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EN

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

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

EN

([1]) Text with EEA relevance

(Continued on inside back cover)

I

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

REGULATIONS

COMMISSION REGULATION (EC) No 572/2009

of 1 July 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 2 July 2009.

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

Done at Brussels, 1 July 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	MA	46,5
	MK	23,3
	TR	47,0
	ZZ	38,9
0707 00 05	MK	27,4
	TR	99,3
	ZZ	63,4
0709 90 70	TR	94,6
	ZZ	94,6
0805 50 10	AR	55,6
	TR	64,2
	ZA	60,8
	ZZ	60,2
0808 10 80	AR	77,2
	BR	78,1
	CL	95,6
	CN	97,8
	NZ	108,6
	US	93,2
	UY	55,1
	ZA	86,4
	ZZ	86,5
0809 10 00	TR	215,7
	US	172,2
	XS	120,6
	ZZ	169,5
0809 20 95	SY	197,7
	TR	330,2
	ZZ	264,0
0809 30	TR	90,5
	US	175,8
	ZZ	133,2
0809 40 05	IL	169,6
	US	196,2
	ZZ	182,9

(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 573/2009

of 29 June 2009

initiating a 'new exporter' review of Council Regulation (EC) No 1338/2006 imposing a definitive anti-dumping duty on imports of chamois leather originating in the People's Republic of China, repealing the duty with regard to imports from one exporting producer in this country and making these imports subject to registration

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community [1] ('the basic Regulation') and in particular Article 11(4) thereof,

After consulting the Advisory Committee,

Whereas:

A. REQUEST FOR A REVIEW

(1) The Commission has received an application for a 'new exporter' review pursuant to Article 11(4) of the basic Regulation. The application was lodged by Henan Prosper Skins & Leather Enterprise Co., Ltd ('the applicant'), an exporting producer in the People's Republic of China ('the country concerned').

B. PRODUCT

(2) The product under review is chamois leather and combination chamois leather, whether or not cut to shape, including crust chamois leather and combination crust chamois leather originating in the People's Republic of China ('the product concerned'), currently classifiable within CN code(s) 4114 10 10. and 4114 10 90.

C. EXISTING MEASURES

(3) The measures currently in force are a definitive anti-dumping duty imposed by Council Regulation (EC) No 1338/2006 [2] under which imports into the Community of the product concerned originating in the People's Republic of China, including the product concerned produced by the applicant, are subject to a definitive antidumping duty of 58,9 %.

D. GROUNDS FOR THE REVIEW

(4) The applicant alleges that it operates under market economy conditions as defined in Article 2(7)(c) of the basic Regulation or alternatively claims individual treatment in conformity with Article 9(5) of the basic Regulation. It further alleges that it did not export the product concerned to the Community during the period of investigation on which the anti-dumping measures were based, i.e. the period from 1 April 2004 to 31 March 2005 ('the original investigation period') and that it is not related to any of the exporting producers of the product which are subject to the abovementioned anti-dumping measures.

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

E. PROCEDURE

(6) Community producers known to be concerned have been informed of the above mentioned application and have been given an opportunity to comment.

(7) Having examined the evidence available, the Commission concludes that there is sufficient evidence to justify the initiation of a 'new exporter' review, pursuant to Article 11(4) of the basic Regulation. Upon receipt of the claim mentioned below in recital (13), it will be determined whether the applicant operates under market economy conditions as defined in Article 2(7)(c) of the basic Regulation or alternatively whether the applicant fulfils the requirements to have an individual duty established in accordance with Article 9(5) of the basic Regulation. If so, the applicant's individual margin of dumping shall be calculated and, should dumping be found, the level of the duty to which its imports of the product concerned into the Community should be subject shall be determined.

(8) If it is determined that the applicant fulfils the requirements to have an individual duty established, it may be necessary to amend the rate of duty currently applicable to imports of the product concerned from all other exporting producers i.e. the duty currently specified, in Article 1(2) of Regulation (EC) No 1338/2006, as applying to 'all companies' in the People's Republic of China.

(a) Questionnaires

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

[1] OJ L 56, 6.3.1996, p. 1.
[2] OJ L 251, 14.9.2006, p. 1.

(b) **Collection of information and holding of hearings**

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

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

(12) Attention is drawn to the fact that the exercise of most procedural rights set out in the basic Regulation depends on the party's making itself known within the period provided for by the present Regulation.

(c) **Market economy treatment / individual treatment**

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

(d) **Selection of the market economy country**

(14) In the event that the applicant is not granted market economy status but fulfils the requirements to have an individual duty established in accordance with Article 9(5) of the basic Regulation, an appropriate market economy country will be used for the purpose of establishing normal value in respect of the People's Republic of China in accordance with Article 2(7)(a) of the basic Regulation. The Commission envisages using the United States of America again for this purpose as was done in the investigation which led to the imposition of measures on imports of the product concerned from the People's Republic of China. Interested parties are hereby invited to comment on the appropriateness of this choice within the specific time limit set in Article 4(2) of this Regulation.

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

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

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

G. TIME LIMITS

(17) In the interest of sound administration, time limits should be stated within which:

— interested parties may make themselves known to the Commission, present their views in writing and submit the replies to the questionnaire mentioned in recital (9) of this Regulation or provide any other information to be taken into account during the investigation,

— interested parties may make a written request to be heard by the Commission,

— interested parties may comment on the appropriateness of the United States of America which, in the event that the applicant will not be granted market economy treatment, is envisaged as a market-economy country for the purpose of establishing normal value in respect of the People's Republic of China,

— the applicant should submit a duly substantiated claim for market economy treatment and/or for individual treatment pursuant to Article 9(5) of the basic Regulation.

H. NON-COOPERATION

(18) In cases in which any interested party refuses access to or does not provide the necessary information within the time limits, or significantly impedes the investigation, findings, affirmative or negative, may be made in accordance with Article 18 of the basic Regulation, on the basis of the facts available.

(19) Where it is found that any interested party has supplied false or misleading information, the information shall be disregarded and use may be made, in accordance with Article 18 of the basic Regulation, of the facts available. If an interested party does not cooperate or cooperates only partially, and use of facts available is made, the result may be less favourable to that party than if it had cooperated.

I. **PROCESSING OF PERSONAL DATA**

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

J. **HEARING OFFICER**

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

HAS ADOPTED THIS REGULATION:

Article 1

A review of Regulation (EC) No 1338/2006 is hereby initiated pursuant to Article 11(4) of Regulation (EC) No 384/96 in order to determine if and to what extent the imports of chamois leather and combination chamois leather, whether or not cut to shape, including crust chamois leather and combination crust chamois leather, falling within CN code(s) 4114 10 10 and 4114 10 90, originating in the People's Republic of China, produced and sold for export to the Community by Henan Prosper Skins & Leather Enterprise Co., Ltd (TARIC additional code A957) should be subject to the antidumping duty imposed by Regulation (EC) No 1338/2006.

Article 2

The anti-dumping duty imposed by Regulation (EC) No 1338/2006 is hereby repealed with regard to the imports identified in Article 1 of this Regulation.

Article 3

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

Article 4

1. Interested parties, if their representations are to be taken into account during the investigation, must make themselves known to the Commission, present their views in writing and submit the replies to the questionnaire mentioned in recital (9) of this Regulation or any other information, unless otherwise specified, within 40 days of the entry into force of this Regulation.

