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I

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

REGULATIONS

COMMISSION REGULATION (EC) No 608/2009**of 10 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 11 July 2009.

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

Done at Brussels, 10 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	MK	36,3
	ZZ	36,3
0707 00 05	TR	89,1
	ZZ	89,1
0709 90 70	TR	101,9
	ZZ	101,9
0805 50 10	AR	55,8
	MK	25,1
	TR	41,9
	ZA	64,8
	ZZ	46,9
0808 10 80	AR	88,4
	BR	75,2
	CL	86,7
	CN	90,9
	NZ	98,4
	US	98,7
	UY	116,5
	ZA	81,3
	ZZ	92,0
	0808 20 50	AR
CL		84,4
NZ		87,2
ZA		100,8
ZZ		91,0
0809 10 00	TR	203,3
	XS	107,8
	ZZ	155,6
0809 20 95	TR	284,5
	ZZ	284,5
0809 30	TR	124,7
	ZZ	124,7

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

COMMISSION REGULATION (EC) No 609/2009
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⁽¹⁾, and in particular Article 9(1)(a) thereof,

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

Article 3

This Regulation shall enter into force on the 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

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ OJ L 302, 19.10.1992, p. 1.

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
<p>Product in granular form consisting of (% by weight):</p> <p>— anhydrous betaine 95,8</p> <p>— water 1,5</p> <p>— calcium stearate (anti-caking agent) 1,0</p> <p>and the rest being impurities.</p> <p>The product is used in preparations of a kind used in animal feeding.</p>	2923 90 00	<p>Classification is determined by the General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Notes 1(a) and 1(f) to Chapter 29 and the wording of CN codes 2923 and 2923 90 00.</p> <p>The product contains besides anhydrous betaine and water only calcium stearate (anti-caking agent) and impurities and consequently meets the wording of Notes 1(a) and 1(f) to Chapter 29.</p> <p>Betaine is not a vitamin or a provitamin of heading 2936. It is a quarternary intramolecular ammonium salt [see also the Harmonized System Explanatory Notes (HS EN) to heading 2923, fourth paragraph (6)]. Consequently, the product is to be classified in heading 2923.</p>

COMMISSION REGULATION (EC) No 610/2009**of 10 July 2009****laying down detailed rules for the application of the tariff quota for beef and veal originating in Chile****(Codified version)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Articles 144(1) and 148 in conjunction with Article 4 thereof,

Whereas:

- (1) Commission Regulation (EC) No 297/2003 of 17 February 2003 laying down detailed rules for the application of the tariff quota for beef and veal originating in Chile ⁽²⁾ has been substantially amended several times ⁽³⁾. In the interests of clarity and rationality the said Regulation should be codified.
- (2) The Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part ⁽⁴⁾, provides in Article 71(5) that, as from 1 February 2003, a tariff quota of 1 000 tonnes of beef and veal shall be opened and shall be increased annually by 100 tonnes.
- (3) The quotas concerned should be managed through the use of import licences. To this end, 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 ⁽⁵⁾, Commission Regulation (EC) No 376/2008 of 23 April 2008 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products ⁽⁶⁾ and Commission Regulation (EC) No 382/2008 of 21 April 2008 on rules of application for import and export licences in the beef and veal sector ⁽⁷⁾ are applicable subject to certain derogations.
- (4) Chile has undertaken to issue certificates of authenticity for the products in question attesting that the goods

originate in Chile. The specimen and the rules for the use of the certificate of authenticity need to be laid down.

- (5) Commission Regulation (EC) No 810/2008 of 11 August 2008 opening and providing for the administration of tariff quotas for high-quality fresh, chilled and frozen beef and for frozen buffalo meat ⁽⁸⁾ provides for certificates of authenticity for periods of 12 months starting on 1 July of one year for a number of beef quotas and veal quotas. To ensure that all imports are managed in a uniform manner, similar implementing rules should be laid down for the quotas for beef and veal originating in Chile.
- (6) In order to ensure proper management of imports of the products concerned, import licences should be issued subject to verification, in particular of the entries on the certificates of authenticity.
- (7) The reimbursement in full of import duty as a result of the exemption from the duty that is applicable from 1 February 2003 is applied in accordance with Article 236 of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽⁹⁾, and with Articles 878 and following of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽¹⁰⁾.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Under the tariff quota provided for by Article 71(5) of the Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part, the products originating in Chile referred to in Annex I to this Regulation may be imported, exempt from the customs duty laid down in the common customs tariff, during the periods from 1 July in one year to 30 June in the following year, in accordance with the provisions of this Regulation.

