is made available for an appropriate period of time to the other Member State and to the public concerned?
- (c) For Category "A" installations, and in case of major accident, what are the practical arrangements taken to ensure that:
- required information is transmitted immediately by the operator to the competent authority,
 - information on safety measures and on action required is provided to the public? and,
 - information provided by the operator is forwarded to the other Member State in case of installation with a potential transboundary impact?

5. *Construction and management of waste facilities*

- (a) Please detail the measures taken in order to ensure that the management of the waste facilities is achieved by a "competent person" as referred to in Article 11(1) of the Directive and that staff is appropriately trained.
- (b) Please describe in brief the procedure set out for the notification to the authority in the 48 hours of any event likely to affect the stability of the facility and any significant environmental effects revealed by the monitoring.
- (c) Please describe how, in accordance with Article 11, the competent authority is verifying that regular reports on monitoring results are:
- transmitted by the operator to the authority,
 - demonstrating compliance with the permit conditions.

6. *Closure and after closure procedures, inventory*

- (a) Please explain in brief the procedure set out to ensure that after the closure of the facilities and when considered necessary by the authority, regular controls of the stability are achieved as well as measure to reduce environmental effect are taken.
- (b) Please detail the measure taken to ensure that the inventory of closed facilities as foreseen in Article 20 of the Directive will be achieved by 1 May 2012.

7. *Inspections*

- (a) Please briefly explain whether and if yes, how the minimum criteria for environmental inspection ⁽¹⁾ are taken into account for the control of the facilities falling under the scope of the Directive.
- (b) Please briefly describe how inspection activities are planned. Are the priority installations for inspection identified and according to which criteria? Are the frequency and the type of inspection adapted to the risks associated with the installation and its environment?
- (c) Please explain what inspection actions are carried out such as on site visit routine or not, sampling, control of self monitoring data, control of the "up to date" records of waste management operations.
- (d) Please explain the actions taken to ensure that the approved waste management plans are regularly updated and monitored.
- (e) What are the rules on penalties applicable to infringement of the national provisions pursuant to Article 19 of the Directive?

⁽¹⁾ Recommendation of the European Parliament and of the Council of 4 April 2001 providing for minimum criteria for environmental inspections in the Member States (OJ L 118, 27.4.2001, p. 41).

PART B. QUESTIONS TO BE ANSWERED FOR ALL REPORTING PERIODS

1. *Administrative arrangements and general information*

- (a) Please indicate the Administrative body (Name, address, contact person, E-mail) in charge of coordinating the answers to this questionnaire.
- (b) If possible, using the table provided in Annex, please provide an estimate of the number of extractive waste facilities on the territory of the Member State.
- (c) Please indicate the number of cases of waste facilities of Category "A" in operation on your territory having a potential environmental or human health impact on another Member State.

2. *Waste Management Plans and Major-accident prevention and information*

- (a) Please describe in brief:
 - the number of waste management plans approved or rejected temporarily or definitively during the reporting period and,
 - if relevant, and if possible, the main reasons for having definitively refused a waste management plan,
- (b) Please provide a list of the external emergency plans referred to in Article 6(3) of the Directive. If all Category "A" installations are not yet covered by an emergency plan, please indicate the number of missing plans and the planning for establishing these plans.
- (c) If a list of inert waste as referred to in Article 2(3) of Commission Decision 2009/359/EC of 30 April 2009 completing the definition of "inert waste" in implementation of Article 22(1)(f) of Directive 2006/21/EC of the European Parliament and of the Council on the management of waste from extractive industries ⁽¹⁾ has been established in your country, please provide a copy of that list including a brief description of the information and data used to determine whether the listed waste could be defined as inert.

3. *Permit and financial guarantee*

If possible using the table in Annex, please indicate the number of installation for which a permit has been issued in conformity with the provision of the Directive.

4. *Closure and after closure procedures, inventory*

- (a) Please indicate how many closure procedures as detailed in Article 12 of the Directive, were undertaken and/or approved during the reporting period.
- (b) How many installations are closed and regularly monitored in your country?

5. *Inspections*

- (a) Please indicate the number of inspections achieved for the reporting period with, if possible, distinguishing inspections achieved in:
 - Category "A" and the other installations,
 - Inert waste installations, and,
 - Non inert, non hazardous installations,

If a programme of inspection has been drawn up at the appropriate geographical level (national/regional/local), please provide a copy of this (these) programme(s) in annex to the report.