Interested parties may also apply in writing to be heard by the Commission within the same 40-day time limit.

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

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

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

[1] OJ L 8, 12.1.2001, p. 1.

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

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

European Commission
Directorate-General for Trade
Directorate H
Office: N105 4/92
1049 Brussels
BELGIUM
Fax: +32 22956505

Article 5

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

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

Done at Brussels, 29 June 2009.

For the Commission
Catherine ASHTON
Member of the Commission

COMMISSION REGULATION (EC) No 574/2009

of 30 June 2009

amending for the 108th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

(2) On 18 June 2009, the Sanctions Committee of the United Nations Security Council decided to amend the list of natural and legal persons, groups and entities to whom the freezing of funds and economic resources should apply, adding one natural person to the list given the information related to their association with Al-Qaida. The Sanctions Committee provided the statement of reasons for this listing decision.

(3) Annex I should be amended accordingly.

(4) In order to ensure that the measures provided for in this Regulation are effective, this Regulation must enter into force immediately.

(5) The Commission will communicate the grounds on which this Regulation is based to the natural person concerned, provide him with the opportunity to comment on these grounds and review this Regulation in view of the comments and possible available additional information,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 30 June 2009.

For the Commission
Eneko LANDÁBURU
Director-General for External Relations

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

ANNEX

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

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

'Atilla **Selek** (*alias* Muaz). Address: Kauteräckerweg 5, 89077 Ulm, Germany. Date of birth: 28.2.1985. Place of birth: Ulm, Germany. Nationality: German. Passport No: 7020142921 (German passport issued in Ulm, Germany, valid until 3.12.2011). National identification No: 702092811 (German national identity card (Bundespersonalausweis), issued in Ulm, Germany, valid until 6.4.2010). Other information: In prison in Germany since 20.11.2008 (as at May 2009). Date of designation referred to in Article 2a(4)(b): 18.6.2009.'

COMMISSION REGULATION (EC) No 575/2009

of 1 July 2009

fixing an acceptance percentage for the issuing of export licences, rejecting export-licence applications and suspending the lodging of export-licence applications for out-of-quota sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector [2], and in particular Article 7e in conjunction with Article 9(1) thereof,

Whereas:

(1) According to Article 61, first subparagraph, point (d) of Regulation (EC) No 1234/2007 the sugar produced during the marketing year in excess of the quota referred to in Article 56 of that Regulation may be exported only within the quantitative limit fixed by the Commission.

(2) Commission Regulation (EC) No 924/2008 of 19 September 2008 fixing the quantitative limit for the exports of out-of-quota sugar and isoglucose until the end of the 2008/09 marketing year [3] sets the above mentioned limits.

(3) The quantities of sugar covered by applications for export licences exceed the quantitative limit fixed by Regulation (EC) No 924/2008. An acceptance percentage should therefore be set for quantities applied for on 22, 23, 24, 25 and 26 June 2009. All export-licence applications for sugar lodged after 29 June2009 should accordingly be rejected and the lodging of export-licence applications should be suspended,

HAS ADOPTED THIS REGULATION:

Article 1

1. Export licences for out-of-quota sugar for which applications were lodged from 22 June 2009 to 26 June 2009 shall be issued for the quantities applied for, multiplied by an acceptance percentage of 76,30317 %.

2. Applications for out-of-quota sugar export licences submitted on 29 June, 30 June, 1 July, 2 July and 3 July 2009 are hereby rejected.

3. The lodging of applications for out-of-quota sugar export licences shall be suspended for the period 6 July 2009 to 30 September 2009.

Article 2

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

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

Done at Brussels, 1 July 2009.

For the Commission

Jean-Luc DEMARTY

Director-General for Agriculture and Rural Development

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[1] OJ L 299, 16.11.2007, p. 1.
[2] OJ L 178, 1.7.2006, p. 24.
[3] OJ L 252, 20.9.2008, p. 7.

COMMISSION REGULATION (EC) No 576/2009

of 1 July 2009

amending Regulation (EC) No 570/2009 fixing the import duties in the cereals sector applicable from 1 July 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) The import duties in the cereals sector applicable from 1 July 2009 were fixed by Commission Regulation (EC) No 570/2009 [3].

(2) As the average of the import duties calculated differs by more than EUR 5/tonne from that fixed, a corresponding adjustment must be made to the import duties fixed by Regulation (EC) No 570/2009.

(3) Regulation (EC) No 570/2009 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 570/2009 are hereby replaced by the text in the Annex to this Regulation.

Article 2

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

It shall apply from 2 July 2009.

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

Done at Brussels, 1 July 2009.

For the Commission
Jean-Luc DEMARTY
Director-General for Agriculture and Rural Development

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[1] OJ L 299, 16.11.2007, p. 1.
[2] OJ L 161, 29.6.1996, p. 125.
[3] OJ L 171, 1.7.2009, p. 3.

ANNEX I

Import duties on the products referred to in Article 136(1) of Regulation (EC) No 1234/2007 applicable from 2 July 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	51,26
1005 10 90	Maize seed other than hybrid	30,13
1005 90 00	Maize, other than seed [2]	30,13
1007 00 90	Grain sorghum other than hybrids for sowing	56,25

[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

30.6.2009

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	Minnéapolis	Chicago	—	—	—	—
Quotation	196,08	98,74	—	—	—	—
Fob price USA	—	—	207,47	197,47	177,47	88,62
Gulf of Mexico premium	—	13,16	—	—	—	—
Great Lakes premium	8,67	—	—	—	—	—

(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:	19,99 EUR/t
Freight costs: Great Lakes–Rotterdam:	17,16 EUR/t

COMMISSION REGULATION (EC) No 577/2009

of 1 July 2009

setting the allocation coefficient for the issuing of import licences applied for from 22 to 26 June 2009 for sugar products under tariff quotas and preferential agreements

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 950/2006 of 28 June 2006 laying down detailed rules of application for the 2006/07, 2007/08 and 2008/09 marketing years for the import and refining of sugar products under certain tariff quotas and preferential agreements [2], and in particular Article 5(3) thereof,

Whereas:

(1) Applications for import licences were submitted to the competent authorities in the period from 22 to 26 June 2009 in accordance with Commission Regulation (EC) No 950/2006 and/or Council Regulation (EC) No 508/2007 of 7 May 2007 opening tariff quotas for imports into Bulgaria and Romania of raw cane sugar for supply to refineries in the marketing years 2006/07, 2007/08 and 2008/09 [3], for a total quantity equal to or exceeding the quantity available for order numbers 09.4331 and 09.4337 (2008-2009) and 09.4341 (July-September 2009).

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

HAS ADOPTED THIS REGULATION:

Article 1

Licences shall be issued within the quantitative limits set in the Annex to this Regulation in respect of import licence applications submitted from 22 to 26 June 2009, in accordance with Article 4(2) of Regulation (EC) No 950/2006 and/or Article 3 of Regulation (EC) No 508/2007.

Article 2

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

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

Done at Brussels, 1 July 2009.

For the Commission

Jean-Luc DEMARTY

Director-General for Agriculture and Rural Development

[1] OJ L 299, 16.11.2007, p. 1.
[2] OJ L 178, 1.7.2006, p. 1.
[3] OJ L 122, 11.5.2007, p. 1.

