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### Legislation

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**EN**

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

## I

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

## REGULATIONS

**COMMISSION REGULATION (EC) No 588/2009****of 8 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) <sup>(1)</sup>,

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 9 July 2009.

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

Done at Brussels, 8 July 2009.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

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

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

## ANNEX

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

(EUR/100 kg)

CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	MK	45,7
	TR	44,0
	ZZ	44,9
0707 00 05	TR	108,0
	ZZ	108,0
0709 90 70	TR	98,8
	ZZ	98,8
0805 50 10	AR	49,8
	MK	25,1
	TR	41,9
	ZA	64,1
	ZZ	45,2
0808 10 80	AR	88,0
	BR	73,7
	CL	89,2
	CN	91,1
	NZ	98,8
	US	105,3
	UY	116,5
	ZA	87,6
	ZZ	93,8
	0808 20 50	AR
CL		89,8
NZ		161,4
ZA		103,2
ZZ		107,8
0809 10 00	TR	202,4
	XS	116,3
	ZZ	159,4
0809 20 95	TR	284,2
	ZZ	284,2
0809 30	TR	151,2
	ZZ	151,2
0809 40 05	IL	160,5
	ZZ	160,5

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

**COMMISSION REGULATION (EC) No 589/2009****of 8 July 2009****setting the allocation coefficient for the issuing of import licences applied for from 29 June to 3 July 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) <sup>(1)</sup>,

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 <sup>(2)</sup>, and in particular Article 5(3) thereof,

Whereas:

- (1) Applications for import licences were submitted to the competent authorities in the period from 29 June to 3 July 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 <sup>(3)</sup>, for a total quantity equal to or exceeding the quantity available for order number 09.4340 (2008-2009).

- (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 29 June to 3 July 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, 8 July 2009.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

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

<sup>(2)</sup> OJ L 178, 1.7.2006, p. 1.

<sup>(3)</sup> 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 29.6.2009-3.7.2009: percentage of requested quantity to be granted	Limit
09.4331	Barbados	0	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	0	Reached
09.4338	Jamaica	100	
09.4339	Kenya	100	
09.4340	Madagascar	86,1397	Reached
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 29.6.2009-3.7.2009: 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	0	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 29.6.2009-3.7.2009: percentage of requested quantity to be granted	Limit
09.4315	India	100	
09.4316	ACP Protocol signatory countries	100	

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

Order No	Country	Week of 29.6.2009-3.7.2009: 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 29.6.2009-3.7.2009: percentage of requested quantity to be granted	Limit
09.4324	Albania	100	Reached
09.4325	Bosnia and Herzegovina	0	
09.4326	Serbia and Kosovo (*)	100	
09.4327	Former Yugoslav Republic of Macedonia	100	
09.4328	Croatia	100	

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

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

Order No	Type	Week of 29.6.2009-3.7.2009: 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 29.6.2009-3.7.2009: 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 29.6.2009-3.7.2009: percentage of requested quantity to be granted	Limit
09.4365	Bulgaria	0	Reached
09.4366	Romania	0	Reached

## COMMISSION REGULATION (EC) No 590/2009

of 8 July 2009

**fixing the allocation coefficient to be applied to applications for import licences lodged from 26 June to 3 July 2009 under subquota III in the context of the Community tariff quota opened by Regulation (EC) No 1067/2008 for common wheat of a quality other than high quality**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences <sup>(2)</sup>, and in particular Article 7(2) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1067/2008 <sup>(3)</sup> opens an overall annual tariff quota of 2 989 240 tonnes of common wheat of a quality other than high quality. That quota is divided into three subquotas.
- (2) Article 3(3) of Regulation (EC) No 1067/2008 divides subquota III (order number 09.4125) into four quarterly subperiods and has fixed the quantity at 594 597 tonnes for subperiod 3, for the period from 1 July to 30 September 2009.
- (3) Based on the notification made under Article 4(3) of Regulation (EC) No 1067/2008, the applications lodged between 26 June 2009 at 13.00 and 3 July 2009 at

13:00 (Brussels time) in accordance with the second subparagraph of Article 4(1) of that Regulation relate to quantities in excess of those available. The extent to which import licences may be issued should therefore be determined and the allocation coefficient to be applied to the quantities applied for should be laid down.