- (b) How many cases of non compliance with the provisions of the Directive were identified? Please indicate the main reasons for non compliance and the actions taken in order to ensure compliance with the Directive?

⁽¹⁾ OJ L 110, 1.5.2009, p. 46.

6. Other relevant Information

- (a) Please summarise the main difficulties encountered in implementing the Directive. How were these possible problems overcome?
- (b) Please provide any additional comments, suggestions or information in relation with the implementation of the Directive.

ANNEX ⁽¹⁾

	In operation	In operation with permit ⁽¹⁾	In transition ⁽²⁾	In closure phase ⁽³⁾	Closed or abandoned ⁽⁴⁾
Category A ⁽⁵⁾					
Of which "Seveso" installations ⁽⁶⁾					
Not Category A					
Inert waste ⁽⁷⁾					
Non hazardous non inert waste					
Total					

⁽¹⁾ Number of installations having a permit already meeting the requirements of the Directive.

⁽²⁾ Number of installation which will be closed before 2010 and falling under the scope of Article 24(4).

⁽³⁾ Number of installation for which the closure procedure is still ongoing (Article 12).

⁽⁴⁾ If possible, please, provide an estimation of the number of abandoned and closed facilities potentially harmful and falling under the scope of Article 20 of the Directive.

⁽⁵⁾ Installations classified as Category "A" according to Article 9 of the Directive.

⁽⁶⁾ Installations falling within the scope of Directive 96/82/EC.

⁽⁷⁾ Installations treating exclusively inert waste as defined in the Directive.'

⁽¹⁾ If possible, please provide a breakdown per sector for the construction minerals, the metallic minerals, the industrial minerals, the energy minerals and the other sectors.

COMMISSION DECISION

of 30 April 2009

completing the definition of inert waste in implementation of Article 22(1)(f) of Directive 2006/21/EC of the European Parliament and the Council concerning the management of waste from extractive industries*(notified under document number C(2009) 3012)**(2009/359/EC)*

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006 on the management of waste from extractive industries and amending Directive 2004/35/EC ⁽¹⁾, and in particular Article 22(1)(f) thereof,

1. Waste shall be considered as being inert waste, within the meaning of Article 3(3) of Directive 2006/21/EC, where all of the following criteria, are fulfilled in both the short and the long term:

Whereas:

- (1) Article 3(3) of Directive 2006/21/EC provides for a definition of inert waste.
- (2) The purpose of complementing the definition of inert waste is to establish clear criteria and conditions under which waste from extractive industries can be considered as inert waste.
- (3) To minimise the administrative burden linked with the implementation of this Decision, it is appropriate from a technical point of view to exempt from specific testing those wastes for which existing relevant information is available, and to allow Member States to establish lists of waste material which could be considered as inert in accordance with the criteria set out in the present Decision.
- (4) In order to ensure the quality and the representativity of the information used, this Decision should be applied in the framework of the waste characterisation carried out in accordance with Commission Decision 2009/360/EC ⁽²⁾ and should be based on the same sources of information.
- (5) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 18 of Directive 2006/12/EC of the European Parliament and of the Council ⁽³⁾,

- (a) the waste will not undergo any significant disintegration or dissolution or other significant change likely to cause any adverse environmental effect or harm human health;
- (b) the waste has a maximum content of sulphide sulphur of 0,1 %, or the waste has a maximum content of sulphide sulphur of 1 % and the neutralising potential ratio, defined as the ratio between the neutralising potential and the acid potential, and determined on the basis of a static test prEN 15875 is greater than 3;
- (c) the waste presents no risk of self-combustion and will not burn;
- (d) the content of substances potentially harmful to the environment or human health in the waste, and in particular As, Cd, Co, Cr, Cu, Hg, Mo, Ni, Pb, V and Zn, including in any fine particles alone of the waste, is sufficiently low to be of insignificant human and ecological risk, in both the short and the long term. In order to be considered as sufficiently low to be of insignificant human and ecological risk, the content of these substances shall not exceed national threshold values for sites identified as not contaminated or relevant national natural background levels;
- (e) the waste is substantially free of products used in extraction or processing that could harm the environment or human health.

2. Waste may be considered as inert waste without specific testing if it can be demonstrated, to the satisfaction of the competent authority, that the criteria set out in paragraph 1 have been adequately considered and are met on the strength of existing information or valid procedures or schemes.