ANNEX

ACP/India Preferential Sugar

Chapter IV of Regulation (EC) No 950/2006

2008/09 marketing year

Order No	Country	Week of 22.6.2009-26.6.2009: percentage of requested quantity to be granted	Limit
09.4331	Barbados	100	Reached
09.4332	Belize	100	
09.4333	Côte d'Ivoire	100	
09.4334	Republic of the Congo	100	
09.4335	Fiji	100	
09.4336	Guyana	100	
09.4337	India	100	Reached
09.4338	Jamaica	100	
09.4339	Kenya	100	
09.4340	Madagascar	100	
09.4341	Malawi	100	
09.4342	Mauritius	100	
09.4343	Mozambique	100	
09.4344	Saint Kitts and Nevis	—	
09.4345	Suriname	—	
09.4346	Swaziland	100	
09.4347	Tanzania	0	Reached
09.4348	Trinidad and Tobago	100	
09.4349	Uganda	—	
09.4350	Zambia	100	
09.4351	Zimbabwe	100	

ACP/India Preferential Sugar

Chapter IV of Regulation (EC) No 950/2006

July-September 2009 marketing year

Order No	Country	Week of 22.6.2009-26.6.2009: percentage of requested quantity to be granted	Limit
09.4331	Barbados	100	
09.4332	Belize	100	
09.4333	Côte d'Ivoire	100	
09.4334	Republic of the Congo	100	
09.4335	Fiji	100	
09.4336	Guyana	100	
09.4337	India	0	Reached
09.4338	Jamaica	100	
09.4339	Kenya	100	
09.4340	Madagascar	100	
09.4341	Malawi	75,1969	Reached
09.4342	Mauritius	100	
09.4343	Mozambique	100	
09.4344	Saint Kitts and Nevis	—	
09.4345	Suriname	—	
09.4346	Swaziland	100	
09.4347	Tanzania	100	
09.4348	Trinidad and Tobago	100	
09.4349	Uganda	—	
09.4350	Zambia	100	
09.4351	Zimbabwe	0	Reached

Complementary sugar

Chapter V of Regulation (EC) No 950/2006

2008/09 marketing year

Order No	Country	Week of 22.6.2009-26.6.2009: percentage of requested quantity to be granted	Limit
09.4315	India	—	
09.4316	ACP Protocol signatory countries	—	

CXL Concessions Sugar

Chapter VI of Regulation (EC) No 950/2006

2008/09 marketing year

Order No	Country	Week of 22.6.2009-26.6.2009: percentage of requested quantity to be granted	Limit
09.4317	Australia	0	Reached
09.4318	Brazil	0	Reached
09.4319	Cuba	0	Reached
09.4320	Other third countries	0	Reached

Balkans sugar

Chapter VII of Regulation (EC) No 950/2006

2008/09 marketing year

Order No	Country	Week of 22.6.2009-26.6.2009: percentage of requested quantity to be granted	Limit
09.4324	Albania	100	
09.4325	Bosnia and Herzegovina	0	Reached
09.4326	Serbia and Kosovo (*)	100	
09.4327	Former Yugoslav Republic of Macedonia	100	
09.4328	Croatia	100	

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

Exceptional import sugar and industrial import sugar

Chapter VIII of Regulation (EC) No 950/2006

2008/09 marketing year

Order No	Type	Week of 22.6.2009-26.6.2009: percentage of requested quantity to be granted	Limit
09.4380	Exceptional	—	
09.4390	Industrial	100	

Additional EPA sugar

Chapter VIIIa of Regulation (EC) No 950/2006

2008/09 marketing year

Order No	Country	Week of 22.6.2009-26.6.2009: percentage of requested quantity to be granted	Limit
09.4431	Comoros, Madagascar, Mauritius, Seychelles, Zambia, Zimbabwe	100	
09.4432	Burundi, Kenya, Rwanda, Tanzania, Uganda	100	
09.4433	Swaziland	100	
09.4434	Mozambique	0	Reached
09.4435	Antigua and Barbuda, Bahamas, Barbados, Belize, Dominica, Dominican Republic, Grenada, Guyana, Haiti, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago	0	Reached
09.4436	Dominican Republic	0	Reached
09.4437	Fiji, Papua New Guinea	100	

Import of sugar under the transitional tariff quotas opened for Bulgaria and Romania

Article 1 of Regulation (EC) No 508/2007

2008/09 marketing year

Order No	Type	Week of 22.6.2009-26.6.2009: percentage of requested quantity to be granted	Limit
09.4365	Bulgaria	0	Reached
09.4366	Romania	0	Reached

DIRECTIVES

COUNCIL DIRECTIVE 2009/71/EURATOM

of 25 June 2009

establishing a Community framework for the nuclear safety of nuclear installations

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Articles 31 and 32 thereof,

Having regard to the proposal from the Commission, drawn up after obtaining the opinion of a group of persons appointed by the Scientific and Technical Committee from among scientific experts in the Member States, and after having consulted the European Economic and Social Committee [1],

Having regard to the opinion of the European Parliament [2],

Whereas:

(1) Article 2(b) of the Treaty provides for the establishment of uniform safety standards to protect the health of workers and of the general public.

(2) Article 30 of the Treaty provides for the establishment of basic standards within the Community for the protection of the health of workers and the general public against the dangers arising from ionizing radiations.

(3) Council Directive 96/29/Euratom of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation [3] establishes the basic safety standards. The provisions of that Directive have been supplemented by more specific legislation.

(4) As recognised by 'the Court of Justice' of the European Communities (hereinafter referred to as the Court of Justice) in its case-law [4], the Community shares competences, together with its Member States, in fields covered by the Convention on Nuclear Safety [5].

(5) As recognised by the Court of Justice in its case-law, the provisions of Chapter 3 of the Treaty, related to health and safety, form a coherent whole conferring upon the Commission powers of some considerable scope in order to protect the population and the environment against risks of nuclear contamination.

(6) As recognised by the Court of Justice in its case-law, the tasks imposed on the Community by Article 2(b) of the Treaty to lay down uniform safety standards to protect the health of the population and of workers does not mean that, once such standards have been defined, a Member State may not provide for more stringent measures of protection.

(7) Council Decision 87/600/Euratom of 14 December 1987 on Community arrangements for the early exchange of information in the event of a radiological emergency [6] established a framework for notification and provision of information to be used by the Member States in order to protect the general public in case of a radiological emergency. Council Directive 89/618/Euratom of 27 November 1989 on informing the general public about health protection measures to be applied and steps to be taken in the event of a radiological emergency [7] imposed obligations on the Member States to inform the general public in the event of a radiological emergency.

(8) National responsibility of Member States for the nuclear safety of nuclear installations is the fundamental principle on which nuclear safety regulation has been developed at the international level, as endorsed by the Convention on Nuclear Safety. That principle of national responsibility, as well as the principle of prime responsibility of the licence holder for the nuclear safety of a nuclear installation under the supervision of its national competent regulatory authority, should be enhanced and the role and independence of the competent regulatory authorities should be reinforced by this Directive.

(9) Each Member State may decide on its energy mix in accordance with relevant national policies.

