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⁽¹⁾ Text with EEA relevance

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⁽¹⁾ Text with EEA relevance

I

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

REGULATIONS

COMMISSION REGULATION (EC) No 974/2009**of 19 October 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 20 October 2009.

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

Done at Brussels, 19 October 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	54,3
	MK	27,3
	TR	89,8
	ZZ	57,1
0707 00 05	MK	31,4
	TR	92,8
	ZZ	62,1
0709 90 70	TR	81,6
	ZZ	81,6
0805 50 10	AR	53,7
	CL	83,5
	TR	77,6
	US	56,3
	ZA	77,9
	ZZ	69,8
0806 10 10	BR	220,9
	EG	80,3
	TR	112,4
	US	205,1
	ZZ	154,7
0808 10 80	AU	175,3
	CL	86,9
	CN	78,3
	MK	16,1
	NZ	83,2
	US	103,9
	ZA	73,6
	ZZ	88,2
0808 20 50	CN	60,6
	TR	85,0
	ZA	70,1
	ZZ	71,9

⁽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 975/2009**of 19 October 2009****amending Directive 2002/72/EC relating to plastic materials and articles intended to come into contact with foodstuffs****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1935/2004 of the European Parliament and of the Council of 27 October 2004 on materials and articles intended to come into contact with food and repealing Directives 80/590/EEC and 89/109/EEC ⁽¹⁾, and in particular Article 5(2) thereof,

Whereas:

- (1) Commission Directive 2002/72/EC of 6 August 2002 relating to plastic materials and articles intended to come into contact with foodstuffs ⁽²⁾ establishes a Community list of monomers and other starting substances, which may be used for the manufacture of plastic materials and articles. Recently additional monomers and starting substances have received a favourable scientific evaluation by the European Food Safety Authority (the Authority) and should now be added to the existing list.
- (2) Directive 2002/72/EC also contains a Community list of additives which may be used for the manufacture of plastic materials and articles. Recently additional additives have received a favourable scientific evaluation

by the Authority and should now be added to the existing list.

- (3) Directive 2002/72/EC should therefore be amended accordingly.
- (4) According to Article 4(1) of Directive 2002/72/EC, the Community list of additives contained in Annex III to that Directive will become a positive list from 1 January 2010. Consequently, the titles in Annex III to that Directive should no longer refer to an 'incomplete' list of additives.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes II, III, IVa, V and VI to Directive 2002/72/EC are amended in accordance with Annexes I to V to this Regulation.

Article 2

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

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

Done at Brussels, 19 October 2009.

For the Commission
Androulla VASSILIOU
Member of the Commission

⁽¹⁾ OJ L 338, 13.11.2004, p. 4.

⁽²⁾ OJ L 220, 15.8.2002, p. 18.

ANNEX I

In section A to Annex II to Directive 2002/72/EC the following lines are inserted in the table in numerical order:

Ref. No	CAS No	Name	Restrictions and/or specifications
(1)	(2)	(3)	(4)
'14627	0000117-21-5	3-chlorophthalic anhydride	SML = 0,05 mg/kg expressed as 3-chlorophthalic acid
14628	0000118-45-6	4-chlorophthalic anhydride	SML = 0,05 mg/kg expressed as 4-chlorophthalic acid
14876	0001076-97-7	1,4-cyclohexanedicarboxylic acid	SML = 5 mg/kg Only to be used for manufacture of polyesters
18117	0000079-14-1	glycolic acid	For indirect food contact only, behind a polyethylene terephthalate (PET) layer
19965	0006915-15-7	malic acid	Only to be used as a co-monomer in aliphatic polyesters up to maximum level of 1 % on a molar basis
21498	0002530-85-0	[3-(methacryloxy)propyl]trimethoxysilane	SML = 0,05 mg/kg Only to be used as a surface treatment agent of inorganic fillers'

ANNEX II

Annex III to Directive 2002/72/EC is amended as follows:

(1) The word 'incomplete' is deleted from the general title of Annex III as well as from the titles of Sections A and B.

(2) In section A the following lines are inserted in numerical order:

Ref. No	CAS No	Name	Restrictions and/or specifications
(1)	(2)	(3)	(4)
'30607	—	acids, C ₂ -C ₂₄ , aliphatic, linear, mono-carboxylic, from natural oils and fats, lithium salt	SML(T) = 0,6 mg/kg (expressed as Lithium) ⁽⁸⁾
33105	0146340-15-0	alcohols, C ₁₂ -C ₁₄ secondary, β-(2-hydroxyethoxy), ethoxylated	SML = 5 mg/kg ⁽⁴⁴⁾
33535	0152261-33-1	α-alkenes(C ₂₀ -C ₂₄) copolymer with maleic anhydride, reaction product with 4-amino-2,2,6,6-tetramethylpiperidine	Not to be used for articles in contact with fatty foods for which simulant D is laid down Not to be used in contact with alcoholic foods
38550	0882073-43-0	bis(4-propylbenzylidene)propylsorbitol	SML = 5 mg/kg (including the sum of its hydrolysis products)
40155	0124172-53-8	N,N'-bis(2,2,6,6-tetramethyl-4-piperidyl)-N,N'-diformylhexamethylenediamine	SML = 0,05 mg/kg ⁽¹⁾ ⁽⁴⁴⁾
49080	0852282-89-4	N-(2,6-Diisopropylphenyl)-6-[4-(1,1,3,3-tetramethylbutyl)phenoxy]-1H-benzo[de]isoquinolin-1,3(2H)-dione	SML = 0,05 mg/kg ⁽³⁹⁾ ⁽⁴⁵⁾ ⁽⁴⁶⁾ Only for use in polyethylene terephthalate (PET)
60027	—	hydrogenated homopolymers and/or copolymers made of 1-hexene and/or 1-octene and/or 1-decene and/or 1-dodecene and/or 1-tetradecene (Mw: 440-12 000)	Not to be used for articles in contact with fatty foods for which simulant D is laid down. In compliance with the specification laid down in Annex V
62215	0007439-89-6	iron	SML = 48 mg/kg
68119	—	neopentyl glycol, diesters and monoesters with benzoic acid and 2-ethylhexanoic acid	SML = 5 mg/kg Not to be used for articles in contact with fatty foods for which simulant D is laid down.
72141	0018600-59-4	2,2'-(1,4-phenylene)bis[4H-3,1-benzoxazin-4-one]	SML = 0,05 mg/kg (including the sum of its hydrolysis products)
76807	00073018-26-5	polyester of adipic acid with 1,3-butanediol, 1,2-propanediol and 2-ethyl-1-hexanol	SML = 30 mg/kg
77708	—	polyethyleneglycol (EO = 1-50) ethers of linear and branched primary (C ₈ -C ₂₂) alcohols	SML = 1,8 mg/kg In compliance with the specification laid down in Annex V
80077	0068441-17-8	polyethylene waxes, oxidised	SML = 60 mg/kg

(1)	(2)	(3)	(4)
80350	0124578-12-7	poly(12-hydroxystearic acid)-polyethyleneimine copolymer	Only to be used in polyethylene terephthalate (PET), polystyrene (PS), high impact polystyrene (HIPS) and polyamide (PA) up to 0,1 % w/w. In compliance with the specification laid down in Annex V
80480	0090751-07-8; 0082451-48-7	poly(6-morpholino-1,3,5-triazine-2,4-diy)-[(2,2,6,6-tetramethyl-4-piperidyl)imino]-hexamethylene-[(2,2,6,6-tetramethyl-4-piperidyl)imino]	SML = 5 mg/kg ⁽⁴⁷⁾ In compliance with the specification laid down in Annex V
80510	1010121-89-7	poly(3-nonyl-1,1-dioxo-1-thiopropene-1,3-diy)-block-poly(x-oley-7-hydroxy-1,5-diiminooctane-1,8-diy), process mixture with x = 1 and/or 5, neutralised with dodecylbenzenesulfonic acid	Only to be used as a polymerisation production aid in polyethylene (PE), polypropylene (PP) and polystyrene (PS)
91530	—	sulphosuccinic acid alkyl (C ₄ -C ₂₀) or cyclohexyl diesters, salts	SML = 5 mg/kg
91815	—	sulphosuccinic acid monoalkyl (C ₁₀ -C ₁₆) polyethyleneglycol esters, salts	SML = 2 mg/kg
92200	0006422-86-2	terephthalic acid, bis(2-ethylhexyl)ester	SML = 60 mg/kg
92470	0106990-43-6	N,N',N'',N'''-tetrakis(4,6-bis(N-butyl-(N-methyl-2,2,6,6-tetramethylpiperidin-4-yl)amino)triazin-2-yl)-4,7-diazadecane-1,10-diamine	SML = 0,05 mg/kg
92475	0203255-81-6	3,3',5,5'-tetrakis(tert-butyl)-2,2'-dihydroxybiphenyl, cyclic ester with [3-(3-tert-butyl-4-hydroxy-5-methylphenyl)propyl]oxyphosphonous acid	SML = 5 mg/kg (expressed as the sum of phosphite and phosphate form of the substance and the hydrolysis products)
93450	—	titanium dioxide, coated with a copolymer of n-octyltrichlorosilane and [aminotris(methylenephosphonic acid), penta sodium salt]	In compliance with the specification laid down in Annex V
94000	0000102-71-6	triethanolamine	SML = 0,05 mg/kg (including the hydrochloride adduct)
94425	0000867-13-0	triethyl phosphonoacetate	Only for use in polyethylene terephthalate (PET)
94985	—	trimethylolpropane, mixed triesters and diesters with benzoic acid and 2-ethylhexanoic acid	SML = 5 mg/kg Not to be used for articles in contact with fatty food for which simulant D is laid down'

ANNEX III

In Annex IVa to Directive 2002/72/EC the following lines are inserted in numerical order:

Ref. No	CAS No	Name
'49080	852282-89-4	N-(2,6-Diisopropylphenyl)-6-[4-(1,1,3,3-tetramethylbutyl)phenoxy]-1H-benzo[de]isoquinolin-1,3(2H)-dione
72141	0018600-59-4	2,2'-(1,4-phenylene)bis[4H-3,1-benzoxazin-4-one]
76807	0007308-26-5	polyester of adipic acid with 1,3-butanediol, 1,2-propanediol and 2-ethyl-1-hexanol
92475	0203255-81-6	3,3',5,5'-tetrakis(tert-butyl)-2,2'-dihydroxybiphenyl, cyclic ester with [3-(3-tert-butyl-4-hydroxy-5-methylphenyl)propyl]oxyphosphonous acid'

ANNEX IV

In Part B of Annex V to Directive 2002/72/EC the following lines are inserted in numerical order:

Ref. No	Other specifications
'60027	hydrogenated homopolymers and/or copolymers made of 1-hexene and/or 1-octene and/or 1-decene and/or 1-dodecene and/or 1-tetradecene (Mw: 440-12 000) Average molecular weight not less than 440 Da Viscosity at 100 °C not less than 3,8 cSt ($3,8 \times 10^{-6} \text{ m}^2/\text{s}$)
77708	polyethyleneglycol (EO = 1-50) ethers of linear and branched primary ($\text{C}_8\text{-C}_{22}$) alcohols Maximum residual quantity of ethylene oxide in the material or article = 1 mg/kg
80350	poly(12-hydroxystearic acid)-polyethyleneimine copolymer Prepared by the reaction of poly(12-hydroxystearic acid) with polyethyleneimine
80480	poly(6-morpholino-1,3,5-triazine-2,4-diyl)-[(2,2,6,6-tetramethyl-4-piperidyl)imino]-hexamethylene-[(2,2,6,6-tetramethyl-4-piperidyl)imino] Average molecular weight not less than 2 400 Da Residual content of morpholine $\leq 30 \text{ mg/kg}$, of N,N'-bis(2,2,6,6-tetramethylpiperidin-4-yl)hexane-1,6-diamine $< 15\ 000 \text{ mg/kg}$, and of 2,4-dichloro-6-morpholino-1,3,5-triazine $\leq 20 \text{ mg/kg}$
93450	titanium dioxide, coated with a copolymer of n-octyltrichlorosilane and [aminotris(methylenephosphonic acid), penta sodium salt] The content of the surface treatment copolymer of the coated titanium dioxide is less than 1 % w/w

ANNEX V

Annex VI to Directive 2002/72/EC is amended as follows:

1. The note (8) is replaced by the following:

⁽⁸⁾ SML(T) in this specific case means that the restriction shall not be exceeded by the sum of the migration levels of the following substances mentioned as Ref. Nos: 24886, 62020, 30607, 38000, 42400, 64320, 66350, 67896, 73040, 85760, 85840, 85920 and 95725.'

2. The following notes are added:

⁽⁴⁴⁾ The SML could be exceeded from polyolefins.

⁽⁴⁵⁾ The SML could be exceeded from plastics containing more than 0,5 % w/w of the substance.

⁽⁴⁶⁾ The SML could be exceeded in contact with foods with high alcoholic content.

⁽⁴⁷⁾ The SML could be exceeded from low-density polyethylene (LDPE) containing more than 0,3 % w/w of the substance when in contact with fatty foods.'

COMMISSION REGULATION (EC) No 976/2009**of 19 October 2009****implementing Directive 2007/2/EC of the European Parliament and of the Council as regards the Network Services**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

*Article 2***Definitions**

Having regard to the Treaty establishing the European Community,

For the purposes of this Regulation, the definitions set out in Part A of the Annex to Commission Regulation (EC) No 1205/2008 ⁽²⁾ shall apply.

Having regard to Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) ⁽¹⁾, and in particular Article 16 thereof,

The following definitions shall also apply:

Whereas:

(1) Directive 2007/2/EC lays down general rules for the establishment of the Infrastructure for Spatial Information in the European Community. Member States are required to establish and operate a network of services for the spatial data sets and services for which metadata have been created in accordance with that Directive.

1. 'initial operating capability' means the ability of a Network Service to provide full functionality without guaranteeing quality of service in conformity with the rules set out in Annex I to this Regulation or access to the service for all users through the INSPIRE geo-portal;

(2) In order to ensure the compatibility and usability of such services on the Community level, it is necessary to lay down the technical specifications and minimum performance criteria for those services with regard to the themes listed in Annexes I, II and III to Directive 2007/2/EC.

2. 'performance' means the minimal level by which an objective is considered to be attained representing the fact how fast a request can be completed within an INSPIRE Network Service;

(3) In order to ensure that public authorities and the third parties are given the technical possibility to link their spatial data sets and services to the Network Services, it is necessary to lay down the appropriate requirements for those services.

3. 'capacity' means limit of the number of simultaneous service requests provided with guaranteed performance;

(4) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 22 of Directive 2007/2/EC,

4. 'availability' means probability that the Network Service is available;

5. 'response time' means the time measured at the Member State service location, in which the service operation returned the first byte of the result;

6. 'service request' means a single request to a single operation of an INSPIRE Network Service;

7. 'INSPIRE metadata element' means a metadata element set out in Part B of the Annex to Regulation (EC) No 1205/2008;

8. 'publish' means the operation to insert, delete or update INSPIRE metadata elements of resources in the Discovery Service

HAS ADOPTED THIS REGULATION:

9. 'natural language' means a language that is spoken, written, or signed by humans for general-purpose communication;

*Article 1***Subject matter**

This Regulation sets out the requirements for the establishment and maintenance of the Network Services provided for in Article 11(1) of Directive 2007/2/EC (hereinafter 'the Network Services') and obligations related to the availability of those services to the public authorities of the Member States and third parties pursuant to Article 12 of that Directive.

10. 'collect' means an operation to pull INSPIRE metadata elements of resources from a source Discovery Service and to allow to create, delete or update the metadata of these resources in the target Discovery Service;

11. 'layer' means a basic unit of geographic information that may be requested as a map from a server in accordance with EN ISO 19128.

⁽¹⁾ OJ L 108, 25.4.2007, p. 1.

⁽²⁾ OJ L 326, 4.12.2008, p. 12.

*Article 3***Requirements for Network Services**

The Network Services shall be in conformity with the requirements concerning the quality of services set out in Annex I.

In addition, each type of the Network Services shall be in conformity with the following:

- (a) as concerns the Discovery Services, the specific requirements and characteristics set out in Annex II;
- (b) as concerns the View Services, the specific requirements and characteristics set out in Annex III.

*Article 4***Access to the Network Services**

1. Not later than 9 May 2011, Member States shall provide the Discovery and View Services with initial operating capability.

2. Not later than 9 November 2011, Member States shall provide the Discovery and View Services in conformity with this Regulation.

*Article 5***Entry into force**

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

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

Done at Brussels, 19 October 2009.

For the Commission

Stavros DIMAS

Member of the Commission

ANNEX I

QUALITY OF SERVICE

Third party Network Services linked pursuant to Article 12 of Directive 2007/2/EC shall not be taken into account in the quality of service appraisal to avoid the potential deterioration due to the cascading effects.

The following quality of service criteria relating to performance, capacity and availability shall be ensured.

1. PERFORMANCE

The response time for sending the initial response to a Discovery service request shall be maximum 3 seconds in normal situation.

For a 470 Kilobytes image (e.g. 800 × 600 pixels with a colour depth of 8 bits), the response time for sending the initial response to a Get Map Request to a view service shall be maximum 5 seconds in normal situation.

Normal situation represents periods out of peak load. It is set at 90 % of the time.

2. CAPACITY

The minimum number of served simultaneous requests to a discovery service according to the performance quality of service shall be 30 per second.

The minimum number of served simultaneous service requests to a view service according to the performance quality of service shall be 20 per second.

3. AVAILABILITY

The probability of a Network Service to be available shall be 99 % of the time.

ANNEX II

DISCOVERY SERVICES

PART A

Search criteria

In order to be in conformity with the minimum set of search criteria set out in Article 11(2) of Directive 2007/2/EC, the Discovery Service shall support searching with the INSPIRE metadata elements listed in Table 1 of this Annex.

Table 1

Minimum search criteria	INSPIRE metadata elements
Keywords	Keyword
Classification of spatial data and services (For spatial data sets and spatial data set series)	Topic category
Classification of spatial data and services (For spatial data services)	Spatial data service type
The quality and validity of spatial data sets	Lineage
The quality and validity of spatial data sets	Spatial resolution
Degree of conformity with the implementing rules provided for in Article 7(1) of Directive 2007/2/EC	Specification
Degree of conformity with the implementing rules provided for in Article 7(1) of Directive 2007/2/EC	Degree
Geographical location	Geographic bounding box
Conditions applying to the access to and use of spatial data sets and services	Conditions applying to access and use
Conditions applying to the access to and use of spatial data sets and services	Limitations on public access
The public authorities responsible for the establishment, management, maintenance and distribution of spatial data sets and services	Responsible party
The public authorities responsible for the establishment, management, maintenance and distribution of spatial data sets and services	Responsible party role

The following INSPIRE metadata elements or set of elements shall be also available as search criteria:

- (a) Resource Title;
- (b) Resource Abstract;
- (c) Resource type;
- (d) Unique Resource Identifier;
- (e) Temporal Reference.

To allow for discovering resources through a combination of search criteria, logical and comparison operators shall be supported.

To allow for discovering resources based on the geographic location of the resource, the spatial operator listed in Table 2 shall be supported.

Table 2

Operator Name	Property
Intersects	Requires the geographic bounding box INSPIRE metadata element to intersect a defined area of interest

PART B

Operations

1. LIST OF OPERATIONS

In order to be in conformity with Article 11(1) of Directive 2007/2/EC, the Discovery Service shall provide the operations listed in Table 3 of this Annex.

Table 3

Operation	Role
Get Discovery Service Metadata	Provides all necessary information about the service and describes service capabilities
Discover Metadata	The Discover Metadata operation allows requesting INSPIRE metadata elements of resources based on a query statement to be retrieved from the target Discovery Service

In order to be in conformity with Article 12 of Directive 2007/2/EC, the Discovery Service shall support the operations listed in Table 4 of this Annex.

Table 4

Operation	Role
Publish Metadata	The Publish Metadata operation allows editing INSPIRE metadata elements of resources in the Discovery Service (push or pull metadata mechanisms). Editing meaning insert, update and delete
Link Discovery Service	The Link Discovery Service function allows the declaration of the availability of a Discovery Service for the discovery of resources through the Member State Discovery Service while maintaining the resource metadata at the owner location

The request and response parameters of each operation complete the description of each operation and form an integral part of the Discovery Service technical specification.

2. GET DISCOVERY SERVICE METADATA OPERATION

2.1. **Get Discovery Service Metadata Request**2.1.1. *Get Discovery Service Metadata Request parameters*

The Get Discovery Service Metadata Request parameter indicates the natural language for the content of the Get Discovery Service Metadata Response

2.2. **Get Discovery Service Metadata Response**

The Get Discovery Service Metadata Response shall contain the following sets of parameters:

- Discovery Service Metadata,
- Operations Metadata,
- Languages.

2.2.1. *Discovery Service Metadata parameters*

The Discovery Service Metadata parameters shall at least contain the INSPIRE metadata elements of the Discovery Service.

2.2.2. *Operations Metadata parameters*

The Operations Metadata parameter provides metadata about the operations implemented by the Discovery Service. These metadata parameters shall describe each operation. It shall at least provide the following:

1. indicate for the Publish Metadata if the Pull Mechanism, the Push Mechanism or both are available;
2. describe each operation, including as a minimum a description of the data exchanged and the network address.