⁽¹⁾ OJ L 102, 11.4.2006, p. 15.

⁽²⁾ See page 48 of this Official Journal.

⁽³⁾ OJ L 114, 27.4.2006, p. 9.

3. The Member States may draw up lists of waste materials to be regarded as inert in accordance with the criteria defined in paragraphs 1 and 2.

Article 2

The assessment of the inert property of waste in accordance with this Decision shall be completed in the framework of the waste characterisation referred in Decision 2009/360/EC and shall be based on the same sources of information.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 30 April 2009.

For the Commission
Stavros DIMAS
Member of the Commission

COMMISSION DECISION

of 30 April 2009

completing the technical requirements for waste characterisation laid down by Directive 2006/21/EC of the European Parliament and of the Council on the management of waste from extractive industries

(notified under document number C(2009) 3013)

(2009/360/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006 on the management of waste from extractive industries and amending Directive 2004/35/EC ⁽¹⁾, and in particular Article 22(1)(e) thereof,

Whereas:

- (1) Directive 2006/21/EC provides for waste characterisation as part of the waste management plan, which has to be drawn up by the operator of extractive industries and approved by the competent authority. Annex II of that Directive provides a list of certain aspects to be included in the waste characterisation.
- (2) The purpose of the characterisation of extractive waste is to obtain the relevant information on the waste to be managed in order to be able to assess and monitor its properties, behaviour and characteristics and thereby ensure that it is managed under environmentally safe conditions in the long term. Furthermore, the characterisation of extractive waste should facilitate the determination of the options for managing such waste and the related mitigation measures in order to protect human health and the environment.
- (3) The necessary information and data for the characterisation of extractive waste should be collected on the basis of existing relevant and appropriate information or, if needed, by sampling and testing. It should be ensured that information and data for waste characterisation are appropriate, of adequate quality and representative of the waste. This information should be duly justified in the waste management plan to the full satisfaction of the competent authority.
- (4) The level of detail of information to be gathered and the related sampling or testing needs should be adapted to

the type of waste, the potential environmental risks, and the intended waste facility. From a technical point of view, it should be made possible to adopt an iterative approach to ensure appropriate waste characterisation.

- (5) From a technical point of view, it is appropriate to exempt waste defined as inert in accordance with the criteria laid down in Commission Decision 2009/359/EC ⁽²⁾ from part of the geochemical testing.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 18 of Directive 2006/12/EC of the European Parliament and of the Council ⁽³⁾,

HAS ADOPTED THIS DECISION:

*Article 1***Waste characterisation**

1. Member States shall ensure that the waste characterisation to be carried out by operators in the extractive industries complies with this Decision.
2. Waste characterisation shall cover the following categories of information as specified in the Annex:
 - (a) background information;
 - (b) geological background of deposit to be exploited;
 - (c) nature of the waste and its intended handling;
 - (d) geotechnical behaviour of the waste;
 - (e) geochemical characteristics and behaviour of the waste.
3. The criteria for defining inert waste laid down in Decision 2009/359/EC shall be taken into account for the purpose of assessing the geochemical behaviour of waste. Where, on the basis of those criteria, waste is considered to be 'inert', it shall be only subject to the relevant part of geochemical testing referred to in point 5 of the Annex.

⁽¹⁾ OJ L 102, 11.4.2006, p. 15.

⁽²⁾ See page 46 of this Official Journal.

⁽³⁾ OJ L 114, 27.4.2006, p. 9.

*Article 2***Collection and evaluation of information**

1. Information and data necessary for the waste characterisation shall be collected in the order set out in paragraphs 2 to 5.

2. Existing investigations and studies, including existing permits, geological surveys, similar sites, lists of inert waste, appropriate certification schemes, European or national standards for similar material, which satisfy the technical requirements set out in the Annex shall be used.

3. The quality and representativity of all information shall be evaluated and possible missing information shall be identified.

4. Where information necessary for the characterisation of the waste is missing, a sampling plan shall be drawn up in accordance with standard EN 14899 and samples shall be taken in accordance with that sampling plan. Sampling plans shall be based on identified information as necessary, including:

(a) purpose of data collection,

(b) testing programme and sampling requirements,

(c) sampling situations, including sampling from drill-cores, excavation face, conveyor belt, heap, pond, or other relevant situation,

(d) procedures and recommendations for sample numbers, size, mass, description and handling.