- (4) Import licences should no longer be issued under subquota III as referred to in Regulation (EC) No 1067/2008 for the current quota subperiod,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Each import licence application in respect of subquota III as referred to in Regulation (EC) No 1067/2008 and lodged between 26 June 2009 at 13.00 and 3 July 2009 at 13:00 (Brussels time) shall give rise to the issue of a licence for the quantities applied for, multiplied by an allocation coefficient of 0,910049 %.

2. The issue of licences for the quantities applied for from 3 July 2009 at 13:00 (Brussels time) falling within subquota III as referred to in Regulation (EC) No 1067/2008 is hereby suspended for the current quota subperiod.

*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, 8 July 2009.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

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

<sup>(2)</sup> OJ L 238, 1.9.2006, p. 13.

<sup>(3)</sup> OJ L 290, 31.10.2008, p. 3.

**COMMISSION REGULATION (EC) No 591/2009****of 8 July 2009****fixing the allocation coefficient to be applied to applications for import licences lodged from 26 June to 3 July 2009 under the Community tariff quota for maize opened by Regulation (EC) No 969/2006**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences <sup>(2)</sup>, and in particular Article 7(2) thereof,

Whereas:

- (1) Commission Regulation (EC) No 969/2006 <sup>(3)</sup> opened an annual import tariff quota of 242 074 tonnes of maize (order number 09.4131).
- (2) Article 2(1) of Regulation (EC) No 969/2006 fixes a quantity of 121 037 tonnes for subperiod 2 for the period from 1 July to 31 December 2009.
- (3) Based on the notification made under Article 4(3) of Regulation (EC) No 969/2006, the applications lodged from 26 June 2009 at 13.00 until 3 July 2009 at

13.00 (Brussels time) in accordance with Article 4(1) of that Regulation relate to quantities in excess of those available. The extent to which import licences may be issued should therefore be determined and the allocation coefficient laid down to be applied to the quantities applied for.

- (4) Import licences should no longer be issued under Regulation (EC) No 969/2006 for the current quota period,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Each import licence application for maize under the quota referred to in Regulation (EC) No 969/2006 and lodged from 26 June 2009 at 13.00 until 3 July 2009 at 13.00 (Brussels time) shall give rise to the issue of a licence for the quantities applied for, multiplied by an allocation coefficient of 4,394504 %.

2. The issue of licences for the quantities applied for from 13:00 (Brussels time) on 3 July 2009 is hereby suspended for the current quota period.

*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, 8 July 2009.

For the Commission

Jean-Luc DEMARTY

Director-General for Agriculture and  
Rural Development

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

<sup>(2)</sup> OJ L 238, 1.9.2006, p. 13.

<sup>(3)</sup> OJ L 176, 30.6.2006, p. 44.

**COMMISSION REGULATION (EC) No 592/2009****of 8 July 2009****amending the representative prices and additional import duties for certain products in the sugar sector fixed by Regulation (EC) No 945/2008 for the 2008/2009 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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 <sup>(2)</sup>, and in particular Article 36(2), second subparagraph, second sentence thereof,

Whereas:

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

for the 2008/2009 marketing year are fixed by Commission Regulation (EC) No 945/2008 <sup>(3)</sup>. These prices and duties have been last amended by Commission Regulation (EC) No 562/2009 <sup>(4)</sup>.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 9 July 2009.

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

Done at Brussels, 8 July 2009.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

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

<sup>(2)</sup> OJ L 178, 1.7.2006, p. 24.

<sup>(3)</sup> OJ L 258, 26.9.2008, p. 56.

<sup>(4)</sup> OJ L 166, 27.6.2009, p. 38.