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 43, 18.2.2003, p. 26.

⁽³⁾ See Annex VIII.

⁽⁴⁾ OJ L 352, 30.12.2002, p. 3.

⁽⁵⁾ OJ L 238, 1.9.2006, p. 13.

⁽⁶⁾ OJ L 114, 26.4.2008, p. 3.

⁽⁷⁾ OJ L 115, 29.4.2008, p. 10.

⁽⁸⁾ OJ L 219, 14.8.2008, p. 3.

⁽⁹⁾ OJ L 302, 19.10.1992, p. 1.

⁽¹⁰⁾ OJ L 253, 11.10.1993, p. 1.

The quantity of the products referred to in the first paragraph shall be as indicated in Annex I for each import period.

Article 2

Chapter III of Regulation (EC) No 1301/2006, Regulation (EC) No 376/2008 and Regulation (EC) No 382/2008 shall apply, save as otherwise provided for in this Regulation.

Article 3

1. The import licences shall give rise to an obligation to import from the specified country. Section 8 of licence applications and licences shall show the country of origin and the box indicating 'yes' shall be ticked.

2. Section 20 of the import licence applications and import licences shall contain the serial number 09.4181 and one of the entries listed in Annex II.

Article 4

1. A certificate of authenticity attesting that the products originate in Chile shall be drawn up by the issuing authority referred to in Article 8 in accordance with Article 7.

The original of the certificate of authenticity and a duly certified copy thereof shall be submitted to the competent authority of the Member State in question (hereinafter referred to as the competent authority) at the time the initial application for an import licence in connection with the certificate of authenticity is made.

2. Provided the quantity limit stated in the certificate is not exceeded, more than one import licence may be issued under a single certificate of authenticity. Where this is the case, the competent authority shall endorse the certificate of authenticity to indicate the quantities attributed.

3. Once it is satisfied that all the information in the certificate of authenticity corresponds to that received each week from the Commission on the subject, the competent authority shall issue import licences. If this is not the case, no import licences may be issued.

Article 5

1. Notwithstanding Article 4, the competent authority may issue an import licence in the following cases:

- (a) the original of the certificate of authenticity has been submitted but the Commission information on it has not yet been received;
- (b) the original of the certificate of authentic city has not been submitted and the Commission information on it has not yet been received;
- (c) the original of the certificate of authenticity has been submitted and the Commission information on it has been received, but some information does not tally.

2. In the cases referred to in paragraph 1, the amount of the security to be lodged in respect of the import licences shall be an amount equivalent to the full rate of customs duty for the products in question under the common customs tariff that is applicable on the day the import licence is applied for.

Once they have received the original of the certificate of authenticity and the Commission information on it, and have checked that the data are in order, the Member States shall release the security referred to in the first subparagraph.

The submission to the competent authority of the original of the certificate of authenticity required by the legislation before the period of validity of the import licence in question expires constitutes a primary requirement within the meaning of Article 20 of Commission Regulation (EEC) No 2220/85 ⁽¹⁾ as regards the security referred to in the first subparagraph.

Any amounts of the security referred to in the first subparagraph that are not released shall be forfeited and kept as customs duty.

Article 6

Certificates of authenticity and import licences shall each be valid for three months from their respective date of issue.

However, the period of validity may not expire later than 30 June following their date of issue.

Article 7

1. The certificate of authenticity referred to in Article 4 shall be made out in one original and not less than one copy in accordance with the model in Annex III.

The forms shall measure approximately 210 × 297 mm and the paper shall weigh not less than 40 g/m².

2. The forms shall be printed and filled out in one of the official languages of the Community; they may also be printed and filled out in the official language of Chile.

3. Certificates of authenticity shall bear an individual serial number allocated by the issuing authorities referred to in Article 8. The copies shall bear the same serial number as the original.

4. The original and copies of the certificate of authenticity may be typed or hand-written. In the latter case, they must be filled out in black ink and in block capitals.