The reliability and quality of the sampling results shall be evaluated.

5. The results of the characterisation process shall be evaluated. Where necessary, additional information shall be collected following the same methodology. The final result shall feed into the waste management plan.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 30 April 2009.

For the Commission

Stavros DIMAS

Member of the Commission

ANNEX

TECHNICAL REQUIREMENTS FOR WASTE CHARACTERISATION**1. Background information**

Review and understanding of the general background and objectives of the extractive operation.

Collection of general information about:

- prospecting, extraction, or processing activity,
- type and description of method of extraction and process applied,
- nature of the intended product.

2. Geological background of deposit to be exploited

Identification of the waste units to be exposed by extraction and processing by providing relevant information on:

- nature of surrounding rocks, their chemistry and mineralogy, including hydrothermal alteration of mineralised rocks and barren rocks,
- nature of deposit, including mineralised rocks or rock-bearing mineralisation,
- mineralisation typology, their chemistry and mineralogy, including physical properties such as density, porosity, particle size distribution, water content, covering worked minerals, gangue minerals, hydrothermal newly-formed minerals,
- size and geometry of deposit,
- weathering and supergene alteration from the chemical and mineralogical point of view.

3. The waste and its intended handling

Description of the nature of all the wastes occurring in each prospecting, extraction and processing operation, including overburden, waste rock and tailings, by providing information on the following elements:

- origin of the waste in the extraction site and the process generating that waste such as prospecting, extraction, milling, concentration,
- quantity of the waste,
- description of the waste transport system,
- description of the chemical substances to be used during treatment,
- classification of the waste according to Commission decision 2000/532/EC ⁽¹⁾, including hazardous properties,
- type of intended waste facility, final form of exposure of the waste and method of deposition of the waste into the facility.

4. Geotechnical behaviour of waste

Identification of the suitable parameters for assessing the intrinsic physical characteristics of the waste taking into account the type of waste facility.

Relevant parameters to be considered are: granulometry, plasticity, density and water content, degree of compaction, shear strength and angle of friction, permeability and void ratio, compressibility and consolidation.

⁽¹⁾ OJ L 226, 6.9.2000, p. 3.

5. Geochemical characteristics and behaviour of the waste

Specification of the chemical and mineralogical characteristics of the waste, and of any additives or residuals remaining in the waste.

Prediction of drainage chemistry over time for each type of waste, taking into account its intended handling, in particular:

- evaluation of metals, oxyanion and salt leachability over time by pH dependence leaching test, and/or percolation test and/or time-dependent release and/or other suitable testing,
 - for sulphide-containing waste, static or kinetic tests shall be carried out in order to determine acid-rock drainage and metal leaching over time.
-

COMMISSION DECISION

of 30 April 2009

authorising Finnish aid for seeds and cereal seed in respect of the harvest year 2009

(notified under document number C(2009) 3078)

(Only the Finnish and Swedish texts are authentic)

(2009/361/EC)

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⁾, and in particular the first subparagraph of Article 182(2), in conjunction with Article 4 thereof,

Whereas:

- (1) By letter dated 10 December 2008, the Finnish Government requested authorisation, for the years 2009-2010, to grant farmers aid for certain quantities of varieties of seeds and cereal seed produced solely in Finland because of its specific climatic conditions.
- (2) In accordance with the second subparagraph of Article 182(2) of Regulation (EC) No 1234/2007, Finland has transmitted to the Commission a satisfactory report on the results of the aid authorised. By consequence a national aid for cultivated seeds in 2009 may be granted.
- (3) Finland requests authorisation to grant aid per hectare for certain areas under Gramineae (grass) and Leguminosae (legumes) seeds species as listed in Annex XIII to Council Regulation (EC) No 73/2009 of 19 January 2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, amending Regulations (EC) No 1290/2005, (EC) No 247/2006, (EC) No 378/2007 and repealing Regulation (EC) No 1782/2003 ⁽²⁾, with the exception of *Phleum pratense* L. (Timothy), and for certain areas under cereal seed.
- (4) The proposed aid has to meet the requirements laid down in Article 182(2) of Regulation (EC) No 1234/2007. It concerns seeds and cereal seed varieties for cultivation in Finland which are adapted to the

weather conditions in that country and are not grown in other Member States. The Commission authorisation should be limited to the varieties included in the list of Finnish varieties which are produced solely in Finland.