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[1] Opinion of 10 June 2009 (not yet published in the Official Journal).
[2] Opinion of the European Parliament of 22 April 2009 (not yet published in the Official Journal).
[3] OJ L 159, 29.6.1996, p. 1.
[4] C-187/87 (1988 ECR p. 5013), C-376/90 (1992 ECR I-6153) and C-29/99 (2002 ECR I-11221).
[5] OJ L 318, 11.12.1999, p. 21.
[6] OJ L 371, 30.12.1987, p. 76.
[7] OJ L 357, 7.12.1989, p. 31.

(10) When developing the appropriate national framework under this Directive, national circumstances will be taken into account.

(11) The Member States have already implemented measures enabling them to achieve a high level of nuclear safety within the Community.

(12) While this Directive concerns principally the nuclear safety of nuclear installations, it is also important to ensure the safe management of spent fuel and radioactive waste, including at storage and disposal facilities.

(13) Member States should assess, where appropriate, the relevant fundamental safety principles set by the International Atomic Energy Agency [1] which should constitute a framework of practices that Member States should have regard to when implementing this Directive.

(14) It is useful to build on the process where the national safety authorities of the Member States having nuclear power plants on their territory have been working together in the context of Western European Nuclear Regulators' Association (WENRA) and have defined many safety reference levels for power reactors.

(15) Following the Council's invitation to set up a High Level Group at EU level, as recorded in its Conclusions of 8 May 2007 on nuclear safety and safe management of spent nuclear fuel and radioactive waste, the European Nuclear Safety Regulators Group (ENSREG) was established by Commission Decision 2007/530/Euratom of 17 July 2007 on establishing the European High Level Group on Nuclear Safety and Waste Management [2] to contribute to the achievement of the Community objectives in the field of nuclear safety.

(16) It is useful to establish a unified structure for reports of Member States to the Commission on the implementation of this Directive. Given its members' wide experience ENSREG could make a valuable contribution in this respect, thereby facilitating consultation and cooperation of national regulatory authorities.

(17) On 15 October 2008 at its fifth meeting ENSREG adopted 10 principles to be used when drafting a nuclear safety Directive, as noted in its minutes dated 20 November 2008.

(18) Advances in nuclear technology, lessons learnt from operating experience and safety research and improvements in regulatory frameworks could have the potential to further improve safety. In keeping with the commitment to maintain and improve safety, Member States should take those factors into account when extending their nuclear power programme or deciding to use nuclear power for the first time.

(19) The establishment of a strong safety culture within a nuclear installation is one of the fundamental safety management principles necessary for achieving its safe operation.

(20) Maintenance and further development of expertise and skills in nuclear safety should be based, inter alia, on a process of learning from past operating experience and employing developments in methodology and science, as appropriate.

(21) In the past, self-assessments have been carried out in Member States in close connection with international peer reviews under the auspices of the IAEA as International Regulatory Review Team or Integrated Regulatory Review Service missions. These self-assessments were carried out and these missions were invited by Member States on a voluntary basis in the spirit of openness and transparency. Self-assessments and accompanying peer reviews of the legislative, regulatory and organisational infrastructure should be aimed at strengthening and enhancing the national framework of Member States, whilst recognising their competencies in ensuring nuclear safety of nuclear installations on their territory. The self-assessments followed by international peer reviews are neither an inspection nor an audit, but a mutual learning mechanism that accepts different approaches to the organisation and practices of a competent regulatory authority, while considering regulatory, technical and policy issues of a Member State that contribute to ensuring a strong nuclear safety regime. The international peer reviews should be regarded as an opportunity to exchange professional experience and to share lessons learned and good practices in an open and cooperative spirit through advice by peers rather than control or judgement. Recognising a need for flexibility and appropriateness in regard to different existing systems in Member States, a Member State should be free to determine the segments of its system being subject to the specific peer review invited, with the aim of continuously improving nuclear safety.

(22) In accordance with point 34 of the Interinstitutional Agreement on better law-making [3], Member States are encouraged to draw up, for themselves and in the interests of the Community, their own tables illustrating, as far as possible, the correlation between this Directive and the transposition measures and to make them public,

[1] IAEA Safety Fundamentals: Fundamental safety principles, IAEA Safety Standard Series No SF-1 (2006).

[2] OJ L 195, 27.7.2007, p. 44.

[3] OJ C 321, 31.12.2003, p. 1.

HAS ADOPTED THIS DIRECTIVE:

CHAPTER 1

OBJECTIVES, DEFINITIONS AND SCOPE OF APPLICATION

Article 1

Objectives

The objectives of this Directive are:

(a) to establish a Community framework in order to maintain and promote the continuous improvement of nuclear safety and its regulation;

(b) to ensure that Member States shall provide for appropriate national arrangements for a high level of nuclear safety to protect workers and the general public against the dangers arising from ionizing radiations from nuclear installations.

Article 2

Scope

1. This Directive shall apply to any civilian nuclear installation operating under a licence as defined in Article 3(4) at all stages covered by this licence.

2. This Directive does not prevent Member States from taking more stringent safety measures in the subject-matter covered by this Directive, in compliance with Community law.

3. This Directive supplements the basic standards referred to in Article 30 of the Treaty as regards the nuclear safety of nuclear installations and is without prejudice to Directive 96/29/Euratom.

Article 3

Definitions

For the purposes of this Directive the following definitions shall apply:

1. 'nuclear installation' means:

   (a) an enrichment plant, nuclear fuel fabrication plant, nuclear power plant, reprocessing plant, research reactor facility, spent fuel storage facility; and

   (b) storage facilities for radioactive waste that are on the same site and are directly related to nuclear installations listed under point (a);

2. 'nuclear safety' means the achievement of proper operating conditions, prevention of accidents and mitigation of accident consequences, resulting in protection of workers and the general public from dangers arising from ionizing radiations from nuclear installations;

3. 'competent regulatory authority' means an authority or a system of authorities designated in a Member State in the field of regulation of nuclear safety of nuclear installations as referred to in Article 5;

4. 'licence' means any legal document granted under the jurisdiction of a Member State to confer responsibility for the siting, design, construction, commissioning and operation or decommissioning of a nuclear installation;

5. 'licence holder' means a legal or natural person having overall responsibility for a nuclear installation as specified in a licence.

CHAPTER 2

OBLIGATIONS

Article 4

Legislative, regulatory and organisational framework

1. Member States shall establish and maintain a national legislative, regulatory and organisational framework (hereinafter referred to as the 'national framework') for nuclear safety of nuclear installations that allocates responsibilities and provides for coordination between relevant state bodies. The national framework shall establish responsibilities for:

(a) the adoption of national nuclear safety requirements. The determination on how they are adopted and through which instrument they are applied rests with the competence of the Member States;

(b) the provision of a system of licensing and prohibition of operation of nuclear installations without a licence;

(c) the provision of a system of nuclear safety supervision;

(d) enforcement actions, including suspension of operation and modification or revocation of a licence.

2. Member States shall ensure that the national framework is maintained and improved when appropriate, taking into account operating experience, insights gained from safety analyses for operating nuclear installations, development of technology and results of safety research, when available and relevant.

Article 5

Competent regulatory authority

1. Member States shall establish and maintain a competent regulatory authority in the field of nuclear safety of nuclear installations.