5. Certificates of authenticity shall be valid only if they are duly filled out and endorsed by the issuing authority referred to in Article 8.

⁽¹⁾ OJ L 205, 3.8.1985, p. 5.

Certificates of authenticity shall be deemed to have been duly endorsed if they state the date and place of issue and if they bear the stamp of the issuing authority and the signature of the person or persons authorised to sign them.

The stamp may be replaced by a printed seal on the original of the certificate of authenticity and any copies thereof.

Article 8

1. The body authorised by Chile to issue certificates of authenticity (hereinafter referred to as 'the issuing authority'), which is set out in Annex IV, must:

- (a) undertake to verify the entries on the certificates of authenticity;
- (b) undertake to supply the Commission, at least once a week, with any information it may need to verify the entries on the certificates of authenticity.

2. Annex IV may be revised by the Commission if the issuing authority is no longer recognised, if it fails to perform one of its undertakings or if a new issuing authority is appointed.

Article 9

The Commission shall pass on to the competent authorities in the Member States the specimen of the stamp imprints used by the issuing authority and the names and signatures of the persons authorised to sign the certificates of authenticity that are communicated to it by the authority in Chile.

Article 10

1. By way of derogation from the second subparagraph of Article 11(1) of Regulation (EC) No 1301/2006, Member States shall notify to the Commission:

- (a) no later than 31 August following the end of each import tariff quota period the quantities of products, including nil

returns, for which import licences were issued in the previous import tariff quota period;

- (b) no later than 31 October following the end of each import tariff quota period the quantities of products, including nil returns, covered by unused or partly used import licences and corresponding to the difference between the quantities entered on the back of the import licences and the quantities for which they were issued.

2. No later than 31 October following the end of each import tariff quota period, Member States shall notify to the Commission the quantities of products which were actually released for free circulation during the preceding import tariff quota period.

However, as of the import tariff quota period starting on 1 July 2009, Member States shall forward to the Commission details of the quantities of products put into free circulation as of 1 July 2009 in accordance with Article 4 of Regulation (EC) No 1301/2006.

3. The notifications referred to in paragraph 1 and the first subparagraph of paragraph 2 shall be made as indicated in Annexes V, VI and VII to this Regulation and the product categories indicated in Annex V to Regulation (EC) No 382/2008 shall be used.

Article 11

Regulation (EC) No 297/2003 is repealed.

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

Article 12

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, 10 July 2009.

For the Commission
The President
José Manuel BARROSO

ANNEX I

Products benefiting from the tariff concession referred to in Article 1:

Serial number	CN code	Description	Discount rate on customs duty %	Annual quantity from 1 July 2009 to 30 June 2010 (Net weight of product, tonnes)	Annual increase from 1 July 2010 (Net weight of product, tonnes)
09.4181	0201 20 0201 30 00 0202 20 0202 30	Fresh, chilled or frozen beef or veal ⁽¹⁾	100	1 650	100

⁽¹⁾ 'Frozen meat' means meat which, at the time of its introduction onto the customs territory of the Community, has an internal temperature equal to or less than -12 °C.

ANNEX II

Entries referred to in Article 3(2)

— in Bulgarian:	Регламент (ЕО) № 610/2009
— in Spanish:	Reglamento (CE) n° 610/2009
— in Czech:	Nařízení (ES) č. 610/2009
— in Danish:	Forordning (EF) nr. 610/2009
— in German:	Verordnung (EG) Nr. 610/2009
— in Estonian:	Määrus (EÜ) nr 610/2009
— in Greek:	Κανονισμός (ΕΚ) αριθ. 610/2009
— in English:	Regulation (EC) No 610/2009
— in French:	Règlement (CE) n° 610/2009
— in Italian:	Regolamento (CE) n. 610/2009
— in Latvian:	Regula (EK) Nr. 610/2009
— in Lithuanian:	Reglamentas (EB) Nr. 610/2009
— in Hungarian:	610/2009/EK rendelet
— in Maltese:	Regolament (KE) Nru 610/2009
— in Dutch:	Verordening (EG) nr. 610/2009
— in Polish:	Rozporządzenie (WE) nr 610/2009
— in Portuguese:	Regulamento (CE) n.º 610/2009
— in Romanian:	Regulamentul (CE) nr. 610/2009
— in Slovak:	Nariadenie (ES) č. 610/2009
— in Slovenian:	Uredba (ES) št. 610/2009
— in Finnish:	Asetus (EY) N:o 610/2009
— in Swedish:	Förordning (EG) nr 610/2009