- (5) Provision should be made for the Commission to be informed of the measures taken by Finland to comply with the limits laid down in this Decision.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS DECISION:

Article 1

Finland is authorised, from 1 January 2009 to 31 December 2009, to grant aid to growers established on its territory producing certified seeds and certified cereal seed referred to in the Annex, within the limits of the amounts laid down in that Annex.

The authorisation shall cover exclusively varieties listed in the Finnish national catalogue and which are grown solely in Finland.

Article 2

Finland shall ensure, by an appropriate inspection system that the aid is granted only in respect of the varieties referred to in the Annex.

Article 3

Finland shall send to the Commission a list of the certified varieties concerned and any amendment thereto and inform it of the areas and quantities of seeds and cereal seed for which the aid is granted.

Article 4

This Decision shall apply from 1 January 2009.

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 30, 31.1.2009, p. 16.

Article 5

This Decision is addressed to the Republic of Finland.

Done at Brussels, 30 April 2009.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX

Seeds

Eligible: area under certified Gramineae (grass) and Leguminosae (legumes) seeds of species listed in Annex XIII to Regulation (EC) No 73/2009 with the exception of *Phleum pratense* L. (Timothy).

Maximum aid per hectare: EUR 220

Maximum budget: EUR 442 200

Cereal seed

Eligible: area under certified seed of wheat, oats, barley and rye.

Maximum aid per hectare: EUR 73

Maximum budget: EUR 2 190 000

COMMISSION DECISION

of 30 April 2009

authorising the placing on the market of lycopene as novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council

(notified under document number C(2009) 3149)

(Only the English text is authentic)

(2009/362/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 258/97 of the European Parliament and of the Council of 27 January 1997 concerning novel foods and novel food ingredients ⁽¹⁾, and in particular Article 7 thereof,

Whereas:

- (1) On 18 July 2008 the company DSM Nutritional Products Ltd. made a request to the competent authorities of Ireland to place synthetic lycopene on the market as a novel food ingredient; on 6 October 2008 the competent food assessment body of Ireland issued its initial assessment report. In that report it came to the conclusion that, in the light of other pending applications concerning lycopene, for synthetic lycopene an additional assessment is required in order to assure that an authorisation for use of the different lycopenes as novel food ingredients is granted under the same terms.
- (2) The Commission forwarded the initial assessment report to all Member States on 22 October 2008.
- (3) On 4 December 2008 EFSA adopted the 'Scientific Opinion of the Scientific Panel on dietetic Products, Nutrition and Allergies on a request from the Commission related to the safety of lycopene from *Blakeslea trispora* Cold Water Dispersion (CWD)'. This opinion came to the conclusions that lycopene preparations intended for use in foods and food supplements are formulated as suspensions in edible oils, direct compressible or water-dispersible powders. As lycopene may undergo oxidative changes in such formulations, sufficient antioxidative protection should be ascertained.
- (4) EFSA also concluded that the consumption of lycopene by the average user will stay below the Acceptable Daily Intake (ADI), but that some users of lycopene may

exceed the ADI. Therefore, it appears appropriate to collect intake data for a number of years following the authorisation in order to review this authorisation in the light of any further information on the safety of lycopene and its consumption. Particular attention should be given to the collection of data regarding levels of lycopene in breakfast cereals. However, this requirement under the present Decision, applies to the use of lycopene as a novel food ingredient and not to the use of lycopene as a food colour, that falls within the scope of Council Directive 89/107/EEC of 21 December 1988 on the approximation of the laws of the Member States concerning food additives authorised for use in foodstuffs intended for human consumption ⁽²⁾.

- (5) On the basis of the scientific assessment, it is established that the synthetic lycopene complies with the criteria laid down in Article 3(1) of Regulation (EC) No 258/97.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Synthetic lycopene, hereinafter called the product, as specified in Annex I may be placed on the market in the Community as a novel food ingredient to be used in the foods listed in Annex II.

Article 2

The designation of the novel food ingredient authorised by this Decision on the labelling of the foodstuff containing it shall be 'lycopene'.

Article 3

The company DSM Nutritional Products Ltd shall establish a monitoring programme accompanying the marketing of the product. This programme shall encompass information about use levels of lycopene in foods as specified in Annex III.