2. Member States shall ensure that the competent regulatory authority is functionally separate from any other body or organisation concerned with the promotion, or utilisation of nuclear energy, including electricity production, in order to ensure effective independence from undue influence in its regulatory decision making.

3. Member States shall ensure that the competent regulatory authority is given the legal powers and human and financial resources necessary to fulfil its obligations in connection with the national framework described in Article 4(1) with due priority to safety. This includes the powers and resources to:

(a) require the licence holder to comply with national nuclear safety requirements and the terms of the relevant licence;

(b) require demonstration of this compliance, including the requirements under paragraphs 2 to 5 of Article 6;

(c) verify this compliance through regulatory assessments and inspections; and

(d) carry out regulatory enforcement actions, including suspending the operation of nuclear installation in accordance with conditions defined by the national framework referred to in Article 4(1).

Article 6

Licence holders

1. Member States shall ensure that the prime responsibility for nuclear safety of a nuclear installation rests with the licence holder. This responsibility cannot be delegated.

2. Member States shall ensure that the national framework in place requires licence holders, under the supervision of the competent regulatory authority, to regularly assess and verify, and continuously improve, as far as reasonably achievable, the nuclear safety of their nuclear installations in a systematic and verifiable manner.

3. The assessments referred to in paragraph 2 shall include verification that measures are in place for prevention of accidents and mitigation of consequences of accidents, including verification of the physical barriers and licence holder's administrative procedures of protection that would have to fail before workers and the general public would be significantly affected by ionizing radiations.

4. Member States shall ensure that the national framework in place requires licence holders to establish and implement management systems which give due priority to nuclear safety and are regularly verified by the competent regulatory authority.

5. Member States shall ensure that the national framework in place requires licence holders to provide for and maintain adequate financial and human resources to fulfil their obligations with respect to nuclear safety of a nuclear installation, laid down in paragraphs 1 to 4.

Article 7

Expertise and skills in nuclear safety

Member States shall ensure that the national framework in place requires arrangements for education and training to be made by all parties for their staff having responsibilities relating to the nuclear safety of nuclear installations in order to maintain and to further develop expertise and skills in nuclear safety.

Article 8

Information to the public

Member States shall ensure that information in relation to the regulation of nuclear safety is made available to the workers and the general public. This obligation includes ensuring that the competent regulatory authority informs the public in the fields of its competence. Information shall be made available to the public in accordance with national legislation and international obligations, provided that this does not jeopardise other interests such as, inter alia, security, recognised in national legislation or international obligations.

Article 9

Reporting

1. Member States shall submit a report to the Commission on the implementation of this Directive for the first time by 22 July 2014, and every three years thereafter, taking advantage of the review and reporting cycles under the Convention on Nuclear Safety.

2. On the basis of the Member States' reports, the Commission shall submit a report to the Council and the European Parliament on progress made with the implementation of this Directive.

3. Member States shall at least every 10 years arrange for periodic self-assessments of their national framework and competent regulatory authorities and invite an international peer review of relevant segments of their national framework and/or authorities with the aim of continuously improving nuclear safety. Outcomes of any peer review shall be reported to the Member States and the Commission, when available.

CHAPTER 3

FINAL PROVISIONS

Article 10

Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 22 July 2011. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive and of any subsequent amendments to those provisions.

Article 11

Entry into force

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

Article 12

Addressees

This Directive is addressed to the Member States.

Done at Luxembourg, 25 June 2009.

For the Council
The President
L. MIKO

COMMISSION DIRECTIVE 2009/77/EC

of 1 July 2009

amending Council Directive 91/414/EEC to include chlorsulfuron, cyromazine, dimethachlor, etofenprox, lufenuron, penconazole, tri-allate and triflusulfuron as active substances

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market [1], and in particular Article 6(1) thereof,

Whereas:

(1) Commission Regulations (EC) No 451/2000 [2] and (EC) No 1490/2002 [3] lay down the detailed rules for the implementation of the third stage of the programme of work referred to in Article 8(2) of Directive 91/414/EEC and establish a list of active substances to be assessed, with a view to their possible inclusion in Annex I to Directive 91/414/EEC. That list includes chlorsulfuron, cyromazine, dimethachlor, etofenprox, lufenuron, penconazole, tri-allate and triflusulfuron.

(2) For those active substances the effects on human health and the environment have been assessed in accordance with the provisions laid down in Regulations (EC) No 451/2000 and (EC) No 1490/2002 for a range of uses proposed by the notifiers. Moreover, those Regulations designate the rapporteur Member States which have to submit the relevant assessment reports and recommendations to the European Food Safety Authority (EFSA) in accordance with Article 10(1) of Regulation (EC) No 1490/2002. For chlorsulfuron and cyromazine the rapporteur Member State was Greece and all relevant information was submitted on 27 July 2007 and on 31 August 2007. For dimethachlor and penconazole the rapporteur Member State was Germany and all relevant information was submitted on 2 May 2007 and on 19 June 2007 respectively. For etofenprox the rapporteur Member State was Italy and all relevant information was submitted on 15 July 2005. For lufenuron the rapporteur Member State was Portugal and all relevant information was submitted on 20 September 2006. For tri-allate the rapporteur Member State was the United Kingdom and all relevant information was submitted on 6 August 2007. For triflusulfuron the rapporteur Member State was France and all relevant information was submitted on 26 July 2007.

(3) The assessment reports have been peer reviewed by the Member States and the EFSA and presented to the Commission on 26 November 2008 for chlorsulfuron, on 17 September 2008 for cyromazine and for dimethachlor, on 19 December 2008 for etofenprox, on 30 September 2008 for lufenuron and triflusulfuron, on 25 September 2008 for penconazole and on 26 September 2008 for tri-allate in the format of the EFSA Scientific Reports [4]. These reports have been reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health and finalised on 26 February 2009 in the format of the Commission review reports for chlorsulfuron, cyromazine, dimethachlor, lufenuron, penconazole, tri-allate and triflusulfuron and on 13 March 2009 for etofenprox.

[1] OJ L 230, 19.8.1991, p. 1.
[2] OJ L 55, 29.2.2000, p. 25.
[3] OJ L 224, 21.8.2002, p. 23.

[4] *EFSA Scientific Report (2008) 201, Conclusion regarding the peer review of the pesticide risk assessment of the active substance chlorsulfuron (finalised 26 November 2008).*
EFSA Scientific Report (2008) 168, Conclusion regarding the peer review of the pesticide risk assessment of the active substance cyromazine (finalised 17 September 2008).
EFSA Scientific Report (2008) 169, Conclusion regarding the peer review of the pesticide risk assessment of the active substance dimethachlor (finalised 17 September 2008).
EFSA Scientific Report (2008) 213, Conclusion regarding the peer review of the pesticide risk assessment of the active substance etofenprox (finalised 19 December 2008).
EFSA Scientific Report (2008) 189, Conclusion regarding the peer review of the pesticide risk assessment of the active substance lufenuron (finalised 30 September 2008).
EFSA Scientific Report (2008) 175, Conclusion regarding the peer review of the pesticide risk assessment of the active substance penconazole (finalised 25 September 2008).
EFSA Scientific Report (2008) 195, Conclusion regarding the peer review of the pesticide risk assessment of the active substance triflusulfuron (finalised 30 September 2008).
EFSA Scientific Report (2008) 181, Conclusion regarding the peer review of the pesticide risk assessment of the active substance tri-allate (finalised 26 September 2008).