ANNEX III

Specimen form for the certificate of authenticity

1. Exporter (name and address)	2. Certificate No	ORIGINAL	
4. Consignee (name and address)	3. Issuing authority		
6. Means of transport	5. CERTIFICATE OF AUTHENTICITY FOR BEEF AND VEAL Regulation (EC) No 610/2009		
7. Markings, numbers, quantity and type of packages, description of goods	8. Gross weight (kg)	9. Net weight (kg)	
10. Net weight (in words)			
11. ATTESTATION BY THE ISSUING AUTHORITY I, the undersigned, certify that the beef/veal described in this certificate originates in Chile Place: Date: Signature and stamp (or printed seal)			

To be filled out either by typewriter or by hand in block capitals.

—

ANNEX IV

Body authorised by Chile to issue certificates of authenticity:

Asociación Gremial de Plantas Faenadoras Frigoríficas de Carnes de Chile
Teatinos 20 – Oficina 55
Santiago
Chile

ANNEX V

Notification of import licences (issued) — Regulation (EC) No 610/2009

Member State: ...

Application of Article 10 of Regulation (EC) No 610/2009

Quantities of products for which import licences were issued

From: ... to: ...

Order No	Product category or categories ⁽¹⁾	Quantity (kilograms product weight)
09.4181		

⁽¹⁾ Product category or categories as indicated in Annex V to Regulation (EC) No 382/2008.

ANNEX VI

Notification of import licences (unused quantities) — Regulation (EC) No 610/2009

Member State: ...

Application of Article 10 of Regulation (EC) No 610/2009

Quantities of products for which import licences were unused

From: ... to: ...

Order No	Product category or categories ⁽¹⁾	Unused quantity (kilograms product weight)
09.4181		

⁽¹⁾ Product category or categories as indicated in Annex V to Regulation (EC) No 382/2008.

ANNEX VII

Notification of quantities of products put into free circulation — Regulation (EC) No 610/2009

Member State: ...

Application of Article 10 of Regulation (EC) No 610/2009

Quantities of products put into free circulation:

From: ... to: ... (import tariff quota period).

Order No	Product category or categories ⁽¹⁾	Quantity put into free circulation (kilograms product weight)
09.4181		

⁽¹⁾ Product category or categories as indicated in Annex V to Regulation (EC) No 382/2008.

ANNEX VIII

Repealed Regulation with list of its successive amendments

Commission Regulation (EC) No 297/2003
(O) L 43, 18.2.2003, p. 26)

Commission Regulation (EC) No 1118/2004
(O) L 217, 17.6.2004, p. 10)

Only Article 9

Commission Regulation (EC) No 1965/2006
(O) L 408, 30.12.2006, p. 26)

Only Article 5 and Annex V

Commission Regulation (EC) No 567/2007
(O) L 133, 25.5.2007, p. 13)

Commission Regulation (EC) No 332/2008
(O) L 102, 12.4.2008, p. 17)

Commission Regulation (EC) No 749/2008
(O) L 202, 31.7.2008, p. 37)

Only Article 1 and Annex I

ANNEX IX

Correlation table

Regulation (EC) No 297/2003	This Regulation
Article 1(1)	Article 1
Articles 2-9	Articles 2-9
Article 9a	Article 10
—	Article 11
Article 10, first paragraph	Article 12
Article 10, second paragraph	—
Annex I	Annex I
Annex IA	Annex II
Annex II	Annex III
Annex III	Annex IV
Annex IV	Annex V
Annex V	Annex VI
Annex VI	Annex VII
—	Annex VIII
—	Annex IX

COMMISSION REGULATION (EC) No 611/2009**of 10 July 2009****correcting Regulation (EC) No 1276/2008 on the monitoring by physical checks of exports of agricultural products receiving refunds or other amounts**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (single CMO Regulation) ⁽¹⁾, and in particular Articles 170(c) and 194(a) in conjunction with Article 4 thereof,