⁽¹⁾ OJ L 43, 14.2.1997, p. 1.

⁽²⁾ OJ L 40, 11.2.1989, p. 27.

The data collected shall be made available to the Commission and Member States. In the light of new information and a report of EFSA, at the latest in the year 2014 the use of lycopene as an ingredient to foods shall be reviewed.

Article 4

This Decision is addressed to DSM Nutritional Products Ltd, Wurmis 576, CH – 4363 Kaiseraugst, Switzerland.

Done at Brussels, 30 April 2009.

For the Commission
Androulla VASSILIOU
Member of the Commission

ANNEX I

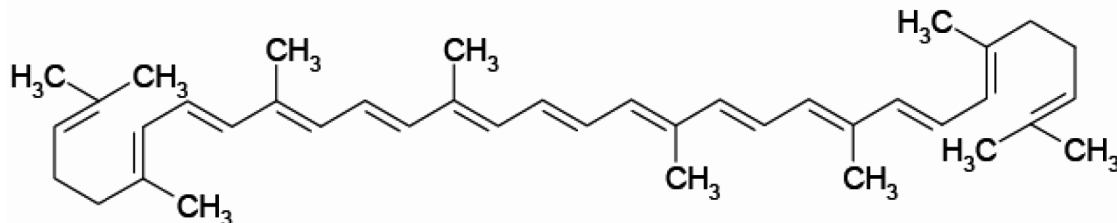
Specifications of synthetic lycopene

DESCRIPTION

Synthetic lycopene is produced by the Wittig condensation of synthetic intermediates commonly used in the production of other carotenoids used in food. Synthetic lycopene consists of ≥ 96 % lycopene and minor quantities of other related carotenoid components. Lycopene is presented either as a powder in a suitable matrix or an oily dispersion. The colour is dark red or red-violet. Antioxidative protection has to be assured.

SPECIFICATION

Chemical name: Lycopene
C.A.S. number: 502-65-8 (all trans lycopene)
Chemical formula: $C_{40}H_{56}$
Structural formula:



Formula weight: 536,85

ANNEX II

List of foods to which synthetic lycopene may be added

Food category	Maximum content of lycopene
Fruit/vegetable juice-based drinks (including concentrates)	2,5 mg/100 g
Drinks intended to meet the expenditure of intense muscular effort especially for sportsmen	2,5 mg/100 g
Foods intended for use in energy-restricted diets for weight reduction	8 mg/meal replacement
Breakfast cereals	5 mg/100 g
Fats and dressings	10 mg/100 g
Soups other than tomato soups	1 mg/100 g
Bread (including crispy breads)	3 mg/100 g
Dietary foods for special medical purposes	In accordance with the particular nutritional requirements
Food supplements	15 mg per daily dose as recommended by the manufacturer

ANNEX III

Post launch monitoring of synthetic lycopene

INFORMATION TO BE COLLECTED

Quantities of synthetic lycopene provided by DSM Nutritional Products Ltd. to their customers for the production of final food products to be placed on the market in the European Union.

Results of data base searches on product launches of foods with added lycopene, including fortification levels and portion sizes per launched food by Member State.

REPORTING OF THE INFORMATION

The information above shall be reported to the European Commission annually for the years 2009 to 2012. For the first time on 31 October 2010 for the reporting period 1 July 2009 to 30 June 2010; and then with the same yearly reporting period for the following two years.

ADDITIONAL INFORMATION

Where appropriate and available to DSM Nutritional Products Ltd. also the same information on intakes of lycopene used as food colour should be reported.

Where available, DSM Nutritional Products Ltd. shall provide new scientific information for a reconsideration of the maximum safe intake levels of lycopene.

ASSESSMENT OF INTAKE LEVELS OF LYCOPENE

Based on the collected and reported information above, DSM Nutritional Products Ltd. shall carry out an updated intake assessment.

REVIEW

The Commission shall consult EFSA in 2013 to review the information provided by industry.