## ANNEX

**Amended representative prices and additional import duties applicable to white sugar, raw sugar and products covered by CN code 1702 90 95 from 9 July 2009**

(EUR)

CN code	Representative price per 100 kg net of the product concerned	Additional duty per 100 kg net of the product concerned
1701 11 10 <sup>(1)</sup>	30,00	2,29
1701 11 90 <sup>(1)</sup>	30,00	6,53
1701 12 10 <sup>(1)</sup>	30,00	2,15
1701 12 90 <sup>(1)</sup>	30,00	6,10
1701 91 00 <sup>(2)</sup>	31,15	9,66
1701 99 10 <sup>(2)</sup>	31,15	5,14
1701 99 90 <sup>(2)</sup>	31,15	5,14
1702 90 95 <sup>(3)</sup>	0,31	0,34

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

**COMMISSION REGULATION (EC) No 593/2009****of 8 July 2009****amending Council Regulation (EC) No 43/2009 as regards the list of vessels engaged in illegal, unreported and unregulated fisheries in the North Atlantic**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 43/2009 of 16 January 2009 fixing for 2009 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required <sup>(1)</sup>, and in particular point 4 of Annex XV thereof,

Whereas:

- (1) The European Community has, since 1981, been a Party to the Convention on Future Multilateral Cooperation in the North-East Atlantic Fisheries <sup>(2)</sup>.
- (2) In March 2009 the North-East Atlantic Fisheries Commission (NEAFC) amended the list of vessels that

have been confirmed as having engaged in illegal, unreported and unregulated fisheries. Implementation of this amendment in the Community legal order should be ensured.

- (3) Regulation (EC) No 43/2009 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Appendix to Annex XV to Regulation (EC) No 43/2009 is replaced by the text in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on the third 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, 8 July 2009.

*For the Commission*

Joe BORG

*Member of the Commission*

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<sup>(1)</sup> OJ L 22, 26.1.2009, p. 1.

<sup>(2)</sup> OJ L 227, 12.8.1981, p. 21.

## ANNEX

In Annex XV to Regulation (EC) No 43/2009 the Appendix is replaced by the following:

*'Appendix to Annex*

**List of vessels with the following IMO numbers that have been confirmed by NEAFC and NAFO as having engaged in illegal, unreported and unregulated fisheries**

IMO <sup>(1)</sup> ship identification number	Vessel's name <sup>(2)</sup>	Flag State <sup>(2)</sup>
7306570	ALBORAN II	Panama
7436533	ALFA	Georgia
7612321	AVIOR	Georgia
8522030	CARMEN	Cyprus
7700104	CEFEY	
8422852	DOLPHIN	Russia
8604668	EROS DOS	Panama
8522119	EVA	Cyprus
6719419	GORILERO	Sierra Leone
7332218	IANNIS I	Panama
8422838	ISABELLA	Cyprus
8522042	JUANITA	Cyprus
8707240	MAINE	Guinea Conakry
7385174	MURTOSA	Togo
8721595	NEMANSKIY	
8421937	NICOLAY CHUDOTVORETS	Russia
6706084	RED	Panama
8522169	ROSITA	Cyprus
7347407	SUNNY JANE	
8606836	ULLA	Georgia
7321374	YUCATAN BASIN	Panama

<sup>(1)</sup> International Maritime Organisation.

<sup>(2)</sup> Any changes of names and flags and additional information on the vessels are available on the NEAFC website: [www.neafc.org](http://www.neafc.org)

**COMMISSION REGULATION (EC) No 594/2009**  
**of 8 July 2009**  
**concerning the classification of certain goods in the Combined Nomenclature**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

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

*Article 3*

This Regulation shall enter into force on the 20th 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, 8 July 2009.

*For the Commission*  
László KOVÁCS  
*Member of the Commission*

<sup>(1)</sup> OJ L 256, 7.9.1987, p. 1.

<sup>(2)</sup> OJ L 302, 19.10.1992, p. 1.



## ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
<p>1. Vinylidene fluoride and hexafluoro propylene copolymer in primary form.</p> <p>This material displays the stretching and recovery properties of elastomers but cannot be vulcanised with sulphur. In order to cross-link, this copolymer requires basic compounds or certain peroxides.</p>	3904 69 90	<p>The classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Notes 1, 4 and 6 to Chapter 39, Note 4(a) to Chapter 40, subheading Note 1 to Chapter 39 and the wording of CN codes 3904, 3904 69 and 3904 69 90.</p> <p>Vinylidene fluoride and hexafluoropropylene copolymer does not comply with the definition of synthetic rubbers contained in Note 4(a) to Chapter 40 since it cannot be vulcanised with sulphur.</p> <p>Poly (vinylidene fluoride) is a polymer belonging to Chapter 39 (see the Harmonised System Explanatory Notes (HS EN), General Notes to Chapter 39, list of abbreviations of polymers and Notes relating to heading 3904, last paragraph).</p> <p>A vinylidene fluoride and hexafluoropropylene copolymer in primary form is a fluorinated copolymer to be classified in Chapter 39 under CN code 3904 69 90, according to Notes 1, 4 and 6 to Chapter 39 and subheading Note 1 to Chapter 39.</p>
<p>2. Fluoroelastomer O-ring seals (vinylidene fluoride and hexafluoropropylene copolymer).</p> <p>The constituent material of this product (vinylidene fluoride and hexafluoropropylene copolymer) displays the stretching and recovery properties of elastomers, but cannot be vulcanised with sulphur. In order to cross-link, it requires basic compounds or certain peroxides.</p>	3926 90 97	<p>Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Notes 1 and 4 to Chapter 39, Note 4(a) to Chapter 40, Note 2 to Section XVI, Note 2 to Chapter 90 and the wording of CN codes 3926, 3926 90 and 3926 90 97.</p> <p>This product is an elastomeric seal for general use. Therefore it is not a recognizable part of a machine in the meaning of Note 2 to Section XVI and Note 2 to Chapter 90 of the CN, and consequently excluded from Section XVI and Chapter 90.</p> <p>The constituent material of this product does not comply with the definition of synthetic rubbers contained in Note 4(a) to Chapter 40, since it cannot be vulcanised with sulphur.</p> <p>Poly (vinylidene fluoride) is a polymer belonging to Chapter 39 (see the Harmonised System Explanatory Notes (HS EN), General Notes to Chapter 39, list of abbreviations of polymers and Notes relating to heading 3904, last paragraph).</p> <p>Vinylidene fluoride and hexafluoropropylene copolymer is a fluorinated copolymer which should be classified in Chapter 39.</p> <p>Consequently, the product in question is a plastic product belonging to Chapter 39 and not specified or included elsewhere in the combined nomenclature, and should therefore be classified under CN code 3926 90 97.</p>

## II

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

## DECISIONS

## COUNCIL

## COUNCIL DECISION

of 3 July 2009

**appointing a new member of the Commission of the European Communities**

(2009/528/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

*Article 1*

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

Mr Pawel SAMECKI is hereby appointed a member of the Commission for the period from 4 July 2009 to 31 October 2009.

*Article 2*

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

This Decision shall take effect on 4 July 2009.

*Article 3*

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

Whereas:

Done at Brussels, 3 July 2009.

In a letter dated 24 June 2009, Ms Danuta HÜBNER resigned from her post as a member of the Commission. She should be replaced for the remainder of her term of office,

*For the Council*

*The President*

A. BORG

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# COMMISSION

## COMMISSION DECISION

of 8 July 2009

**amending Decision 2008/820/EC as regards extension of the temporary derogation from the rules of origin laid down in Annex II to Council Regulation (EC) No 1528/2007 to take account of the special situation of Swaziland with regard to core spun yarn**

(notified under document number C(2009) 5310)

(2009/529/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1528/2007 of 20 December 2007 applying the arrangements for products originating in certain states which are part of the African, Caribbean and Pacific (ACP) Group of States provided for in agreements establishing, or leading to the establishment of, Economic Partnership Agreements <sup>(1)</sup>, and in particular Article 36(4) of Annex II thereto,

Whereas:

(1) On 27 October 2008 Commission Decision 2008/820/EC <sup>(2)</sup> was adopted granting a temporary derogation from the rules of origin laid down in Annex II to Council Regulation (EC) No 1528/2007 to take account of the special situation of Swaziland with regard to core spun yarn. On 2 February 2009 Swaziland requested in accordance with Article 36 of Annex II to Regulation (EC) No 1528/2007 a new derogation from the rules of origin set out in that Annex. According to the information received from Swaziland, it is still unable to satisfy the rules on cumulation of origin laid down in Annex II to Regulation (EC) No 1528/2007 since it needs to source non-originating poly fibres in South Africa for the manufacture of the final product. Hence, the final product does not comply with the rules laid down in that Annex. Given that Swaziland needs more time to prepare itself to comply with the rules of origin, a new derogation should be granted with effect from 1 January 2009.