Whereas:

(1) Article 11(5) of Commission Regulation (EC) No 1276/2008 ⁽²⁾ and Annex II to that Regulation correspond respectively, according to the correlation table in Annex IX to that Regulation, to Article 3(2) and to Article 1 of Commission Regulation (EC) No 3122/94 of 20 December 1994 laying down criteria for risk analysis as regards agricultural products receiving refunds ⁽³⁾. In particular, point (a) of Article 11(5) of Regulation (EC) No 1276/2008 corresponds to the first indent of Article 3(2) of Regulation (EC) No 3122/94. However, where that first indent of Article 3(2) of Regulation (EC) No 3122/94 refers to criteria set out in the complete second paragraph of Article 1 of that Regulation, Article 11(5)(a) of Regulation (EC) No 1276/2008 refers to only the criteria set out in point 1 of Annex II thereto.

(2) As the notification about risk analysis should cover all relevant risk elements, like it was already set out in Regulation (EC) No 3122/94, the limitation to point 1 of Annex II to Regulation (EC) No 1276/2008 in Article 11(5)(a) of that Regulation should be accordingly corrected.

(3) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural markets,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 11(5) of Regulation (EC) No 1276/2008, point (a) is replaced by the following:

‘(a) the measures taken, including instructions to national departments, to apply the selection system on the basis of risk analysis, in the light of the criteria referred to in Annex II;’

*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, 10 July 2009.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 339, 18.12.2008, p. 53.

⁽³⁾ OJ L 330, 21.12.1994, p. 31.

II

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

DECISIONS

COUNCIL

COUNCIL DECISION

of 7 July 2009

on guidelines for the employment policies of the Member States

(2009/536/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 128(2) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Having regard to the opinion of the European Economic and Social Committee ⁽²⁾,

After consulting the Committee of the Regions,

Having regard to the opinion of the Employment Committee,

Whereas:

(1) The Lisbon Strategy, as renewed in 2005, has placed emphasis on growth and jobs. The Employment Guidelines of the European Employment Strategy and the Broad Economic Policy Guidelines have been adopted as an integrated package, whereby the European Employment Strategy has the leading role in the implementation of the employment and labour market objectives of the Lisbon Strategy.

(2) The examination of the Member States' National Reform Programmes contained in the Joint Employment Report

shows that Member States should continue to make every effort to address the following priority areas: attracting and retaining more people in employment, increasing labour supply and modernising social protection systems; improving adaptability of workers and enterprises; and increasing investment in human capital through better education and skills.

(3) In view of the current economic crisis, the guidelines should also serve as a tool for meeting the immediate challenges of increasing unemployment and social exclusion. Policies in the immediate term include integrated flexicurity policies to facilitate the transition to work, matching the unemployed with available jobs, and skills upgrading.

(4) In light of the Commission's examination of the National Reform Programmes, the focus should be on their effective and timely implementation, paying special attention to the agreed targets and benchmarks and the involvement of social partners.

(5) The Employment Guidelines were adopted in 2008 with a validity of three years, during which time their updating should be strictly limited.

(6) Member States should explore the use of the European Social Fund when implementing the Employment Guidelines.

(7) In view of the integrated nature of the guideline package, Member States should fully implement the Broad Economic Policy Guidelines,

⁽¹⁾ Opinion of 11 March 2009 (not yet published in the Official Journal).

⁽²⁾ Opinion of 13 May 2009 (not yet published in the Official Journal).

HAS ADOPTED THIS DECISION:

Article 1

The guidelines for Member States' employment policies as set out in the Annex to Council Decision 2008/618/EC of 15 July 2008 on guidelines for the employment policies of the Member States⁽¹⁾ are maintained for 2009 and shall be taken into account by the Member States in their employment policies.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 7 July 2009.

For the Council

The President

A. BORG

⁽¹⁾ OJ L 198, 26.7.2008, p. 47.