COMMISSION DECISION

of 30 April 2009

amending Decision 2002/253/EC laying down case definitions for reporting communicable diseases to the Community network under Decision No 2119/98/EC of the European Parliament and of the Council

(notified under document number C(2009) 3517)

(Text with EEA relevance)

(2009/363/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Decision No 2119/98/EC of the European Parliament and of the Council of 24 September 1998 setting up a network for the epidemiological surveillance and control of communicable diseases in the Community⁽¹⁾, and in particular Article 3(c) thereof,

Whereas:

- (1) According to point 2.1 of Annex I to Commission Decision 2000/96/EC of 22 December 1999 on the communicable diseases to be progressively covered by the Community network under Decision No 2119/98/EC of the European Parliament and of the Council⁽²⁾, 'diseases preventable by vaccination', including 'influenza', are covered by epidemiological surveillance in the Community network pursuant to Decision No 2119/98/EC.
- (2) According to Article 2 of Commission Decision 2002/253/EC of 19 March 2002 laying down case definitions for reporting communicable diseases to the Community network under Decision No 2119/98/EC of the European Parliament and of the Council⁽³⁾, the case definitions laid down in Annex to that Decision should be updated to the extent necessary on the basis of the latest scientific data.
- (3) Several cases of a novel influenza virus have been reported in North America and more recently in several Member States. This virus is one of the multiple forms that can take the disease 'influenza', listed in Annex I to Decision 2000/96/EC. However, given that this new virus poses a risk of a pandemic influenza and requires an immediate coordination between the Community and the national competent authorities, it is necessary to provide for a specific case definition

differentiating it from the more general case definition of influenza, that will enable the national competent authorities to communicate relevant information to the Community network pursuant to Article 4 of Decision No 2119/98/EC.

- (4) In accordance with Article 9 of the Regulation (EC) No 851/2004 of the European Parliament and of the Council of 21 April 2004 establishing a European Centre for disease prevention and control⁽⁴⁾ (ECDC), the ECDC provided, at the request of the Commission, a technical document on the case definition for this communicable disease assisting the Commission and Member States in the development of intervention strategies in the field of surveillance and response. The case definitions listed in the Annex to Decision 2002/253/EC should be updated on the basis of this contribution.
- (5) The measures provided for in this Decision are in accordance with the opinion of the Committee set up by Article 7 of Decision No 2119/98/EC,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 2002/253/EC is completed by the additional case definition contained in the Annex to the present Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 30 April 2009.

For the Commission
Androulla VASSILIOU
Member of the Commission

⁽¹⁾ OJ L 268, 3.10.1998, p. 1.

⁽²⁾ OJ L 28, 3.2.2000, p. 50.

⁽³⁾ OJ L 86, 3.4.2002, p. 44.

⁽⁴⁾ OJ L 142, 30.4.2004, p. 1.

ANNEX

The following wording is inserted in the Annex to Decision 2002/253/EC:

NOVEL INFLUENZA VIRUS A(H1N1) (THE SO-CALLED SWINE INFLUENZA VIRUS A(H1N1) AND MEXICAN INFLUENZA VIRUS) ⁽¹⁾

Clinical criteria

Any person with one of the following three:

- fever > 38 °C AND signs and symptoms of acute respiratory infection,
- pneumonia (severe respiratory illness),
- death from an unexplained acute respiratory illness.

Laboratory criteria

At least one of the following tests:

- RT-PCR,
- viral culture (requiring BSL 3 facilities),
- four-fold rise in novel influenza virus A(H1N1) specific neutralising antibodies (implies the need for paired sera, from acute phase illness and then at convalescent stage 10-14 days later minimum).

Epidemiological criteria

At least one of the following three in the seven days before disease onset:

- a person who was a close contact to a confirmed case of novel influenza A(H1N1) virus infection while the case was ill,
- a person who has travelled to an area where sustained human-to-human transmission of novel influenza A(H1N1) is documented,
- a person working in a laboratory where samples of the novel influenza A(H1N1) virus are tested.

Case classification**A. Case under investigation**

Any person meeting the clinical and epidemiological criteria.

B. Probable case

Any person meeting the clinical AND epidemiological criteria AND with a laboratory result showing positive influenza A infection of an unsubtypable type.

C. Confirmed case

Any person meeting the laboratory criteria for confirmation.

⁽¹⁾ The name will be changed in line with the definition provided by the World Health Organisation.

2009/363/EC:

★ Commission Decision of 30 April 2009 amending Decision 2002/253/EC laying down case definitions for reporting communicable diseases to the Community network under Decision No 2119/98/EC of the European Parliament and of the Council (<i>notified under document number C(2009) 3517</i>) ⁽¹⁾	58
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⁽¹⁾ Text with EEA relevance

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