2.2.3. *Languages parameter*

Two language parameters shall be provided:

- the Response Language parameter indicating the natural language used in the Get Discovery Service Metadata Response parameters,
- the Supported Languages parameter containing the list of the natural languages supported by the Discovery Service.

3. DISCOVER METADATA OPERATION

3.1. **Discover Metadata Request**

This Discovery Metadata Request contains the following parameters:

- Language,
- Query.

3.1.1. *Language parameter*

The Language parameter indicates the natural language requested for the content of the Discover Metadata Response.

3.1.2. *Query parameter*

The Query parameter shall contain the combination of search criteria as specified in part A.

3.2. **Discover Metadata Response**

3.2.1. *Discover Metadata Response parameter*

The Discover Metadata Response parameter shall contain at least the INSPIRE metadata elements of each resource matching the query.

4. PUBLISH METADATA OPERATION

The Publish Metadata function enables the publication of the INSPIRE metadata elements of resources at the Discovery Service. Two alternatives are:

- Push Mechanism: allowing editing of the INSPIRE metadata elements of resources accessible from the Discovery Service,
- Pull Mechanism: allows the Member State Discovery Service to pull INSPIRE metadata elements of resources from a remote location.

At least one of the above alternatives shall be supported.

4.1. **Push Mechanism**

4.1.1. *Edit Metadata Request*

4.1.1.1. *Edit Metadata Request parameter*

The Edit Metadata Request parameter provides all information requested for INSPIRE metadata elements of resources to be inserted, updated or deleted at the Discovery Service.

4.2. **Pull Mechanism**

4.2.1. *Collect Metadata Request*

4.2.1.1. *Collect Metadata Request parameter*

The Collect Metadata Request parameter provides all information about the remote location required to retrieve the available metadata of resources. It shall include as a minimum the INSPIRE metadata elements of the dedicated spatial data service.

5. LINK DISCOVERY SERVICE OPERATION

The Link Discovery Service operation allows the declaration of the availability of a Discovery Service compliant with this Regulation, for the discovery of resources through the Member State Discovery Service while maintaining the resource metadata at the owner location.

5.1. **Link Discovery Service Request**

5.1.1. *Link Discovery Service Request parameter*

The Link Discovery Service Request parameter shall provide all information about the Public Authority's or Third Party's Discovery Service compliant with this Regulation, enabling the Member State Discovery Service to get resources metadata based on a combination of search criteria from the Public Authority's or Third Party's Discovery Service and to collate it with other resources metadata.

ANNEX III

VIEW SERVICES

PART A

Operations

1. LIST OF OPERATIONS

In order to be in conformity with Article 11(1) of Directive 2007/2/EC, the View Service shall provide the operations listed in Table 1 of this Annex.

Table 1

Operation	Role
Get View Service Metadata	Provides all necessary information about the service and describes service capabilities
Get Map	Returns a map containing the geographic and thematic information coming from the available spatial datasets. This map is an image spatially referenced

In order to be in conformity with Article 12 of Directive 2007/2/EC, the view Service shall support the operations listed in Table 2 of this Annex.

Table 2

Operation	Role
Link View Service	Allows a Public Authority or a Third Party to declare a view Service for the viewing of its resources through the Member State View Service while maintaining the viewing capability at the Public Authority or the Third party location

The request and response parameters of each operation complete the description of each operation and form an integral part of the View Service technical specification.

2. GET VIEW SERVICE METADATA OPERATION

2.1. **Get View Service Metadata Request**2.1.1. *Get View Service Metadata Request parameters*

The Get View Service Metadata Request parameter indicates the natural language requested for the content of the Get View Service Metadata Response.

2.2. **Get View Service Metadata Response parameters**

The Get View Service Metadata Response shall contain the following set of parameters:

— View Service Metadata,

— Operations Metadata,

— Languages,

— Layers Metadata.

2.2.1. *View Service Metadata parameters*

The View Service Metadata parameters shall at least contain the INSPIRE metadata elements of the View Service.

2.2.2. Operations Metadata parameters

The Operation Metadata parameter describes the operations of the View Service and shall contain as a minimum a description of the data exchanged and the network address of each operation.

2.2.3. Languages parameters

Two language parameters shall be provided:

- the Response Language parameter indicating the natural language used in the Get Service Metadata Response parameters,
- the Supported Languages parameter containing the list of the natural languages supported by this view service.

2.2.4. Layers Metadata parameters

The metadata elements listed in Table 3 shall be provided for each layer.

Table 3

Metadata elements	Description
Resource Title	The title of the layer, used for human communication, for presentation of the layer, e.g. in a menu
Resource Abstract	Layer abstract
Keyword	Additional keywords
Geographic Bounding Box	The minimum bounding rectangle in all supported Coordinate Reference Systems of the area covered by the layer
Unique Resource Identifier	The Unique Resource Identifier of the resource used to create the layer

The layer specific parameters listed in Table 4 shall be provided for each layer.

Table 4

Parameter	Description
Name	Harmonised name of the layer
Coordinate Reference Systems	List of Coordinate Reference Systems in which the layer is available
Styles	List of the rendering styles available for the layer. A style shall be composed of a title and a unique identifier
Legend URL	Location of the legend for each style, language and dimension pairs
Dimension Pairs	Indicates the supported two dimensional axis pairs for multi-dimensional spatial data sets and spatial data sets series

3. GET MAP OPERATION

3.1. Get Map Request

3.1.1. Get Map Request parameters

The Get Map Request parameters listed in Table 5 shall be provided

Table 5

Parameter	Description
Layers	List of layer names to be included in the map
Styles	List of style to be used for each layer
Coordinate Reference System	Coordinate Reference System of the map
Bounding box	The 4 corner Coordinate of the two dimensional map for the selected Dimension pair and in the selected Coordinate Reference System
Image width	The map width in pixels
Image height	The map height in pixels
Image format	The output image format
Language	language to be used for the response
Dimension pair	The two dimensional axis to be used for the map. For example, a geographical dimension and time

4. LINK VIEW SERVICE OPERATION

4.1. **Link View Service Request**

4.1.1. *Link View Service Request parameter*

The Link View Service parameter shall provide all information about the Public Authority's or Third Party's View Service compliant with this regulation, enabling the Member State View Service to get a map from the Public Authority's or Third Party's View Service and to collate it with other maps.

PART B

Other characteristics

The View Service shall have the following characteristics.

1. Coordinate Reference Systems

The layers shall be simultaneously viewed using a single coordinate reference system and the View Service shall support at least the Coordinate Reference Systems in Annex I, point 1 of Directive 2007/2/EC.

2. Image Format

The View Service shall support at least one of the following image formats:

- the Portable Network Graphics (PNG) format,
- the Graphics Interchange Format (GIF), without compression.

COMMISSION REGULATION (EC) No 977/2009**of 19 October 2009****approving minor amendments to the specification of a name registered in the register of traditional specialities guaranteed (Boerenkaas (TSG))**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 509/2006 of 20 March 2006 on agricultural products and foodstuffs as traditional specialities guaranteed ⁽¹⁾, and in particular the first subparagraph of Article 9(4) thereof,

Whereas:

- (1) By virtue of the first subparagraph of Article 11(1) of Regulation (EC) No 509/2006, the Commission has examined the Netherlands' application for approval of an amendment to the specification of the traditional speciality guaranteed 'Boerenkaas', registered by Commission Regulation (EC) No 149/2007 ⁽²⁾.
- (2) The purpose of the application is to amend the specification so that when the production is seasonal, the checks are carried out once every six to eight weeks during the production period. Where annual 'Boerenkaas' production in an undertaking is below 25 000 kilograms, the checks are carried out twice a year. These changes are

proposed to prevent the small undertakings being faced with high control costs.

- (3) The Commission has examined the amendment in question and decided that it is justified. Since the amendment is minor within the meaning of the fourth subparagraph of Article 11(1) of Regulation (EC) No 509/2006, the Commission may approve it without recourse to the procedure in Article 8(2) and Article 9,

HAS ADOPTED THIS REGULATION:

Article 1

The specification of the traditional speciality guaranteed 'Boerenkaas' is hereby amended in accordance with Annex I to this Regulation.

Article 2

An updated specification is given in Annex II to this Regulation.

Article 3

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, 19 October 2009.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 93, 31.3.2006, p. 1.
⁽²⁾ OJ L 46, 16.2.2007, p. 18.

ANNEX I

The specification for traditional speciality guaranteed 'Boerenkaas' is amended as follows:

The following sentences are added to point 3.9 of the specification concerning minimum requirements and procedures to check the specific character:

'Where "Boerenkaas" cheese production is seasonal, the checks are carried out once every six to eight weeks during the production period. Where annual "Boerenkaas" production in an undertaking is below 25 000 kilograms, the checks are carried out twice a year.'

ANNEX II

3. Updated product specification3.1. *Name(s) to be registered (Article 2 of Regulation (EC) No 1216/2007)*

“Boerenkaas” (in Dutch only)

3.2. *Whether the name is*

Specific in itself

Expresses the specific character of the agricultural product or foodstuff

The name “Boerenkaas” is specifically linked to a product traditionally made on the farm from raw milk obtained mainly from the farm's own herd. “Boeren” means farmers, so Boerenkaas is cheese made by farmers on the farm.

3.3. *Whether reservation of the name is sought under Article 13(2) of Regulation (EC) No 509/2006*

Registration with reservation of the name

Registration without reservation of the name

3.4. *Type of product [as in Annex II]*

Class 1.3. Cheese

3.5. *Description of the agricultural product or foodstuff to which the name under point 3.1 applies (Article 3(1) of Regulation (EC) No 1216/2007)*

“Boerenkaas” is a (semi-)hard cheese made from raw milk from cattle, goats, sheep or buffalo. The fat content of “Boerenkaas” varies depending on the fat content of the milk used.

The cheese may contain cumin or other seeds, herbs and/or spices. The older the cheese becomes and the longer it ripens, the firmer and drier it becomes, thus producing hard cheese.

Examples of names of products are “Goudse Boerenkaas”, “Goudse Boerenkaas met kruiden”, “Edammer Boerenkaas”, “Leidse Boerenkaas”, “Boerenkaas van geitenmelk” and “Boerenkaas van schapenmelk”.

3.6. *Description of the production method of the agricultural product or foodstuff to which the name under point 3.1 applies (Article 3(2) of Regulation (EC) No 1216/2007)*

The raw material used may be:

(a) raw milk;

(b) cream or fully or partially skimmed milk obtained directly from the milk referred to in point (a);

(c) water.

The milk used must not have undergone heat treatment above 40 °C; the phosphatase activity must be compatible with that of the raw milk used.

The milk must be processed into cheese within 40 hours of milking.