(2) Decision 2008/820/EC applied until 31 December 2008 because it was expected that the Interim Economic Partnership Agreement with the SADC EPA region would enter into force or would be provisionally applied before that date.

(3) In accordance with Article 4(2) of Regulation (EC) No 1528/2007 the rules of origin set out in Annex II to that Regulation and the derogations to them are to be superseded by the rules of the SADC-EU Interim Partnership Agreement of which the entry into force or the provisional application is now foreseen to take place in 2009.

(4) It is necessary to ensure continuity of importations from the ACP countries to the Community as well as a smooth transition to the Interim Economic Partnership Agreement. Decision 2008/820/EC should therefore be prolonged with effect from 1 January 2009.

(5) Decision 2008/820/EC should therefore be amended accordingly.

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

HAS ADOPTED THIS DECISION:

### Article 1

Decision 2008/820/EC is amended as follows:

1. Article 2 is replaced by the following:

<sup>(1)</sup> OJ L 348, 31.12.2007, p. 1.

<sup>(2)</sup> OJ L 285, 29.10.2008, p. 17.

*'Article 2*

The derogation provided for in Article 1 shall apply to the products and the quantities set out in the Annex which are declared for free circulation into the Community from Swaziland during the periods of 1 January 2008 until 31 December 2008 and 1 January 2009 until 31 December 2009.;

2. in Article 6, the second paragraph is replaced by the following:

'It shall apply until the rules of origin set out in Annex II to Regulation (EC) No 1528/2007 are superseded by those annexed to any agreement with Swaziland when that agreement is either provisionally applied, or enters into force, whichever is the earlier but in any event not later than 31 December 2009.;

3. the Annex is replaced by the text set out in the Annex to this Decision.

*Article 2*

This Decision shall apply from 1 January 2009.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 8 July 2009.

*For the Commission*  
László KOVÁCS  
*Member of the Commission*

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 ANNEX

## 'ANNEX

<i>(tonnes)</i>				
Order No	CN code	Description of goods	Periods	Quantities
09.1698	5206 22	Core spun yarn	1.1.2008 to 31.12.2008	1 300
	5206 42 5402 52 5402 62		1.1.2009 to 31.12.2009	1 300'

**COMMISSION DECISION**  
**of 8 July 2009**  
**amending Decision 2007/716/EC as regards certain establishments in the meat and milk sectors in Bulgaria**

*(notified under document number C(2009) 5335)*

**(Text with EEA relevance)**

(2009/530/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Bulgaria and Romania, and in particular Article 42 thereof,

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market <sup>(1)</sup>, and in particular Article 9(4) thereof,

Whereas:

- (1) Commission Decision 2007/716/EC <sup>(2)</sup> lays down transitional measures for structural requirements of certain establishments in the meat and milk sectors in Bulgaria provided for in Regulations (EC) No 852/2004 <sup>(3)</sup> and (EC) No 853/2004 <sup>(4)</sup> of the European Parliament and of the Council. As long as those establishments are in transition, products originating from them are only to be placed on the domestic market or used for further processing in Bulgarian establishments in transition.
- (2) According to an official declaration from the Bulgarian competent authority, certain establishments in the meat and milk sectors have ceased their activities or have completed their upgrading process and are now in full

compliance with Community legislation. Those establishments should therefore be deleted from the list of establishments in transition.

- (3) The Annex to Decision 2007/716/EC should therefore be amended accordingly.
- (4) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

*Article 1*

The Annex to Decision 2007/716/EC is amended in accordance with the Annex to this Decision.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 8 July 2009.

*For the Commission*  
Androulla VASSILIOU  
*Member of the Commission*

<sup>(1)</sup> OJ L 395, 30.12.1989, p. 13.

<sup>(2)</sup> OJ L 289, 7.11.2007, p. 14.

<sup>(3)</sup> OJ L 139, 30.4.2004, p. 1.