(4) It has appeared from the various examinations made that plant protection products containing chlorsulfuron, cyromazine, dimethachlor, etofenprox, lufenuron, penconazole, tri-allate and triflusulfuron may be expected to satisfy, in general, the requirements laid down in Article 5(1)(a) and (b) of Directive 91/414/EEC, in particular with regard to the uses which were examined and detailed in the Commission review reports. It is therefore appropriate to include these active substances in Annex I, in order to ensure that in all Member States the authorisations of plant protection products containing these active substances can be granted in accordance with the provisions of that Directive.

(5) Without prejudice to that conclusion, it is appropriate to obtain further information on certain specific points. Article 6(1) of Directive 91/414/EC provides that inclusion of a substance in Annex I may be subject to conditions. Therefore, for lufenuron, dimethachlor and chlorsulfuron the notifiers should be required to submit further information on the chemical specification of the active substances as manufactured. Furthermore, for cyromazine and penconazole it is appropriate to require that the notifiers submit further information on the fate and behaviour of the soil metabolite NOA 435343 (for cyromazine) and U1 (for penconazole) and on the risk to aquatic organisms. Moreover, it is appropriate as regards tri-allate, to require that the notifier submit further information on the primary plant metabolism, the fate and behaviour of the soil metabolite diisopropylamine, the potential for biomagnification in aquatic food chains, the risk to fish-eating mammals and the long-term risk to earthworms. In addition, it is appropriate for the etofenprox to require that the notifier submit further information on the risk to aquatic organisms, including the risk to sediment dwellers, further studies on the endocrine disruption potential in aquatic organisms (fish full life cycle study) and biomagnification. Finally, for dimethachlor, chlorsulfuron and triflusulfuron, the notifiers should be required to submit further information on the toxicological relevance of metabolites in case the substance is classified as carcinogenic category 3.

(6) A reasonable period should be allowed to elapse before an active substance is included in Annex I in order to permit Member States and the interested parties to prepare themselves to meet the new requirements which will result from the inclusion.

(7) Without prejudice to the obligations defined by Directive 91/414/EEC as a consequence of including an active substance in Annex I, Member States should be allowed a period of six months after inclusion to review existing authorisations of plant protection products containing chlorsulfuron, cyromazine, dimethachlor, etofenprox, lufenuron, penconazole, tri-allate and triflusulfuron to ensure that the requirements laid down by Directive 91/414/EEC, in particular in its Article 13 and the relevant conditions set out in Annex I, are satisfied. Member States should vary, replace or withdraw, as appropriate, existing authorisations, in accordance with the provisions of Directive 91/414/EEC. By way of derogation from the above deadline, a longer period should be provided for the submission and assessment of the complete Annex III dossier of each plant protection product for each intended use in accordance with the uniform principles laid down in Directive 91/414/EEC.

(8) The experience gained from previous inclusions in Annex I to Directive 91/414/EEC of active substances assessed in the framework of Commission Regulation (EEC) No 3600/92 [1] has shown that difficulties can arise in interpreting the duties of holders of existing authorisations in relation to access to data. In order to avoid further difficulties it therefore appears necessary to clarify the duties of the Member States, especially the duty to verify that the holder of an authorisation demonstrates access to a dossier satisfying the requirements of Annex II to that Directive. However, this clarification does not impose any new obligations on Member States or holders of authorisations compared to the directives which have been adopted until now amending Annex I.

(9) It is therefore appropriate to amend Directive 91/414/EEC accordingly.

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

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 91/414/EEC is amended as set out in the Annex to this Directive.

Article 2

Member States shall adopt and publish by 30 June 2010 at the latest the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

[1] OJ L 366, 15.12.1992, p. 10.

They shall apply those provisions from 1 July 2010.

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

Article 3

1. Member States shall in accordance with Directive 91/414/EEC, where necessary, amend or withdraw existing authorisations for plant protection products containing chlorsulfuron, cyromazine, dimethachlor, etofenprox, lufenuron, penconazole, tri-allate and triflusulfuron as active substances by 30 June 2010.

By that date they shall in particular verify that the conditions in Annex I to that Directive relating chlorsulfuron, cyromazine, dimethachlor, etofenprox, lufenuron, penconazole, tri-allate and triflusulfuron are met, with the exception of those identified in part B of the entry concerning that active substance, and that the holder of the authorisation has, or has access to, a dossier satisfying the requirements of Annex II to that Directive in accordance with the conditions of Article 13 of that Directive.

2. By way of derogation from paragraph 1, for each authorised plant protection product containing chlorsulfuron, cyromazine, dimethachlor, etofenprox, lufenuron, penconazole, tri-allate and triflusulfuron as either the only active substance or as one of several active substances all of which were listed in Annex I to Directive 91/414/EEC by 31 December 2009 at the latest, Member States shall re-evaluate the product in accordance with the uniform principles provided for in Annex VI to Directive 91/414/EEC, on the basis of a dossier satisfying the requirements of Annex III to that Directive and taking into account part B of the entry in Annex I to that Directive concerning chlorsulfuron, cyromazine, dimethachlor, etofenprox, lufenuron, penconazole, tri-allate and triflusulfuron respectively. On the basis of that evaluation, they shall determine whether the product satisfies the conditions set out in Article 4(1)(b), (c), (d) and (e) of Directive 91/414/EEC.

Following that determination Member States shall:

(a) in the case of a product containing chlorsulfuron, cyromazine, dimethachlor, etofenprox, lufenuron, penconazole, tri-allate and triflusulfuron as the only active substance, where necessary, amend or withdraw the authorisation 30 June 2014 at the latest; or

(b) in the case of a product containing chlorsulfuron, cyromazine, dimethachlor, etofenprox, lufenuron, penconazole, tri-allate and triflusulfuron as one of several active substances, where necessary, amend or withdraw the authorisation by 30 June 2014 or by the date fixed for such an amendment or withdrawal in the respective Directive or Directives which added the relevant substance or substances to Annex I to Directive 91/414/EEC, whichever is the latest.

Article 4

This Directive shall enter into force on 1 January 2010.

Article 5

This Directive is addressed to the Member States.

Done at Brussels, 1 July 2009.

For the Commission
Androulla VASSILIOU
Member of the Commission

ANNEX

The following entry shall be added at the end of the table in Annex I to Directive 91/414/EEC:

No	Common Name, Identification Numbers	IUPAC Name	Purity [1]	Entry into force	Expiration of inclusion	Specific provisions
'287	Chlorsulfuron CAS No 64902-72-3 CIPAC No 391	*1-(2-chlorophenylsulfonyl)-3-(4-methoxy-6-methyl-1,3,5-triazin-2-yl)urea*	≥ 950 g/kg Impurities: 2-Chlorobenzenesulfonamide (IN-A4097) not more than 5 g/kg and 4-methoxy-6-methyl-1,3,5-triazin-2-amine (IN-A4098) not more than 6 g/kg	1 January 2010	31 December 2019	PART A Only uses as herbicide may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on chlorsulfuron, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 26 February 2009 shall be taken into account. In this overall assessment Member States must pay particular attention to: — the protection of aquatic organisms and non-target plants; in relation to these identified risks, risk mitigation measures, such as buffer zones, shall be applied where appropriate, — the protection of the groundwater, when the active substance is applied in regions with vulnerable soil and/or climatic conditions. The Member States concerned shall — ensure that the notifier submits to the Commission further studies on the specification by 1 January 2010. If chlorsulfuron is classified as carcinogenic category 3 in accordance with point 4.2.1 of Annex VI to Directive 67/548/EEC, the Member States concerned shall request the submission of further information on the relevance of the metabolites IN-A4097, IN-A4098, IN-JJ998, IN-B5528 and IN-V7160 with respect to cancer and ensure that the notifier provides that information to the Commission within six months from the notification of the classification decision concerning that substance.