Auxiliary materials and additives:

(a) cultures of microorganisms forming lactic acid, propionic acid and aromas (not genetically modified);

(b) rennet (within the meaning of Article 5(a) of the Dairy Products (Commodities Act) Decree);

(c) calcium chloride;

(d) sodium nitrate;

(e) seeds, herbs and/or spices;

(f) sodium chloride (through soaking in brine).

Manufacturing process

- The raw milk is curdled at a temperature of approximately 30 °C within 40 hours of milking.
- A mixed strain culture of lactic acid bacteria brings about acidification.
- After cutting, stirring and draining off part of the whey, the whey and curd mixture is washed once or twice with hot water, raising the temperature of the mixture to no more than 37 °C.
- After processing, the curd is placed in cheese moulds.
- Before or during pressing a casein mark is put on the cheese bearing the name “Boerenkaas”, and possibly also the name of the type of milk.
- After pressing and acidification over a number of hours, the cheese is soaked in a brine solution of 18 to 22 % common salt (sodium chloride).
- The minimum ripening period on the farm is 13 days after the day on which processing began at a temperature of at least 12 °C.
- To obtain its fully characteristic flavour, “Boerenkaas” is left to ripen further in the ripening room on the farm or on the cheese merchant’s premises. The length of the ripening process varies from a few weeks to over a year.

3.7. Specific character of the agricultural product or foodstuff (Article 3(3) of Regulation (EC) No 1216/2007)

“Boerenkaas” is a cheese made on the farm from raw milk from cattle, goats, sheep or buffalo. At least half of the milk must come from the farm’s own herd. Milk may be bought in from no more than two other dairy farms, but the total quantity bought in may not be greater than the farm’s own production.

Summary of characteristic properties and composition of “Boerenkaas”

Properties	“Goudse Boerenkaas”	“Leidse Boerenkaas”	“Edammer Boerenkaas”	“Boerenkaas (van geitenmelk)”, “Boerenkaas (van schapenmelk)”, “Boerenkaas (van buffelmelk)”
Raw material	cow’s milk	cow’s milk	cow’s milk	goat’s milk, sheep’s milk, buffalo milk
Shape	Gouda-shaped (flat cylinder with rounded edges)	Leiden-shaped (flat cylinder with sharp edges)	ball- or loaf-shaped	
Rind	white to yellow rind, if required with cheese coating	red rind, if required with cheese coating	white to yellow rind, if required with cheese coating	white to yellow rind, if required with cheese coating
Texture	firm to soft and malleable	firm to hard, sliceable	soft to firm or hard, sliceable	firm to soft and malleable
Hole formation	regular throughout the cheese, hole diameter from 2 to approx. 15 mm; no cracks (longer than 1 cm)	limited number of small holes created during production, regular throughout the cheese, hole diameter from 1 to 3 mm; no cracks	limited number of holes, regular throughout the cheese, hole diameter from 2 to approx. 8 mm; no cracks	holes spread evenly throughout, distributed or closed body
pH	after 12 days between 5,20 and 5,40	after 12 days between 5,20 and 5,30	after 12 days between 5,20 and 5,30	after 12 days between 5,10 and 5,30

Properties	"Goudse Boerenkaas"	"Leidse Boerenkaas"	"Edammer Boerenkaas"	"Boerenkaas (van geitenmelk)", "Boerenkaas (van schapenmelk)", "Boerenkaas (van buffelmelk)"
Fat content in dry matter (%)	full fat, at least 48 %	30 % +, fat content in dry matter more than 30 % but less than 35 %; or 35 % +, fat content in dry matter more than 35 % but less than 40 %	40 % +, fat content in dry matter more than 40 % but less than 45 %	at least 45 % +
Max. moisture content	42,5 % (12 days after manufacture)	45 % (12 days after manufacture)	47 % (12 days after manufacture)	46 % (12 days after manufacture)
Salt content (%)	0,4 % to a maximum of 4 % salt in the dry cheese	0,4 % to a maximum of 4 % salt in the dry cheese	0,4 % to a maximum of 5 % salt in the dry cheese	0,4 % to a maximum of 4 % salt in the dry cheese
Added ingredients	possibly cumin, seeds, herbs and/or spices	cumin	possibly cumin	possibly seeds, herbs and/or spices
Minimum length of ripening	13 days after first day of manufacture	13 days after first day of manufacture	13 days after first day of manufacture	13 days after first day of manufacture
Minimum ripening temperature	12 °C	12 °C	12 °C	12 °C
Phosphatase activity	normal level for raw milk	normal level for raw milk	normal level for raw milk	normal level for raw milk

3.8. Traditional character of the agricultural product or foodstuff (Article 3(4) of Regulation (EC) No 1216/2007)

The name "Boerenkaas" is specifically linked to a product traditionally made on the farm from raw milk obtained mainly from the farm's own herd.

Up to 1874 all milk was processed on the farm. After that, milk gradually began to be processed industrially. Milk used in cheese-making began to be pasteurised in the first few years of the 20th century. Pasteurisation meant that the character of dairy-made cheese was lost. On the farm, the traditional method of processing raw milk continued.

As a result of enzymes naturally present in milk, i.e. milk lipase, and the presence of a bacteria flora that enters the milk during and after milking, the cheese made from this raw milk has more taste, described as fuller, stronger and tangier. For many consumers, this is what distinguishes the taste of "Boerenkaas" from "industrially made" cheese. The taste becomes stronger as ripening progresses.

In 1982 new rules were laid down by the Decision and Decree on Cheese Products on the basis of the Agricultural Quality Act. These rules cover cheese quality, the origin of the milk and the method of production. The related national mark guarantees that "Boerenkaas" is a farm product, and is made from raw milk which is kept for only a short time and comes mainly from the farm's own herd.

This legislation also introduces the possibility of using milk from goats, sheep and buffalo in addition to cow's milk. It also opens up the possibility of making cheese from raw milk with a lower fat content.

The foregoing clearly illustrates the specific character of the raw materials used and of the method of production.

3.9. *Minimum requirements and procedures to check the specific character (Article 4 of Regulation (EC) No 1216/2007)*

The requirements of this specification, as described in section 3.6 (Description of the production method of the agricultural product or foodstuff to which the name under point 3.1 applies) and the table in section 3.7 (Character of the agricultural product or foodstuff (Article 3(3) of Regulation (EC) No 1216/2007)), apply to "Boerenkaas" as a traditional speciality guaranteed under Regulation (EC) No 509/2006.

Every six to eight weeks each farm is inspected to ensure that fresh raw milk (not more than 40 hours old) is used in cheese-making and to check on use of the casein mark. Once a year administrative checks are performed to verify from which farms the milk used comes. Checks for compliance with the composition requirements cover the fat content in dry matter, moisture content and salt content in dry matter. These parameters are checked at the same time once every six to eight weeks (*).

In addition, the inspection procedure is designed to check for compliance with the other characteristic properties of the various types of "Boerenkaas" given in the table in section 3.7. These checks on characteristic properties are carried out visually, also at the same time once every six to eight weeks.

(*) Where "Boerenkaas" cheese production is seasonal, the checks are carried out once every six to eight weeks during the production period. Where annual "Boerenkaas" production in an undertaking is below 25 000 kilograms, the checks are carried out twice a year.

DIRECTIVES

DIRECTIVE 2009/114/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 16 September 2009

amending Council Directive 87/372/EEC on the frequency bands to be reserved for the coordinated introduction of public pan-European cellular digital land-based mobile communications in the Community

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

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

Having consulted the Committee of the Regions,

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

Whereas:

(1) Council Directive 87/372/EEC ⁽³⁾, complemented by Council Recommendation of 25 June 1987 on the coordinated introduction of public pan-European cellular digital land-based mobile communications in the Community ⁽⁴⁾ and by Council Resolution of 14 December 1990 on the final stage of the coordinated introduction of pan-European land-based public digital

mobile cellular communications in the Community (GSM) ⁽⁵⁾, recognised the need to use the resources offered by modern telecommunications networks to the full, in particular mobile radio, in the interests of the economic development of the Community. The unique opportunity offered by the move to the second generation cellular digital mobile communications system in order to establish truly pan-European mobile communications has also been recognised.

(2) The 890-915 MHz and 935-960 MHz frequency bands were reserved for a public pan-European cellular digital mobile communications service to be provided in each Member State in accordance with a common specification, known as GSM. Subsequently the so-called extension band (880-890 MHz and 925-935 MHz) became available for GSM operation, and together these frequency bands are known as the 900 MHz band.

(3) Since 1987, new digital radio technologies capable of providing innovative pan-European electronic communications have been developed, which can coexist with GSM in the 900 MHz band in a more technologically neutral regulatory context than before. The 900 MHz band has good propagation characteristics, covering greater distances than higher frequency bands and allowing modern voice, data and multimedia services to be extended to less populated and rural areas.

(4) In order to contribute to the objectives of the internal market and of the Commission Communication of 1 June 2005 entitled 'i2010 initiative — A European Information Society for growth and employment', while maintaining the availability of GSM for users throughout Europe, and to maximise competition by offering users a wide choice of services and technologies, the use of the 900 MHz band should be available to other technologies for the provision of additional compatible and advanced pan-European services that would coexist with GSM.

⁽¹⁾ Opinion of 25 February 2009 (not yet published in the Official Journal).

⁽²⁾ Opinion of the European Parliament of 6 May 2009 (not yet published in the Official Journal) and Council Decision of 27 July 2009.

⁽³⁾ OJ L 196, 17.7.1987, p. 85.

⁽⁴⁾ OJ L 196, 17.7.1987, p. 81.

⁽⁵⁾ OJ C 329, 31.12.1990, p. 25.