<sup>(4)</sup> OJ L 139, 30.4.2004, p. 55.

## ANNEX

The Annex to Decision 2007/716/EC is amended as follows:

1. The following entries for meat processing establishments are deleted:

No	Veterinary No	Name of establishment	Town/Street or Village/Region
'4.	BG 0101010	ET „Kostadin Hadzhimargaritov — KOM-H -Antony Hadzhimargaritov“	gr. Petrich Mestnost „Byalata cheshma“
5.	BG 0201008	ET „Sevikon“	gr. Burgas ul. „Knyaz Boris I“ 89A
6.	BG 0201010	ET „Dinadeks DN-76“	gr. Burgas ul. „Industrialna“ 1
39.	BG 1101014	Koop. „Doverie“	s. Lesidren obl. Loveshka
51.	BG 1601015	„Komso“ OOD	s. Tsalapitsa severen stopanski dvor
57.	BG 1801009	ET „SELVEN — Stefan Stanchev“	s. Ryahovo
83.	BG 2701005	ET „Zlatno runo-Dinyu Dimitrov“	gr. Veliki Preslav Promishlena zona
92.	BG 0202007	„Dimovi“ OOD	gr. Burgas ul. „Yanko Komitov“ 22
108.	BG 0702007	„TIP-INVEST“ OOD	gr. Gabrovo kv. „Boykata“ 6
115.	BG 1302001	„Dekada“ OOD	s. Zvanichevo
170.	BG 1505014	ET „Valborggen-Valentin Genov“	gr. Pleven bul. „Ruse“ № 85
184.	BG 2005018	TD „PIGI 2001“ OOD	gr. Sliven bul. „Hadzhi Dimitar“ 41
199.	BG 2605002	ET „Kolyo Mitev“	gr. Dimitrovgrad ul. „Brigadirska“ 49
209.	BG 0104015	„Merkez“ OOD	gr. Gotze Delchev
210.	BG 0104016	ET „Veselina Keryanova“	s. Musomishta
212.	BG 0204012	ET „Dimo G. Dimov“	s. Chernomorets
220.	BG 0304029	ET „EMDI-Emil Dimitrov“	s. Yarebichna obl. Varna
243.	BG 0704011	ET „Stiv-Stefan Mihaylov“	gr. Sevlievo ul. „Sennishko shoes“
258.	BG 1204001	ET „Kariana-Milan Yosifov“	s. Erden obsht. Boychinovtsi
264.	BG 1304001	„Boreks“ OOD	s. Malo Konare obl. Pazardzhik
276.	BG 1504014	„Pleven-Mes“ OOD	s. Yasen obsht. Pleven
278.	BG 1604001	„Triumvirat impeks“ EOOD	gr. Asenovgrad ul. „Vasil Petleshkov“ 2
279.	BG 1604008	„Alkok-3“ OOD	gr. Plovdiv kv. Proslav ul. „Klokotnitsa“ 29

284.	BG 1604020	„Mesokombinat-Sadovo“ EOOD	gr. Sadovo industrialna zona
297.	BG 1604044	„Meskom-Popov“ OOD	gr. Plovdiv ul. „Komatevsko shose“ 174
310.	BG 2004010	„Mesokombinat Enchevi i ko“ OOD	gr. Nova Zagora ul. „Preslavska“ 48
318.	BG 2204012	ET „Tsvetanka Zagorska“	gr. Sofia ul. „Sarantsi“ 18
329.	BG 2204067	„Ekobim“ OOD	gr. Sofia kv. Suhodol „partsel“ 513'

2. The following entries for milk processing establishments are deleted:

No	Veterinary No	Name of establishment	Town/Street or Village/Region
'18.	BG 1612017	„Snep-grup OOD“	gr. Rakovski ul. „Mihail Dobromirov“ 1
21.	BG 1612035	ET „Vi Ay Pi“	gr. Krichim obsht. Krichim
67.	0212013	ET „Marsi-Mincho Bakalov“	gr. Burgas ul. „Baykal“ 9
193.	2812010	ET „Mladost-2-Yanko Yanev“	gr. Yambol ul. „Yambolen“ 13'











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