No	Common Name, Identification Numbers	IUPAC Name	Purity (1)	Entry into force	Expiration of inclusion	Specific provisions
288	Cyromazine CAS No 66215-27-8 CIPAC No 420	*N-cyclopropyl-1,3,5-triazine-2,4,6-triamine*	≥ 950 g/kg	1 January 2010	31 December 2019	PART A Only uses as insecticide in greenhouses may be authorised. PART B In assessing applications to authorise plant protection products containing cyromazine for uses other than in tomatoes, notably as regards the exposure of consumers, Member States shall pay particular attention to the criteria in Article 4(1)(b), and shall ensure that any necessary data and information is provided before such an authorisation is granted. For the implementation of the uniform principles of Annex VI, the conclusions of the review report on cyromazine, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 26 February 2009 shall be taken into account. In this overall assessment Member States must pay particular attention to: — the protection of groundwater, when the active substance is applied in regions with vulnerable soil and/or climatic conditions, — the protection of aquatic organisms, — the protection of pollinators. Conditions of authorisation shall include risk mitigation measures, where appropriate. The Member States concerned shall request the submission of further information on the fate and behaviour of the soil metabolite NOA 435343 and on the risk to aquatic organisms. They shall ensure that the notifier at whose request cyromazine has been included in this Annex provide such information to the Commission by 31 December 2011 at the latest.

No	Common Name, Identification Numbers	IUPAC Name	Purity [1]	Entry into force	Expiration of inclusion	Specific provisions
289	Dimethachlor CAS No 50563-36-5 CIPAC No 688	*2-chloro-N-(2-methoxyethyl)acet-2′,6′-xylidide*	≥ 950 g/kg Impurity 2,6-dimethylaniline: Not more than 0,5 g/kg	1 January 2010	31 December 2019	PART A Only uses as herbicide in application max. of 1,0 kg/ha only every third year on the same field may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on dimethachlor, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 26 February 2009 shall be taken into account. In this overall assessment Member States must pay particular attention to: — the operator safety and ensure that conditions of use prescribe the application of adequate personal protective equipment, — the protection of aquatic organisms and non-target plants; in relation to these identified risks, risk mitigation measures, such as buffer zones, shall be applied where appropriate, — the protection of the groundwater, when the active substance is applied in regions with vulnerable soil and/or climatic conditions. Conditions of authorisation shall include risk mitigation measures and monitoring programmes shall be initiated to verify potential groundwater contamination from metabolites CGA 50266, CGA 354742, CGA 102935 and SYN 528702 in vulnerable zones, where appropriate. The Member States concerned shall — ensure that the notifier submits to the Commission further studies on the specification by 1 January 2010. If dimethachlor is classified as carcinogenic category 3 in accordance with point 4.2.1 of Annex VI to Directive 67/548/EEC, the Member States concerned shall request the submission of further information on the relevance of the metabolites CGA 50266, CGA 354742, CGA 102935 and SYN 528702 with respect to cancer and ensure that the notifier provides that information to the Commission within six months from the notification of the classification decision concerning that substance.

No	Common Name, Identification Numbers	IUPAC Name	Purity (1)	Entry into force	Expiration of inclusion	Specific provisions
290	Etofenprox CAS No 80844-07-1 CIPAC No 471	*2-(4-ethoxyphenyl)-2-methylpropyl 3-phenoxybenzyl ether*	≥ 980 g/kg	1 January 2010	31 December 2019	PART A Only uses as insecticide may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on etofenprox, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 26 February 2009 shall be taken into account. In this overall assessment Member States must pay particular attention to: — the operator and worker safety and ensure that conditions of use prescribe the application of adequate personal protective equipment, — the protection of aquatic organisms; in relation to these identified risks, risk mitigation measures, such as buffer zones, shall be applied where appropriate, — the protection of bees and non-target arthropods; in relation to these identified risks, risk mitigation measures, such as buffer zones, shall be applied where appropriate. The Member States concerned shall — ensure that the notifier submits to the Commission further information on the risk to aquatic organisms including the risk to sediment dwellers and biomagnification, — the submission of further studies on the endocrine disruption potential in aquatic organisms (fish full life cycle study). They shall ensure that the notifiers provide such studies to the Commission by 31 December 2011.

No	Common Name, Identification Numbers	IUPAC Name	Purity (1)	Entry into force	Expiration of inclusion	Specific provisions
291	Lufenuron CAS No 103055-07-8 CIPAC No 704	*(RS)-1-[2,5-dichloro-4-(1,1,2,3,3,3-hexafluoro-propoxy)-phenyl]-3-(2,6-difluorobenzoyl)-urea*	≥ 970 g/kg	1 January 2010	31 December 2019	PART A Only indoor uses or use in outdoor bait stations as insecticide may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on lufenuron, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 26 February 2009 shall be taken into account. In this overall assessment Member States must pay particular attention to: — the high persistency in the environment and the high risk for bioaccumulation and shall ensure that the use of lufenuron has no adverse long-term effects on non-target organisms, — the protection of birds, mammals, soil non-target organisms, bees, non-target arthropods, surface waters and aquatic organisms in vulnerable situations. The Member States concerned shall — ensure that the notifier submits to the Commission further studies on the specification by 1 January 2010.
292	Penconazole CAS No 66246-88-6 CIPAC No 446	*(RS) 1-[2-(2,4-dichloro-phenyl)-pentyl]-1H-[1,2,4] triazole*	≥ 950 g/kg	1 January 2010	31 December 2019	PART A Only uses as fungicide in greenhouses may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on penconazole, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 26 February 2009 shall be taken into account.