- (5) The future use of the 900 MHz band and in particular the question of how long GSM will remain the reference technology for technical coexistence in this band is a question of strategic importance for the internal market. It should be examined together with other issues concerning the Community's wireless access policy in the future radio spectrum policy programmes, to be adopted in accordance with Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive) ⁽¹⁾. Those programmes will set out the policy orientations and objectives for the strategic planning of the use of radio spectrum, in close cooperation with the Radio Spectrum Policy Group (RSPG) established by Commission Decision 2002/622/EC ⁽²⁾.
- (6) The liberalisation of the use of the 900 MHz band could possibly result in competitive distortions. In particular, where certain mobile operators have not been assigned spectrum in the 900 MHz band, they could be put at a disadvantage in terms of cost and efficiency in comparison with operators that will be able to provide 3G services in that band. Under the regulatory framework on electronic communications, and in particular Directive 2002/20/EC of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services (Authorisation Directive) ⁽³⁾, Member States can amend and/or review rights of use of spectrum and thus have the tools to deal, where required, with such possible distortions.
- (7) Within six months of the entry into force of this Directive, Member States should transpose Directive 87/372/EEC as amended. While this does not in itself require Member States to modify existing rights of use or to initiate an authorisation procedure, Member States must comply with the requirements of Directive 2002/20/EC once the 900 MHz band has been made available in accordance with this Directive. In doing so, they should in particular examine whether the implementation of this Directive could distort competition in the mobile markets concerned. If they conclude that this is the case, they should consider whether it is objectively justified and proportionate to amend the rights of use of those operators that were granted rights of use of 900 MHz frequencies and, where proportionate, to review these rights of use and to redistribute such rights in order to address such distortions. Any decision to take such a course of action should be preceded by a public consultation.
- (8) Any spectrum made available under this Directive should be allocated in a transparent manner and in such a way as to ensure no distortion of competition in the relevant markets.
- (9) In order for other systems to coexist with GSM systems in the same band, harmful interference should be avoided by applying technical usage conditions applicable to technologies other than GSM using the 900 MHz band.
- (10) Decision No 676/2002/EC of the European Parliament and of the Council of 7 March 2002 on a regulatory framework for radio spectrum policy in the European Community (Radio Spectrum Decision) ⁽⁴⁾ allows the Commission to adopt technical implementing measures to ensure harmonised conditions for the availability and efficient use of radio spectrum.
- (11) As requested by the Commission, the European Conference of Postal and Telecommunications Administrations (CEPT) has produced technical reports demonstrating that UMTS systems (Universal Mobile Telecommunications System) could coexist with GSM systems in the 900 MHz band. The 900 MHz band should therefore be opened to UMTS, a system that can coexist with GSM systems, as well as to other systems as soon as it can be demonstrated that they can coexist with GSM systems in accordance with the procedure laid down in the Radio Spectrum Decision for the adoption of harmonised conditions for the availability and efficient use of radio spectrum. Where a Member State decides to assign rights of use for systems using the UMTS 900 specification, the application of the Radio Spectrum Decision, and the provisions of Directive 2002/21/EC, will ensure that such systems are protected from harmful interference from other systems in operation.
- (12) Appropriate protection should be ensured between users of the bands covered by this Directive and for existing users in adjacent bands. Furthermore, prospective systems for aviation communications above 960 MHz, which help fulfil Community policy objectives in this sector, should be taken into account. CEPT has produced technical advice in this respect.
- (13) Flexibility in spectrum management and access to spectrum should be increased in order to contribute to the objectives of the internal market in electronic communications. The 900 MHz band should therefore be open to other systems for the provision of other pan-European services as soon as it can be demonstrated that those systems can coexist with GSM systems.

⁽¹⁾ OJ L 108, 24.4.2002, p. 33.

⁽²⁾ OJ L 198, 27.7.2002, p. 49.

⁽³⁾ OJ L 108, 24.4.2002, p. 21.

⁽⁴⁾ OJ L 108, 24.4.2002, p. 1.

- (14) In order to allow new digital technologies to be deployed in the 900 MHz band in coexistence with GSM systems, Directive 87/372/EEC should be amended and the exclusive reservation of this band for GSM should be removed,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Amendments to Directive 87/372/EEC

Directive 87/372/EEC is hereby amended as follows:

1. Article 1 shall be replaced by the following:

'Article 1

1. Member States shall make the 880-915 MHz and 925-960 MHz frequency bands (the 900 MHz band) available for GSM and UMTS systems, as well as for other terrestrial systems capable of providing electronic communications services that can coexist with GSM systems, in accordance with technical implementing measures adopted pursuant to Decision No 676/2002/EC of the European Parliament and of the Council of 7 March 2002 on a regulatory framework for radio spectrum policy in the European Community (Radio Spectrum Decision) (*);

2. Member States shall, when implementing this Directive, examine whether the existing assignment of the 900 MHz band to the competing mobile operators in their territory is likely to distort competition in the mobile markets concerned and, where justified and proportionate, they shall address such distortions in accordance with Article 14 of Directive 2002/20/EC of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services (Authorisation Directive) (**).

(*) OJ L 108, 24.4.2002, p. 1.

(**) OJ L 108, 24.4.2002, p. 21.;

2. Article 2 shall be replaced by the following:

'Article 2

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

- (a) "GSM system" shall mean an electronic communications network that complies with the GSM standards, as

published by ETSI, in particular EN 301 502 and EN 301 511;

- (b) "UMTS system" shall mean an electronic communications network that complies with the UMTS standards as published by ETSI, in particular EN 301 908-1, EN 301 908-2, EN 301 908-3 and EN 301 908-11.;

3. Article 3 shall be replaced by the following:

'Article 3

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 9 May 2010. They shall forthwith communicate to the Commission the text of those measures and a correlation table between those measures and this Directive.

When Member States adopt those 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.;

4. Article 4 shall be deleted.

Article 2

Entry into force

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

Article 3

Addressees

This Directive is addressed to the Member States.

Done at Strasbourg, 16 September 2009.

For the European Parliament
The President
J. BUZEK

For the Council
The President
C. MALMSTRÖM

II

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

DECISIONS

EUROPEAN PARLIAMENT AND COUNCIL

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 16 September 2009

on the mobilisation of the European Globalisation Adjustment Fund, in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management

(2009/764/EC)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management ⁽¹⁾, and in particular point 28 thereof,

Having regard to Regulation (EC) No 1927/2006 of the European Parliament and of the Council of 20 December 2006 establishing the European Globalisation Adjustment Fund ⁽²⁾, and in particular Article 12(3) thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) The European Globalisation Adjustment Fund (EGF) was established to provide additional support to redundant workers who suffer from the consequences of major structural changes in world trade patterns and to assist them with their reintegration into the labour market.

(2) The Interinstitutional Agreement of 17 May 2006 allows the mobilisation of the Fund within the annual ceiling of EUR 500 million.

(3) Spain submitted an application to mobilise the EGF, in respect of redundancies in the textiles sector, on 29 December 2008. This application complies with the requirements for determining the financial contributions as laid down in Article 10 of Regulation (EC) No 1927/2006, therefore the Commission proposes to deploy an amount of EUR 3 306 750.

(4) Portugal submitted an application to mobilise the EGF, in respect of redundancies in the textiles sector, on 23 January 2009. This application complies with the requirements for determining the financial contributions as laid down in Article 10 of Regulation (EC) No 1927/2006, therefore the Commission proposes to deploy an amount of EUR 832 800.

(5) The EGF should, therefore, be mobilised in order to provide a financial contribution for the applications submitted by Spain and Portugal,

HAVE DECIDED AS FOLLOWS:

Article 1

For the general budget of the European Union for the financial year 2009, the European Globalisation Adjustment Fund shall be mobilised to provide the sum of EUR 4 139 550 in commitment and payment appropriations.

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

⁽²⁾ OJ L 406, 30.12.2006, p. 1.

Article 2

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

Done at Strasbourg, 16 September 2009.

For the European Parliament
The President
J. BUZEK

For the Council
The President
C. MALMSTRÖM

COMMISSION

COMMISSION DECISION

of 15 October 2009

concerning a request for exemption from the vehicle tax rules submitted by France pursuant to Article 6(2)(b) of Directive 1999/62/EC of the European Parliament and of the Council on the charging of heavy goods vehicles for the use of certain infrastructures

(notified under document C(2009) 7761)

(Only the French text is authentic)

(Text with EEA relevance)

(2009/765/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 1999/62/EC of the European Parliament and of the Council of 17 June 1999 on the charging of heavy goods vehicles for the use of certain infrastructures ⁽¹⁾, and in particular Article 6 thereof,

Whereas:

(1) According to Article 6(2)(b) of Directive 1999/62/EC, Member States may apply reduced rates or exemptions for vehicles which travel only occasionally on the public roads of the Member State of registration and are used by natural or legal persons whose main occupation is not the carriage of goods, provided that the transport operations carried out by these vehicles do not cause distortions of competition. This reduction or exemption is subject to the Commission's agreement.

(2) France has requested the Commission to renew until 31 December 2014 its agreement on the exemption provided in Commission Decision 2005/449/EC ⁽²⁾ from the vehicle tax according to Directive 1999/62/EC for vehicles of 12 tonnes or more, which are used exclusively in connection with public and industrial works in France.

(3) The conditions foreseen by Article 6(2)(b) of Directive 1999/62/EC are fulfilled, as these vehicles do not permanently use public roads, are not used to carry

goods and furthermore as exempting these vehicles from vehicle tax does not cause a distortion of competition because they cannot be used for carriage of any goods other than those permanently installed at the vehicle and used for their own activity.

(4) In order to enable the Commission to review the exemption from the vehicle tax rules, the agreement should be given for a limited time.

(5) The exemption requested by France should therefore be approved,

HAS ADOPTED THIS DECISION:

Article 1

The Commission hereby gives its agreement to exempt until 31 December 2014 from vehicle tax in accordance with Article 6(2)(b) of Directive 1999/62/EC the following vehicles of 12 tonnes or more, which are used exclusively for the carriage of permanently installed equipment for public and industrial works in France:

1. self-propelled lifting and handling gear (cranes mounted on road chassis);
2. mobile pumps or pumping stations permanently mounted on road chassis;
3. mobile motor compressor sets permanently mounted on road chassis;
4. concrete mixers and pumps permanently mounted on road chassis (except drum vehicles for transporting concrete);

⁽¹⁾ OJ L 187, 20.7.1999, p. 42.

⁽²⁾ OJ L 158, 21.6.2005, p. 23.

5. mobile generating sets permanently mounted on road chassis;
6. mobile drilling machines permanently mounted on road chassis.

Article 2

This Decision is addressed to the French Republic.

Done at Brussels, 15 October 2009.

For the Commission
Antonio TAJANI
Vice-President

COMMISSION DECISION

of 16 October 2009

on the harmonisation of the 900 MHz and 1 800 MHz frequency bands for terrestrial systems capable of providing pan-European electronic communications services in the Community

(notified under document C(2009) 7801)

(Text with EEA relevance)

(2009/766/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Decision No 676/2002/EC of the European Parliament and of the Council of 7 March 2002 on a regulatory framework for radio spectrum policy in the European Community (Radio Spectrum Decision)⁽¹⁾, and in particular Article 4(3) thereof,

Whereas:

(1) The 890-915 and 935-960 MHz frequency bands were reserved and were to be occupied for the public pan-European cellular digital mobile communications service, as provided in each of the Member States to a common specification, identified by Council Directive 87/372/EEC of 25 June 1987 on the frequency bands to be reserved for the coordinated introduction of public pan-European cellular digital land-based mobile communications in the Community⁽²⁾, and complemented by Council Recommendation of 25 June 1987 on the coordinated introduction of public pan-European cellular digital land-based mobile communications in the Community⁽³⁾ and by Council Resolution of 14 December 1990 on the final stage of the coordinated introduction of pan-European land-based public digital mobile cellular communications in the Community (GSM)⁽⁴⁾.