COMMISSION

COMMISSION DECISION

of 8 July 2009

amending the Appendix to Annex VI to the Act of Accession of Bulgaria and Romania as regards certain milk processing establishments in Bulgaria

(notified under document number C(2009) 5314)

(Text with EEA relevance)

(2009/537/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 the first subparagraph of paragraph (f) of Section B of Chapter 4 of Annex VI thereto,

Whereas:

- (1) Bulgaria has been granted transitional periods by the Act of Accession of Bulgaria and Romania for compliance by certain milk processing establishments with the requirements of Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin ⁽¹⁾.
- (2) Bulgaria has provided guarantees that three milk processing establishments have completed their upgrading process and are now in full compliance with Community legislation. One of those establishments is allowed to receive and process compliant and non-compliant raw milk without separation. It should therefore be included in the list of Chapter I of the Appendix to Annex VI. One milk processing establishment currently listed in Chapter I will process only

compliant raw milk and will therefore be considered as an EU-approved milk processing establishment. That establishment should therefore be deleted from the list of Chapter I of the Appendix to Annex VI.

- (3) The Appendix to Annex VI to the Act of Accession of Bulgaria and Romania should therefore be amended accordingly.
- (4) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

The Appendix to Annex VI to the Act of Accession of Bulgaria and Romania 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

⁽¹⁾ OJ L 139, 30.4.2004, p. 55.

ANNEX

Chapter I of the Appendix to Annex VI to the Act of Accession of Bulgaria and Romania is amended as follows:

1. the following entry is added:

No	Veterinary No	Name of the establishment	Town/Street or Village/Region
'47	2812010	ET "Mladost-2-Yanko Yanev"	gr.Yambol, ul."Yambolen" 13'

2. the following entry is deleted:

No	Veterinary No	Name of the establishment	Town/Street or Village/Region
'22	BG 2012043	"Agroprodukt" OOD	gr.Sliven kv.Industrialen'

COMMISSION DECISION

of 10 July 2009

amending Decision 2008/456/EC laying down rules for the implementation of Decision No 574/2007/EC of the European Parliament and of the Council establishing the External Borders Fund for the period 2007 to 2013 as part of the General programme ‘Solidarity and Management of Migration Flows’ as regards Member States’ management and control systems, the rules for administrative and financial management and the eligibility of expenditure on projects co-financed by the Fund

(notified under document number C(2009) 5373)

(Only the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish texts are authentic)

(2009/538/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Decision No 574/2007/EC of the European Parliament and of the Council establishing the External Borders Fund for the period 2007 to 2013 as part of the General programme ‘Solidarity and Management of Migration Flows’⁽¹⁾, in particular Articles 25 and 37(4) thereof,

Whereas:

- (1) In the light of the experiences following the launch of the Fund, it is appropriate to extend the eligibility period of the annual programmes in order to enable Member States to implement the Fund in an effective way and to adapt the time schedule for the submission of the final report on the implementation of the annual programme.
- (2) It is also appropriate to adapt the procedure for the submission of revised annual programmes by Member States.
- (3) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark, annexed to the Treaty on European Union and the Treaty establishing the European Community, Denmark has implemented Decision No 574/2007/EC in its national law and is therefore bound by this Decision.
- (4) This Decision constitutes a development of the provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis*⁽²⁾, and the subsequent Council Decision 2004/926/EC of 22 December 2004 on the putting into effect of parts of the Schengen *acquis* by

the United Kingdom of Great Britain and Northern Ireland⁽³⁾ The United Kingdom is therefore not bound by it or subject to its application.

- (5) This Decision constitutes a development of the provisions of the Schengen *acquis*⁽⁴⁾ in which Ireland does not take part, in accordance with Council Decision 2002/192/EC⁽⁵⁾ of 28 February 2002 concerning Ireland’s request to take part in some of the provisions of the Schengen *acquis*. Ireland is therefore not bound by it or subject to its application.
- (6) As regards Iceland and Norway, Decision No 574/2007/EC constitutes a development of provisions of the Schengen *acquis* within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis*⁽⁶⁾, which fall within the areas referred to in Article 1, points A and B of Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis*⁽⁷⁾.
- (7) As regards Switzerland, Decision No 574/2007/EC constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement signed by the European Union, the European Community and the Swiss Confederation on the latter’s association with the implementation, application and development of the Schengen *acquis* which fall within the areas referred to in Article 4(1) of the Council Decision on the signing, on behalf of the European Community, and on the provisional application of certain provisions of this Agreement.