No	Common Name, Identification Numbers	IUPAC Name	Purity (1)	Entry into force	Expiration of inclusion	Specific provisions
						In this overall assessment Member States must pay particular attention to — the protection of groundwater, when the active substance is applied in regions with vulnerable soil and/or climatic conditions. Conditions of authorisation shall include risk mitigation measures, where appropriate. The Member States concerned shall request the submission of further information on the fate and behaviour of the soil metabolite U1. They shall ensure that the notifier at whose request penconazole has been included in this Annex provide such information to the Commission by 31 December 2011 at the latest.
293	Tri-allate CAS No 2303-17-5 CIPAC No 97	*S-2,3,3-trichloroallyl di-isopropyl (thiocarbamate)*	≥ 940 g/kg NDIPA (Nitroso-diisopropylamine) max. 0,02 mg/kg	1 January 2010	31 December 2019	PART A Only uses as herbicide may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on tri-allate, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 26 February 2009 shall be taken into account. In this overall assessment Member States must pay particular attention to: — the operator safety and ensure that conditions of use prescribe the application of adequate personal protective equipment, — the dietary exposure of consumers to residues of tri-allate in treated crops as well as in succeeding rotational crops and in products of animal origin — the protection of aquatic organisms and non-target plants and ensure that conditions of authorisation include risk mitigation measures such as buffer zones, where appropriate,

No	Common Name, Identification Numbers	IUPAC Name	Purity (1)	Entry into force	Expiration of inclusion	Specific provisions
						— the potential for ground water contamination by the degradation products TCPSA when the active substance is applied in regions with vulnerable soil and/or climatic conditions. Conditions of authorisation must include risk mitigation measures, where appropriate. The Member States concerned shall ensure that the notifier submits to the Commission: — further information to assess the primary plant metabolism, — further information on the fate and behaviour of the soil metabolite diisopropylamine, — further information on the potential for biomagnification in aquatic food chains, — information to further address the risk to fish-eating mammals and the long-term risk to earthworms. They shall ensure that the notifier provides such information to the Commission by 31 December 2011.
294	Triflusulfuron CAS No 126535-15-7 CIPAC No 731	*2-[4-dimethylamino-6-(2,2,2-trifluoroethoxy)-1,3,5-triazin-2-ylcarbamoylsulfamoyl]-m-toluic acid*	≥ 960 g/kg N,N-dimethyl-6-(2,2,2-trifluoroethoxy)-1,3,5-triazine-2,4-diamine Max. 6 g/kg	1 January 2010	31 December 2019	PART A Only uses as a herbicide in application on sugar and fodder beet at max 60 g/ha only every third year on the same field may be authorised. Foliage of treated crops may not be fed to livestock. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on triflusulfuron, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 26 February 2009 shall be taken into account. In this overall assessment Member States must pay particular attention to: — the dietary exposure of consumers to residues of metabolites IN-M7222 and IN-E7710 in succeeding rotational crops and in products of animal origin,

No	Common Name, Identification Numbers	IUPAC Name	Purity (1)	Entry into force	Expiration of inclusion	Specific provisions
						— the protection of aquatic organisms and aquatic plants from the risk arising from triflusulfuron and the metabolite IN-66036 and ensure that conditions of authorisation include risk mitigation measures such as buffer zones, where appropriate, — the potential for ground water contamination by the degradation products IN-M7222 and IN-W6725 when the active substance is applied in regions with vulnerable soil and/or climatic conditions. Conditions of authorisation must include risk mitigation measures, where appropriate. If triflusulfuron is classified as carcinogenic category 3 in accordance with point 4.2.1 of Annex VI to Directive 67/548/EEC, the Member States concerned shall request the submission of further information on the relevance of the metabolites IN-M7222, IN-D8526 and IN-E7710 with respect to cancer. They shall ensure that the notifier provides that information to the Commission within six months from the notification of the classification decision concerning that substance.'

(1) Further details on identity and specification of active substance are provided in the review report.

II

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

DECISIONS

COUNCIL

COUNCIL DECISION

of 30 June 2009

appointing a new member of the Commission of the European Communities

(2009/507/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular the second paragraph of Article 215 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular the second paragraph of Article 128 thereof,

Whereas:

In a letter dated 25 June 2009, Ms Dalia GRYBAUSKAITĖ resigned from her post as a member of the Commission. She should be replaced for the remainder of her term of office,

HAS ADOPTED THIS DECISION:

Article 1

Mr Algirdas Gediminas ŠEMETA is hereby appointed a member of the Commission for the period from 1 July 2009 to 31 October 2009.

Article 2

This Decision shall take effect on 1 July 2009.

Article 3

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

Done at Brussels, 30 June 2009.

For the Council
The President
J. KOHOUT

EUROPEAN CENTRAL BANK

DECISION OF THE EUROPEAN CENTRAL BANK

of 25 June 2009

amending Decision ECB/2008/20 as regards the volume of euro coins that Austria may issue in 2009

(ECB/2009/15)

(2009/508/EC)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty establishing the European Community, and in particular Article 106(2) thereof,

Whereas:

(1) The European Central Bank (ECB) has the exclusive right from 1 January 1999 to approve the volume of coins issued by the Member States that have adopted the euro (hereinafter the 'participating Member States').

(2) On 26 May 2009 the Oesterreichische Nationalbank asked the ECB to approve an increase of EUR 160 million in the volume of euro coins that Austria may issue in 2009,

HAS ADOPTED THIS DECISION:

Article 1

Increase in volume of euro coins

The ECB approves the increase in the volume of euro coins that Austria may issue in 2009.

As a result, the table in Article 1 of Decision ECB/2008/20 of the European Central Bank [1] is replaced by the following:

(million EUR)

	'Issuance of coins intended for circulation and issuance of collector coins (not intended for circulation) in 2009
Belgium	105,4
Germany	632,0
Ireland	65,5
Greece	85,7
Spain	390,0
France	252,5
Italy	234,3
Cyprus	22,5
Luxembourg	42,0
Malta	15,4
Netherlands	68,5
Austria	376,0
Portugal	50,0
Slovenia	27,0
Slovakia	131,0
Finland	60,0'

Article 2

Final provision

This Decision is addressed to the participating Member States.

Done at Frankfurt am Main, 25 June 2009.

The President of the ECB

Jean-Claude TRICHET

[1] OJ L 352, 31.12.2008, p. 58.

III

(Acts adopted under the EU Treaty)

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

COUNCIL JOINT ACTION 2009/509/CFSP

of 25 June 2009

amending and extending Joint Action 2007/406/CFSP on the European Union mission to provide advice and assistance for security sector reform in the Democratic Republic of the Congo (EUSEC RD Congo)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 14 thereof,

Whereas:

(1) On 12 June 2007, the Council adopted Joint Action 2007/406/CFSP [1] on the European Union mission to provide advice and assistance for security sector reform in the Democratic Republic of the Congo (EUSEC RD Congo) which replaced the mission previously established by Joint Action 2005/355/CFSP [2].

(2) On 26 June 2008, the Council adopted Joint Action 2008/491/CFSP [3] amending and extending Joint Action 2007/406/CFSP until 30 June 2009.

(3) Following consultation with the Congolese authorities and other parties concerned, it appears necessary to extend the mission for a further period, and on 12 May 2009 the Political and Security Committee recommended that the mission be extended for an additional three months.

(4) Joint Action 2007/406/CFSP should be amended accordingly,

HAS ADOPTED THIS JOINT ACTION:

Article 1

Joint Action 2007/406/CFSP is hereby amended as follows:

1. in Article 9(1), the second subparagraph shall be replaced by the following:

   'The financial reference amount to cover expenditure relating to the mission for the period from 1 July 2008 to 30 September 2009 shall be EUR 8 450 000.';

2. the second paragraph of Article 16 shall be replaced by the following:

   'It shall apply until 30 September 2009.'.

Article 2

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

Article 3

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

Done at Luxembourg, 25 June 2009.

For the Council
The President
L. MIKO

[1] OJ L 151, 13.6.2007, p. 52.
[2] OJ L 112, 3.5.2005, p. 20.
[3] OJ L 168, 28.6.2008, p. 42.

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