(2) Directive 2009/114/EC of the European Parliament and of the Council⁽⁵⁾ amends Directive 87/372/EEC and opens the 880-915 MHz and 925-960 MHz frequency bands (the 900 MHz band) to the Universal Mobile Telecommunications System (UMTS) and to other terrestrial systems capable of providing electronic communications services that can coexist with the Global System for Mobile communications (GSM), in accordance with

technical implementing measures adopted pursuant to Decision No 676/2002/EC (hereinafter the Radio Spectrum Decision). Technical measures should therefore be adopted to allow the coexistence of GSM and other systems in the 900 MHz band.

(3) The 1 710-1 785 MHz and 1 805-1 880 MHz frequency bands (the 1 800 MHz band) have become available for GSM operation and are currently used by GSM systems across Europe. The 1 800 MHz band should also be opened under the same conditions as the 900 MHz band to other terrestrial systems capable of providing electronic communications services that can coexist with GSM systems.

(4) The current use of GSM in the 1 800 MHz band should be protected throughout the Community as long as there is reasonable demand for the service, in line with the approach taken to protect the use of GSM in the 900 MHz band by Directive 87/372/EEC.

(5) Pursuant to Article 4(2) of the Radio Spectrum Decision, the Commission issued a mandate on 5 July 2006 to the European Conference of Postal and Telecommunications Administrations (hereinafter the CEPT) to develop least restrictive technical conditions for frequency bands addressed in the context of WAPECS (wireless access policy for electronic communications services), which include the 900 MHz and 1 800 MHz bands.

(6) Technological neutrality and service neutrality are policy goals that have been supported by the Member States in the Radio Spectrum Policy Group (hereinafter the RSPG) Opinion on WAPECS of 23 November 2005 to achieve more flexible use of spectrum. The RSPG Opinion on WAPECS considers that these policy goals should be introduced gradually rather than suddenly so as to avoid any disruption of the market. The Commission set out its views on the more flexible use of spectrum in its Communication on 'Rapid access to spectrum for wireless electronic communications services through more flexibility'⁽⁶⁾, which, *inter alia*, stresses the need for a consistent and proportionate solution regarding the second and third generation mobile bands in the context of introducing flexible spectrum use for electronic communications services.

⁽¹⁾ OJ L 108, 24.4.2002, p. 1.

⁽²⁾ OJ L 196, 17.7.1987, p. 85.

⁽³⁾ OJ L 196, 17.7.1987, p. 81.

⁽⁴⁾ OJ C 329, 31.12.1990, p. 25.

⁽⁵⁾ See page 25 of this Official Journal.

⁽⁶⁾ COM(2007) 50.

- (7) In line with the approach taken to the opening of the 900 MHz band by Directive 87/372/EEC, the 1 800 MHz band currently used for GSM should therefore also be designated for GSM and for other terrestrial systems capable of providing electronic communications services which can coexist with GSM systems, and Member States should take whatever measures are necessary to protect the continued operation of GSM systems from harmful interference.
- (8) Any other system deployed in the 900 MHz and 1 800 MHz bands needs to ensure technical compatibility both with adjacent networks operated by other right holders in these bands and with the use of frequency bands adjacent to the 900 and 1 800 MHz bands.
- (9) For harmonisation measures pursuant to the Radio Spectrum Decision, technical compatibility is demonstrated by compatibility studies performed by the CEPT via a mandate from the Commission. These studies should help to define the technical conditions needed to ensure the coexistence of a growing number of terrestrial systems capable of providing electronic communications services. A list should be established of systems demonstrating such technical compatibility, which the Commission should amend, as appropriate, with the assistance of the Radio Spectrum Committee in line with the WAPECS principles, and thus increase the number of systems with harmonised access to the 900 and 1 800 MHz bands over time.
- (10) Working on the basis of technical investigations, in particular Reports 82 and 96 of the Electronic Communications Committee (ECC) of the CEPT, and on the response to the mandate of 5 July 2006 in CEPT Report 19, the CEPT has concluded that UMTS/900/1 800 networks can be deployed in urban, sub-urban and rural areas in coexistence with GSM/900/1 800 networks, using appropriate values for carrier separation.
- (11) The results of the mandate to the CEPT should be made applicable in the Community and implemented by the Member States without delay, given the market demand for the introduction of UMTS in these bands. In addition, Member States should ensure that UMTS gives appropriate protection to existing systems in adjacent bands.
- (12) To increase flexibility while at the same time preserving the necessary pan-European coverage by electronic communications services in harmonised bands, Member States should furthermore have the power to allow the introduction in the 900 and 1 800 MHz bands of other systems alongside GSM and other identified terrestrial systems capable of providing electronic communications services, provided that they ensure the coexistence of such terrestrial systems.
- (13) Radio spectrum technical management includes the harmonisation and allocation of radio spectrum. This harmonisation should reflect the requirements of general policy principles identified at Community level. However, radio spectrum technical management does not cover assignment and licensing procedures (including their timing), or any decision whether to use competitive selection procedures for the assignment of radio frequencies.
- (14) Differences in the existing national situations could result in distortion of competition. The existing regulatory framework gives Member States the tools they need to deal with these problems in a proportionate, non-discriminatory and objective manner, subject to Community law, including Directive 87/372/EEC, Directive 2002/20/EC of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services (Authorisation Directive) ⁽¹⁾ and Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive) ⁽²⁾.
- (15) The use of spectrum is subject to the requirements of Community law on public health protection, in particular Directive 2004/40/EC of the European Parliament and of the Council of 29 April 2004 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (electromagnetic fields) (18th individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) ⁽³⁾ and Council Recommendation 1999/519/EC of 12 July 1999 on the limitation of exposure of the general public to electromagnetic fields (0 Hz to 300 GHz) ⁽⁴⁾. Health protection for radio equipment is ensured by compliance of such equipment with the essential requirements of Directive 1999/5/EC of the European Parliament and of the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity ⁽⁵⁾.
- (16) In order to ensure effective use of the 900 MHz and 1 800 MHz bands also in the longer term, administrations should continue with studies to increase efficiency and innovative use. With a view to reviewing this Decision to cover additional technologies, these and other studies undertaken by the CEPT on the basis of further mandates could demonstrate that systems other than GSM and UMTS are capable of providing terrestrial electronic communications services with pan-European coverage and can ensure technical compatibility with GSM and UMTS by appropriate means.

⁽¹⁾ OJ L 108, 24.4.2002, p. 21.

⁽²⁾ OJ L 108, 24.4.2002, p. 33.

⁽³⁾ OJ L 159, 30.4.2004, p. 1.

⁽⁴⁾ OJ L 199, 30.7.1999, p. 59.

⁽⁵⁾ OJ L 91, 7.4.1999, p. 10.

(17) The measures provided for in this Decision are in accordance with the opinion of the Radio Spectrum Committee,

HAS ADOPTED THIS DECISION:

Article 1

This Decision aims to harmonise the technical conditions for the availability and efficient use of the 900 MHz band, in accordance with Directive 87/372/EEC, and of the 1 800 MHz band for terrestrial systems capable of providing electronic communications services.

Article 2

For the purposes of this Decision, the following definitions shall apply:

- (a) 'GSM system' means an electronic communications network that complies with the GSM Standards, as published by ETSI, in particular EN 301 502 and EN 301 511;
- (b) the '900 MHz band' means the 880-915 MHz and 925-960 MHz bands;
- (c) the '1 800 MHz band' means the 1 710-1 785 MHz and 1 805-1 880 MHz bands.

Article 3

The terrestrial systems capable of providing electronic communications services that can coexist with GSM systems in the 900 MHz band within the meaning of Article 1(1) of Directive 87/372/EEC are listed in the Annex. They shall be subject to the conditions and the implementation deadlines laid down therein.

Article 4

1. The 1 800 MHz band shall be designated and made available for GSM systems by 9 November 2009.

2. The 1 800 MHz band shall be designated and made available for those other terrestrial systems capable of providing electronic communications services that are listed in the Annex, subject to the conditions and implementation deadlines laid down therein.

Article 5

1. Member States may designate and make available the 900 MHz and 1 800 MHz bands for other terrestrial systems not listed in the Annex, provided that they ensure that:

- (a) such systems can coexist with GSM systems;
- (b) such systems can coexist with other systems listed in the Annex, both on their own territory and in neighbouring Member States.

2. Member States shall ensure that other systems referred to in Article 3 and Article 4(2) and paragraph 1 of this Article give appropriate protection to systems in adjacent bands.

Article 6

Member States shall keep the use of the 900 MHz and 1 800 MHz bands under review to ensure the efficient use thereof and in particular report to the Commission any need for a revision of the Annex.

Article 7

This Decision is addressed to the Member States.

Done at Brussels, 16 October 2009.

For the Commission

Viviane REDING

Member of the Commission

ANNEX

LIST OF TERRESTRIAL SYSTEMS REFERRED TO IN ARTICLE 3 AND ARTICLE 4(2)

The following technical parameters shall be applied as an essential component of conditions necessary to ensure coexistence in the absence of bilateral or multilateral agreements between neighbouring networks, without precluding less stringent technical parameters if agreed among the operators of such networks.

Systems	Technical parameters	Implementation deadlines
UMTS complying with UMTS Standards, as published by ETSI, in particular EN 301 908-1, EN 301 908-2, EN 301 908-3 and EN 301 908-11	<ol style="list-style-type: none">1. Carrier separation of 5 MHz or more between two neighbouring UMTS networks2. Carrier separation of 2,8 MHz or more between a neighbouring UMTS network and a GSM network	9 May 2010

COMMISSION DECISION

of 16 October 2009

setting out measures facilitating the use of procedures by electronic means through the 'points of single contact' under Directive 2006/123/EC of the European Parliament and of the Council on services in the internal market

(notified under document C(2009) 7806)

(Text with EEA relevance)

(2009/767/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market⁽¹⁾, and in particular Article 8(3) thereof,

Whereas:

- (1) The obligations of administrative simplification imposed on Member States in Chapter II of Directive 2006/123/EC, in particular Articles 5 and 8 thereof, include the obligation to simplify the procedures and formalities applicable to the access to and exercise of a service activity and the obligation to ensure that those procedures and formalities may be easily completed by service providers at a distance and by electronic means through the 'points of single contact'.
- (2) The completion of procedures and formalities through the 'points of single contact' must be possible across borders between Member States as set out in Article 8 of Directive 2006/123/EC.
- (3) To comply with the obligation to simplify procedures and formalities and to facilitate the cross-border use of the 'points of single contact', procedures by electronic means should rely on simple solutions, including as regards the use of electronic signatures. In cases where, after an appropriate risk assessment of concrete procedures and formalities, a high level of security or equivalence to a handwritten signature is deemed to be necessary, advanced electronic signatures based on a qualified certificate, with or without a secure signature creation device, could be required from service providers for certain procedures and formalities.