⁽¹⁾ OJ L 144, 6.6.2007, p. 22.

⁽²⁾ OJ L 131, 1.6.2000, p. 43.

⁽³⁾ OJ L 395, 31.12.2004, p. 70.

⁽⁴⁾ OJ L 64, 7.3.2002, p. 20.

⁽⁵⁾ OJ L 64, 7.3.2002, p. 20.

⁽⁶⁾ OJ L 176, 10.7.1999, p. 36.

⁽⁷⁾ OJ L 176, 10.7.1999, p. 31.

- (8) The measures provided for in this Decision are in accordance with the opinion of the common Committee 'Solidarity and Management of Migration Flows',

HAS ADOPTED THIS DECISION:

Article 1

Commission Decision 2008/456/EC ⁽¹⁾ is amended as follows:

1. Article 23(1) is replaced by the following:

'1. In order to revise the annual programme approved by the Commission pursuant to Article 23(4) of the basic act, the Member State concerned shall submit a revised draft annual programme to the Commission at the latest three months before the end of the eligibility period. The Commission shall examine and, as soon as possible, approve the revised programme in accordance with the procedure laid down in Article 23(4) of the basic act.;

2. in point 4.1 of Annex V, Part A, the words 'List of all pending recoveries at 30 June of the year N + 2 (N = year of this annual programme)' are replaced by the words 'List of all pending recoveries six months after the eligibility deadline for expenditure';

3. in Annex XI, point I.4.1 is replaced by the following:

'1. Costs relating to a project must be incurred and the respective payments (except for depreciation) made after 1 January of the year referred to in the financing decision approving the annual programmes of the Member States. The eligibility period is until 30 June of the year N (*) + 2, meaning that the costs relating to a project must be incurred before this date.

(*) Where "N" is the year referred to in the financing decision approving the annual programmes of the Member States.;

4. in Annex XI, point V.3 is replaced by the following:

'3. Activities linked to technical assistance must be performed and the corresponding payments made after 1 January of the year referred to in the financing decision approving the annual programmes of the Member States. The eligibility period lasts at the latest until the deadline for the submission of the final report on the implementation of the annual programme.'

Article 2

This Decision shall apply to all annual programmes for which the payment of the balance has not been made at the date of its adoption.

Article 3

This Decision is addressed to the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Slovenia, the Slovak Republic, the Republic of Finland and the Kingdom of Sweden.

Done at Brussels, 10 July 2009.

For the Commission

Jacques BARROT

Vice-President

⁽¹⁾ OJ L 167, 27.6.2008, p. 1.

COMMISSION DECISION

of 10 July 2009

amending Decision 2000/96/EC on communicable diseases to be progressively covered by the Community network under Decision No 2119/98/EC of the European Parliament and of the Council

(notified under document number C(2009) 5457)

(Text with EEA relevance)

(2009/539/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

(1) Commission Decision 2000/96/EC of 22 December 1999 on the communicable diseases to be progressively covered by the Community network under Decision No 2119/98/EC of the European Parliament and of the Council ⁽²⁾, lists communicable diseases to be covered by epidemiological surveillance in the Community network, including 'Diseases preventable by vaccination'. This category encompasses diseases for which vaccines are already available, and others for which the scientific and technical knowledge is available for the elaboration and production of a vaccine within a relatively short period.

(2) A new pathogenic influenza virus, of which human-to-human transmission has been recorded, has recently emerged in North America, and has already spread to several Member States. As this new epidemic situation poses a serious risk of evolution towards a pandemic influenza, the World Health Organization has identified the disease caused by that virus as a public health emergency of international concern in accordance with the International Health Regulations (2005).

(3) This new disease should be classified in the category of 'Diseases preventable by vaccination' as, even if no vaccine is available for the time being for its prevention, the scientific and technical knowledge is available for the elaboration and production of a vaccine as soon as its strain will be definitively identified.

(4) This virus is covered under 'Influenza' already mentioned in point 2.1 of Annex I to Decision 2000/96/EC. However, in view of the pandemic potential posed by this virus and of the need for an immediate and efficient coordination between the Community and the Member States in that respect, this virus should be mentioned specifically as one of the possible types of influenza virus. This specific mention in turn allows the adoption of a specific case definition under Commission Decision 2002/253/EC of 19 March 2002 laying down case definitions for reporting communicable diseases to the Community network under Decision No 2119/98/EC of the European Parliament and of the Council ⁽³⁾, and therefore a better targeted communication of information within the Community network pursuant to Article 4 of Decision 2119/98/EC.