- (4) The Community framework for e-signatures was established in Directive 1999/93/EC of the European Parliament and of the Council of 13 December 1999 on a Community framework for electronic signatures⁽²⁾. In order to facilitate effective cross-border use of advanced electronic signatures based on a qualified certificate, trust in these electronic signatures should be enhanced irrespective of the Member State in which the signatory or the certification service provider issuing the qualified certificate is established. This could be achieved by making the information necessary to validate the electronic signatures more easily available in a trustworthy form, in particular information relating to certification service providers who are supervised/accredited in a Member State and to the services they offer.

- (5) It is necessary to ensure that Member States make this information publicly available through a common template in order to facilitate its use and ensure an appropriate level of detail allowing the receiving side to validate the electronic signature,

HAS ADOPTED THIS DECISION:

*Article 1***Use and acceptance of electronic signatures**

1. If justified on the basis of an appropriate assessment of the risks involved and in accordance with Article 5(1) and (3) of Directive 2006/123/EC, Member States may require, for the completion of certain procedures and formalities through the points of single contact under Article 8 of Directive 2006/123/EC, the use by the service provider of advanced electronic signatures based on a qualified certificate, with or without a secure-signature-creation device, as defined and governed by Directive 1999/93/EC.

2. Member States shall accept any advanced electronic signature based on a qualified certificate, with or without a secure-signature-creation device, for the completion of the procedures and formalities referred to in paragraph 1, without prejudice to the possibility for Member States to limit this acceptance to advanced electronic signatures based on a qualified certificate and created by a secure-signature-creation device if this is in accordance with the risk assessment referred to in paragraph 1.

⁽¹⁾ OJ L 376, 27.12.2006, p. 36.

⁽²⁾ OJ L 13, 19.1.2000, p. 12.

3. Member States shall not make the acceptance of advanced electronic signatures based on a qualified certificate, with or without a secure-signature-creation device, subject to requirements which create obstacles to the use, by service providers, of procedures by electronic means through the points of single contact.

4. Paragraph 2 does not prevent Member States from accepting electronic signatures other than advanced electronic signatures based on a qualified certificate, with or without a secure-signature-creation device.

Article 2

Establishment, maintenance and publication of trusted lists

1. Each Member State shall establish, maintain and publish, in accordance with the technical specifications set out in the Annex, a 'trusted list' containing the minimum information related to the certification service providers issuing qualified certificates to the public who are supervised/accredited by them.

2. Member States shall establish and publish, as a minimum, a human readable form of the trusted list in accordance with the specifications set out in the Annex.

3. Member States shall notify to the Commission the body responsible for the establishment, maintenance and publication of the trusted list, the location where the trusted list is published and any changes thereto.

Article 3

Application

This Decision shall apply from 28 December 2009.

Article 4

Addressees

This Decision is addressed to the Member States.

Done at Brussels, 16 October 2009.

For the Commission
Charlie McCREEVY
Member of the Commission

EUROPEAN CENTRAL BANK

DECISION OF THE EUROPEAN CENTRAL BANK

of 6 October 2009

amending Decision ECB/2007/7 concerning the terms and conditions of TARGET2-ECB

(ECB/2009/22)

(2009/768/EC)

THE EXECUTIVE BOARD OF THE EUROPEAN CENTRAL BANK,

other technical and editorial improvements and clarifications; and (d) to delete provisions relating to migration to TARGET2 which no longer apply,

Having regard to the Treaty establishing the European Community, and in particular to the first and fourth indents of Article 105(2) thereof,

HAS DECIDED AS FOLLOWS:

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular Article 11.6 and Articles 17, 22 and 23 thereof,

Article 1

Article 1(1)(c) of Decision ECB/2007/7 is replaced by the following:

Whereas:

'(c) supply settlement services to entities managing ancillary systems, including entities established outside the EEA, provided that they are subject to oversight by a competent authority, they comply with the oversight requirements for the location of infrastructures offering services in euro, as amended from time to time and published on the ECB website (*), and their access to TARGET2-ECB has been approved by the Governing Council.

(1) The European Central Bank (ECB) participates in TARGET2 in order to process its own payments and the payments of its customers in TARGET2, and to supply through TARGET2 settlement services to clearing and settlement organisations, including entities established outside the European Economic Area (EEA), provided that they are subject to oversight by a competent authority and their access to TARGET2-ECB has been approved by the Governing Council.

(*) The Eurosystem's current policy for the location of infrastructure is set out in the following statements, which are all available on the ECB website at www.ecb.europa.eu: (a) the "Policy statement on euro payment and settlement systems located outside the euro area" of 3 November 1998; (b) "The Eurosystem's policy line with regard to consolidation in central counterparty clearing" of 27 September 2001; (c) "The Eurosystem policy principles on the location and operation of infrastructures settling in euro-denominated payment transactions" of 19 July 2007; and (d) "The Eurosystem policy principles on the location and operation of infrastructures settling euro-denominated payment transactions: specification of "legally and operationally located in the euro area"" of 20 November 2008.'

(2) The Executive Board of the ECB adopted Decision ECB/2007/7 of 24 July 2007 concerning the terms and conditions of TARGET2-ECB ⁽¹⁾.

(3) Amendments should be made to Decision ECB/2007/7: (a) in view of the new release of the Single Shared Platform; (b) to clarify the specific oversight location principles that entities offering services in euro are required to comply with; (c) to reflect a number of

Article 2

The Annex to Decision ECB/2007/7 is amended in accordance with the Annex to this Decision.

⁽¹⁾ OJ L 237, 8.9.2007, p. 71.

*Article 3***Entry into force**

1. Article 1 of this Decision and paragraphs 1(a) and 2 of the Annex to this Decision shall enter into force on 23 October 2009.
2. The other provisions of this Decision shall enter into force on 23 November 2009.

Done at Frankfurt am Main, 6 October 2009.

The President of the ECB
Jean-Claude TRICHET

ANNEX

The Annex to Decision ECB/2007/7 is amended as follows:

(1) Article 1 is amended as follows:

(a) The definition of 'ancillary system' is replaced by the following:

— "ancillary system (AS)" means a system managed by an entity that is subject to supervision and/or oversight by a competent authority and complies with the oversight requirements for the location of infrastructures offering services in euro, as amended from time to time and published on the ECB website (*), in which payments and/or financial instruments are exchanged and/or cleared while the resulting monetary obligations are settled in TARGET2 in accordance with Guideline ECB/2007/2 and a bilateral arrangement between the ancillary system and the relevant CB.

(*) The Eurosystem's current policy for the location of infrastructure is set out in the following statements, which are all available on the ECB website at www.ecb.europa.eu: (a) the "Policy statement on euro payment and settlement systems located outside the euro area" of 3 November 1998; (b) "The Eurosystem's policy line with regard to consolidation in central counterparty clearing" of 27 September 2001; (c) "The Eurosystem policy principles on the location and operation of infrastructures settling in euro-denominated payment transactions" of 19 July 2007; and (d) "The Eurosystem policy principles on the location and operation of infrastructures settling euro-denominated payment transactions: specification of 'legally and operationally located in the euro area'" of 20 November 2008.'

(b) The definition of 'Banking Directive' is deleted.

(c) The definition of 'technical malfunction of TARGET2' is replaced by the following:

— "technical malfunction of TARGET2" means any difficulty, defect or failure in the technical infrastructure and/or the computer systems used by TARGET2-ECB, or any other event that makes it impossible to execute and complete the same-day processing of payments in TARGET2-ECB.'

(2) Article 4 is replaced by the following:

Article 4

Access criteria

Entities managing ancillary systems (including entities established outside the EEA) and acting in that capacity, whose access to TARGET2-ECB has been approved by the Governing Council, shall be the only entities that are eligible for participation in TARGET2-ECB.'

(3) Article 7 is amended as follows:

Paragraph 2 is replaced by the following:

'2. Unless otherwise requested by the participant, its BIC(s) shall be published in the TARGET2 directory.'

The following paragraph 5 is added:

'5. Participants acknowledge that the ECB and other CBs may publish participants' names and BICs.'

(4) Article 10(1) is replaced by the following:

'1. The ECB shall open and operate at least one PM account for each participant. Upon request by a participant acting as a settlement bank, the ECB shall open one or more sub-accounts in TARGET2-ECB to be used for dedicating liquidity.'

(5) The following Article 12(3) is inserted:

'3. The SSP determines the timestamp for the processing of payment orders on the basis of the time when it receives and accepts the payment order.'

(6) Article 13 is replaced by the following:

'Article 13

Priority rules

1. Instructing participants shall designate every payment order as one of the following:

- (a) normal payment order (priority class 2);
- (b) urgent payment order (priority class 1); or
- (c) highly urgent payment order (priority class 0).

If a payment order does not indicate the priority, it shall be treated as a normal payment order.

2. Highly urgent payment orders may only be designated by:

- (a) CBs; and
- (b) participants, in cases of payments to and from CLS International Bank and liquidity transfers in relation to ancillary system settlement using the Ancillary System Interface.

All payment instructions submitted by an ancillary system through the Ancillary System Interface to debit or credit the participants' PM accounts shall be deemed to be highly urgent payment orders.

3. Liquidity transfer orders initiated via the ICM are urgent payment orders.

4. In the case of urgent and normal payment orders, the payer may change the priority via the ICM with immediate effect. It shall not be possible to change the priority of a highly urgent payment order.'

(7) Article 15(4) is replaced by the following:

'4. After receipt of the reservation request the ECB shall check whether the amount of liquidity on the participant's PM account is sufficient for the reservation. If this is not the case, only the liquidity available on the PM account shall be reserved. The rest of the requested liquidity shall be reserved if additional liquidity becomes available.'

(8) The following Article 15a is inserted:

'Article 15a

Standing instructions for liquidity reservation and dedication of liquidity

1. Participants may predefine the default amount of liquidity reserved for highly urgent or urgent payment orders via the ICM. Such standing instruction or a change to such instruction shall take effect from the next business day.

2. Participants may predefine via the ICM the default amount of liquidity set aside for ancillary system settlement. Such standing instruction or a change to such instruction shall take effect from the next business day. Participants shall be deemed to have instructed the ECB to dedicate liquidity on their behalf if the relevant ancillary system so requests.'

(9) Article 19 is replaced by the following:

'Article 19

Settlement and return of queued payment orders

1. Payment orders that are not settled immediately in the entry disposition shall be placed in the queues in accordance with the priority to which they were designated by the relevant participant, as referred to in Article 13.

2. To optimise the settlement of queued payment orders, the ECB may use the optimisation procedures described in Appendix I.

3. Except for highly urgent payment orders, the payer may change the queue position of payment orders in a queue (i.e. reorder them) via the ICM. Payment orders may be moved either to the front or to the end of the respective queue with immediate effect at any time during daytime processing, as referred to in Appendix V.