(5) Commission Decision 2009/363/EC of 30 April 2009 amending Decision 2002/253/EC laying down case definitions for reporting communicable diseases to the Community network under Decision No 2119/98/EC of the European Parliament and of the Council ⁽⁴⁾ already introduced a specific case definition for Influenza A(H1N1) into the Annex to Decision 2002/253/EC. It is therefore necessary to give a retroactive effect to this Decision in order to ensure that it is applicable as from the same date as Decision 2009/363/EC.

(6) The measures provided for in this Decision are in accordance with the opinion of the Committee set up by Article 7 of Decision No 2119/98/EC,

HAS ADOPTED THIS DECISION:

Article 1

In point 2.1. of Annex I to Decision 2000/96/EC, the term 'Influenza' is replaced with 'Influenza including Influenza A(H1N1)'.

Article 2

This Decision shall apply as from 30 April 2009.

⁽¹⁾ OJ L 268, 3.10.1998, p. 1

⁽²⁾ OJ L 28; 3.2.2000, p. 50

⁽³⁾ OJ L 86, 3.4.2002, p. 44

⁽⁴⁾ OJ L 110, 1.5.2009, p. 58

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 10 July 2009.

For the Commission
Androulla VASSILIOU
Member of the Commission

COMMISSION DECISION**of 10 July 2009****amending Decision 2002/253/EC as regards case definitions for reporting Influenza A(H1N1) to the Community network***(notified under document number C(2009) 5465)***(Text with EEA relevance)***(2009/540/EC)*

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) According to Article 2 of Commission Decision 2002/253/EC of 19 March 2002 laying down case definitions for reporting communicable diseases to the Community network under Decision No 2119/98/EC of the European Parliament and of the Council ⁽²⁾, the case definitions laid down in Annex to that Decision should be updated to the extent necessary on the basis of the latest scientific data.
- (2) Commission Decision 2009/363/EC of 30 April 2009 amending Decision 2002/253/EC laying down case definitions for reporting communicable diseases to the Community network under Decision No 2119/98/EC of the European Parliament and of the Council ⁽³⁾ introduced a new case definition in relation to the recent outbreak in North America of a new influenza virus and the recent occurrence of cases in several Member States.

- (3) The World Health Organization has in the meantime officially defined the current disease under the wording 'Influenza A(H1N1)'. It is therefore necessary to update Decision 2002/253/EC in order to use this denomination instead of the name given to this virus by Decision 2009/363/EC.

- (4) The measures provided for in this Decision are in accordance with the opinion of the Committee set up by Article 7 of Decision No 2119/98/EC,

HAS ADOPTED THIS DECISION:

Article 1

In the Annex to Decision 2002/253/EC, the heading 'NOVEL INFLUENZA VIRUS A(H1N1) (THE SO-CALLED SWINE INFLUENZA VIRUS A(H1N1) AND MEXICAN INFLUENZA VIRUS) (1)' is replaced by the heading 'INFLUENZA A(H1N1)'.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 10 July 2009.

For the Commission
Androulla VASSILIOU
Member of the Commission

⁽¹⁾ OJ L 268, 3.10.1998, p. 1.

⁽²⁾ OJ L 86, 3.4.2002, p. 44.

⁽³⁾ OJ L 110, 1.5.2009, p. 58.

CORRIGENDA**Corrigendum to Commission Regulation (EC) No 438/2009 of 26 May 2009 opening and providing for the administration of Community tariff quotas for bulls, cows and heifers other than for slaughter of certain Alpine and mountain breeds**

(Official Journal of the European Union L 128 of 27 May 2009)

On page 58, Article 2(2):

for: '09.4197',

read: '09.0115'.

Corrigenda

★ Corrigendum to Commission Regulation (EC) No 438/2009 of 26 May 2009 opening and providing for the administration of Community tariff quotas for bulls, cows and heifers other than for slaughter of certain Alpine and mountain breeds (OJ L 128, 27.5.2009)	25
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