4. At the request of a payer, the ECB may decide to change the queue position of a highly urgent payment order (except for highly urgent payment orders in the context of settlement procedures 5 and 6) provided that this change would not affect the smooth settlement by ancillary systems in TARGET2 or would not otherwise give rise to systemic risk.

5. Liquidity transfer orders initiated in the ICM shall be immediately returned as non-settled if there is insufficient liquidity. Other payment orders shall be returned as non-settled if they cannot be settled by the cut-off times for the relevant message type, as specified in Appendix V.'

(10) In Article 31, paragraphs 2 and 3 are replaced by the following:

'2. The ECB shall freeze the balance on the sub-account of the participant upon communication by the ancillary system (via a "start-of-cycle" message). Where applicable, the ECB shall thereafter increase or reduce the frozen balance by crediting or debiting cross-system settlement payments to or from the sub-account or crediting liquidity transfers to the sub-account or crediting liquidity transfers to the sub-account. Such freezing shall expire upon communication by the ancillary system (via an "end-of-cycle" message).

3. By confirming the freezing of the balance on the participant's sub-account, the ECB guarantees to the ancillary system payment up to the amount of this particular balance. By confirming, where applicable, the increase or reduction of the frozen balance upon crediting or debiting cross-system settlement payments to or from the sub-account or crediting liquidity transfers to the sub-account, the guarantee is automatically increased or reduced in the amount of the payment. Without prejudice to the abovementioned increase or reduction of the guarantee, the guarantee shall be irrevocable, unconditional and payable on first demand. If the ECB is not the ancillary system's CB, the ECB shall be deemed instructed to issue the abovementioned guarantee to the ancillary system's CB.'

Appendix I is amended as follows:

(1) Paragraph 2 is amended as follows:

(a) The table in subparagraph 1 is replaced by the following:

Message Type	Type of use	Description
MT 103	Mandatory	Customer payment
MT 103+	Mandatory	Customer payment (Straight Through Processing)
MT 202	Mandatory	Bank-to-bank payment
MT 202COV	Mandatory	Cover payments
MT 204	Optional	Direct debit payment
MT 011	Optional	Delivery notification
MT 012	Optional	Sender notification
MT 019	Mandatory	Abort notification
MT 900	Optional	Confirmation of debit
MT 910	Optional	Confirmation of credit
MT 940/950	Optional	(Customer) statement message'

(b) The following subparagraph 5 is added:

'(5) MT 202COV messages shall be used for making cover payments, i.e. payments made by correspondent banks to settle (cover) credit transfer messages which are submitted to a customer's bank by other, more direct means. Customer details contained in MT 202COV shall not be displayed in the ICM.'

(2) Paragraph 8 is amended as follows:

Subparagraph 4(b) is replaced by the following:

'(b) *User-to-application mode (U2A)*

U2A permits direct communication between a participant and the ICM. The information is displayed in a browser running on a PC system (SWIFT Alliance WebStation or another interface, as may be required by SWIFT). For U2A access the IT infrastructure has to be able to support cookies and JavaScript. Further details are described in the ICM User Handbook.'

Subparagraph 5 is replaced by the following:

'(5) Each participant shall have at least one SWIFT Alliance WebStation, or another interface, as may be required by SWIFT, to have access to the ICM via U2A.'

Appendix II is amended as follows:

Paragraph 2(a) is replaced by the following:

'(a) A payer may submit a claim for an administration fee and interest compensation if, due to a technical malfunction of TARGET2, a payment order was not settled on the business day on which it was accepted.'

Appendix III is amended as follows:

In the terms of reference for country opinions for non-EEA participants in TARGET2, paragraph 3.6.a is replaced by the following:

'3.6.a *Assignment of rights or deposit of assets for collateral purposes, pledge and/or repo*

Assignments for collateral purposes will be valid and enforceable under the laws of [jurisdiction]. Specifically, the creation and enforcement of a pledge or repo under the Rules will be valid and enforceable under the laws of [jurisdiction].'

Appendix IV is amended as follows:

Paragraph 1(b) is replaced by the following:

'(b) All references to specific times in this Appendix are to the local time at the seat of the ECB, i.e. Central European Time (CET) (*).

(*). CET takes into account the change to Central European Summer Time.'

Appendix V is replaced by the following:

'Appendix V

OPERATING SCHEDULE

1. TARGET2 is open on all days, except Saturdays, Sundays, New Year's Day, Good Friday and Easter Monday (according to the calendar applicable at the seat of the ECB), 1 May, Christmas Day and 26 December.
2. The reference time for the system is the local time at the seat of the ECB, i.e. CET.
3. The current business day is opened during the evening of the previous business day and operates to the following schedule:

Time	Description
6.45-7.00	Business window to prepare daytime operations (*)
7.00-18.00	Daytime processing
17.00	Cut-off time for customer payments (i.e. payments where the originator and/or the beneficiary of a payment is not a direct or indirect participant as identified in the system by the use of an MT 103 or MT 103 + message)
18.00	Cut-off time for interbank payments (i.e. payments other than customer payments)
18.00-18.45 (**)	End-of-day processing
18.15 (**)	General cut-off time for the use of standing facilities
(Shortly after) 18.30 (***)	Data for the update of accounting systems are available to CBs
18.45-19.30 (***)	Start-of-day processing (new business day)
19.00 (***)-19.30 (**)	Provision of liquidity on the PM account
19.30 (***)	"Start-of-procedure" message and settlement of the standing orders to transfer liquidity from the PM accounts to the sub-account(s)/mirror account (ancillary system-related settlement)
19.30 (***)-22.00	Execution of additional liquidity transfers via the ICM before the ancillary system sends the "start-of-cycle" message; settlement period of night-time ancillary system operations (only for ancillary system settlement procedure 6)
22.00-1.00	Technical maintenance period
1.00-6.45	Settlement procedure of night-time ancillary system operations (only for ancillary system settlement procedure 6)

(*) Daytime operations means daytime processing and end-of-day processing.

(**) Ends 15 minutes later on the last day of the Eurosystem reserve maintenance period.

(***) Starts 15 minutes later on the last day of the Eurosystem reserve maintenance period.

4. The ICM is available for liquidity transfers from 19.30 ⁽¹⁾ until 18.00 the next day, except during the technical maintenance period from 22.00 until 1.00.
5. The operating hours may be changed in the event that business continuity measures are adopted in accordance with paragraph 5 of Appendix IV.

⁽¹⁾ Starts 15 minutes later on the last day of the Eurosystem reserve maintenance period.'

III

(Acts adopted under the EU Treaty)

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

COUNCIL JOINT ACTION 2009/769/CFSP

of 19 October 2009

amending Joint Action 2007/405/CFSP on the European Union police mission undertaken in the framework of reform of the security sector (SSR) and its interface with the system of justice in the Democratic Republic of the Congo (EUPOL 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 2007/405/CFSP on the European Union police mission undertaken in the framework of reform of the security sector (SSR) and its interface with the system of justice in the Democratic Republic of the Congo (EUPOL RD Congo) ⁽¹⁾.

(2) On 23 June 2008, the Council adopted Joint Action 2008/485/CFSP ⁽²⁾ amending and extending Joint Action 2007/405/CFSP until 30 June 2009.

(3) On 15 June 2009, the Council adopted Joint Action 2009/466/CFSP ⁽³⁾ amending and extending Joint Action 2007/405/CFSP until 30 June 2010. Joint Action 2009/466/CFSP provided that the Council would establish a new financial reference amount in order to cover expenditure related to the mission for the period from 1 November 2009 to 30 June 2010.

(4) A renewed and stronger effort is needed to combat the persistence of sexual violence and impunity in the Democratic Republic of the Congo, especially in the Eastern Region. To this effect, provision should be made for the mission to deploy specialised personnel to enhance the fight against sexual violence and impunity.

(5) The mandate of this Mission is being carried out in a security context that is liable to deteriorate and to undermine the objectives of the Common Foreign and Security Policy (CFSP) as defined in Article 11 of the Treaty.

(6) Joint Action 2007/405/CFSP should be amended accordingly,

HAS ADOPTED THIS JOINT ACTION:

Article 1

Joint Action 2007/405/CFSP is hereby amended as follows:

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

'1. The mission will support SSR in the field of policing and its interface with the justice system. By means of monitoring, mentoring and advisory action with emphasis on the strategic dimension, EUPOL RD Congo shall:

— contribute to the reform and restructuring of the Congolese National Police (PNC) through support for the setting up of a viable, professional and multiethnic/integrated police force, which takes account of the importance of proximity policing throughout the whole country with the direct involvement of the Congolese authorities in that process;

— contribute to improving interaction between the police and the criminal justice system in the broader sense,

⁽¹⁾ OJ L 151, 13.6.2007, p. 46.

⁽²⁾ OJ L 164, 25.6.2008, p. 44.

⁽³⁾ OJ L 151, 16.6.2009, p. 40.

- contribute to ensuring the consistency of all SSR efforts, in a comprehensive manner, including by supporting the fight against sexual violence and impunity,
 - cooperate in close interaction with EUSEC RD Congo and the projects of the Commission, and coordinate its action with the other international efforts in the field of reform of the police and the criminal justice system,
 - contribute to the police as well as to the gender, human rights and children and armed conflict aspects of the peace process in the Eastern DRC and especially to its linkage to the reform process of the PNC',
2. Article 2(3) shall be replaced by the following:
- '3. The mission shall have a project cell for identifying and implementing projects. The mission shall advise the Member States and third States and shall coordinate and facilitate, under their responsibility, the implementation of their projects in fields which are of interest to the mission and in furtherance of its objectives'.
3. Article 3(2) shall be replaced by the following:
- '2. The mission shall have a permanent presence in Goma and Bukavu, in the eastern part of the DRC, so as to deliver assistance and expertise to the stabilisation process in the Eastern DRC. Additional specialised personnel in the area of criminal investigation, including the fight against sexual violence, shall be deployed to Goma and Bukavu, but their area of competence shall cover the whole territory of the DRC and their duty station may vary according to changes in the local situation and security conditions. They shall be under the direct authority of the Deputy Head of Mission in charge of Operations'.
4. In Article 3(3) the following point shall be added:
- '(g) experts assigned to criminal investigation, including the fight against sexual violence'.
5. In Article 9(1) the third subparagraph shall be replaced by the following:
- 'The financial reference amount intended to cover the expenditure related to the mission for the period from 1 November 2009 to 30 June 2010 shall be EUR 5 150 000'.
- 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, 19 October 2009.
- For the Council*
The President
E. ERLANDSSON
-

III *Acts adopted under the EU Treaty*

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

★ Council Joint Action 2009/769/CFSP of 19 October 2009 amending Joint Action 2007/405/CFSP on the European Union police mission undertaken in the framework of reform of the security sector (SSR) and its interface with the system of justice in the Democratic Republic of the Congo (EUPOL RD Congo)	45
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