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I

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

REGULATIONS

COUNCIL REGULATION (EC) No 1061/2009

of 19 October 2009

establishing common rules for exports

(codified version)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to the instruments establishing common organisation of agricultural markets and to the instruments concerning processed agricultural products adopted in pursuance of Article 308 of the Treaty, in particular the provisions of those instruments which allow for derogation from the general principles that quantitative restrictions or measures having equivalent effect may be replaced solely by the measures provided for in those same instruments,

Having regard to the proposal from the Commission,

Whereas:

(1) Council Regulation (EEC) No 2603/69 of 20 December 1969 establishing common rules for exports ⁽¹⁾ has been substantially amended several times ⁽²⁾. In the interests of clarity and rationality the said Regulation should be codified.

(2) The common commercial policy should be based on uniform principles, inter alia, as regards exports.

(3) Common rules should therefore be established for exports from the Community.

(4) Exports are almost completely liberalised in all the Member States. It is therefore possible to accept as a Community principle that exports to third countries are not subject to any quantitative restriction, subject to the

exceptions provided for in this Regulation and without prejudice to such measures as Member States may take in conformity with the Treaty.

(5) The Commission should be informed if, as a result of unusual developments on the market, a Member State considers that protective measures might be necessary.

(6) It is essential that examination should take place at Community level, in particular on the basis of any such information and within an advisory committee, of export terms and conditions, of export trends, of the various aspects of the economic and commercial situation, and of the measures, if any, to be taken.

(7) It may become apparent from this examination that the Community should exercise surveillance over certain exports, or that interim protective measures should be introduced as a safeguard against unforeseen practices. The need for rapid and effective action makes it justifiable for the Commission to be empowered to decide upon such measures, but without prejudice to the subsequent position of the Council, whose responsibility it is to adopt a policy consistent with the interests of the Community.

(8) Any protective measures necessitated by the interests of the Community should be adopted with due regard for existing international obligations.

(9) It is desirable that Member States be empowered, in certain circumstances and provided that their actions are on an interim basis only, to take protective measures individually.

(10) It is desirable that while such protective measures are in operation there should be an opportunity for consultation for the purpose of examining the effects of the measures and of ascertaining whether the conditions for their application are still satisfied.

⁽¹⁾ OJ L 324, 27.12.1969, p. 25.

⁽²⁾ See Annex II.

- (11) It is necessary to authorise Member States which are bound by international commitments setting up, in cases of actual or potential supply difficulties, a system for the allocation of oil products between contracting parties to comply with the resulting obligations vis-à-vis third countries, without prejudice to Community provisions adopted to the same end. This authorisation should apply until the adoption by the Council of appropriate measures pursuant to commitments entered into by the Community or all the Member States.
- (12) This Regulation should apply to all products, whether industrial or agricultural. Its operation should be complementary to that of the instruments establishing common organisation of agricultural markets, and to that of the special instruments adopted under Article 308 of the Treaty for processed agricultural products. Any overlap between the provisions of this Regulation and the provisions of these instruments, particularly the protective clauses thereof, must however be avoided,

HAS ADOPTED THIS REGULATION:

CHAPTER I

BASIC PRINCIPLE

Article 1

The exportation of products from the European Community to third countries shall be free, that is to say, they shall not be subject to any quantitative restriction, with the exception of those restrictions which are applied in conformity with the provisions of this Regulation.

CHAPTER II

COMMUNITY INFORMATION AND CONSULTATION PROCEDURE

Article 2

If, as a result of any unusual developments on the market, a Member State considers that protective measures within the meaning of Chapter III might be necessary, it shall so notify the Commission, which shall advise the other Member States.

Article 3

1. Consultations may be held at any time, either at the request of a Member State or on the initiative of the Commission.

2. Consultations shall take place within 4 working days following receipt by the Commission of the notification provided for in Article 2, and in all cases before the introduction of any measure pursuant to Articles 5 to 7.

Article 4

1. Consultations shall take place within an advisory committee (hereinafter called 'the Committee'), which shall consist of representatives of each Member State with a representative of the Commission as Chairman.

2. The Committee shall meet when convened by its Chairman. He shall provide all the Member States, as promptly as possible, with all relevant information.

3. Consultations shall in particular cover:

(a) terms and conditions of export, export trends, and the various aspects of the economic and commercial situation as regards the product in question;

(b) the measures, if any, to be adopted.

Article 5

For the purpose of assessing the economic and commercial situation as regards a particular product, the Commission may request Member States to supply statistical data on market trends in that product and, to this end, acting in accordance with their national legislation and with a procedure to be specified by the Commission, to exercise surveillance over exports of such product. Member States shall take whatever steps are necessary in order to give effect to requests from the Commission and shall forward to the Commission the data requested. The Commission shall inform the other Member States.

CHAPTER III

PROTECTIVE MEASURES

Article 6

1. In order to prevent a critical situation from arising on account of a shortage of essential products, or to remedy such a situation, and where Community interests call for immediate intervention, the Commission, acting at the request of a Member State or on its own initiative, and taking account of the nature of the products and of the other particular features of the transactions in question, may make the export of a product subject to the production of an export authorisation, the granting of which shall be governed by such provisions and subject to such limits as the Commission shall lay down pending subsequent action by the Council under Article 7.

2. The Council and the Member States shall be notified of the measures taken. Such measures shall take effect immediately.

3. The measures may be limited to exports to certain countries or to exports from certain regions of the Community. They shall not affect products already on their way to the Community frontier.

4. Where intervention by the Commission has been requested by a Member State, the Commission shall take a decision within a maximum of 5 working days of receipt of such request. Should the Commission refuse to give effect to the request, it shall forthwith communicate its decision to the Council, which may, acting by a qualified majority, decide differently.

5. Any Member State may, within 12 working days of the day of their communication to the Member States, refer the measures taken to the Council. The Council may, acting by a qualified majority, decide that different action be taken.

6. Where the Commission has acted pursuant to paragraph 1, it shall, not later than 12 working days following the entry into force of the measure which it has taken, make a proposal to the Council on appropriate measures as provided for in Article 7. If, at the end of 6 weeks following the entry into force of the measure, taken by the Commission, the Council has taken no decision on this proposal, the measure in question shall be deemed revoked.

Article 7

1. Where the interests of the Community so require, the Council may, acting by a qualified majority on a proposal from the Commission, adopt appropriate measures:

(a) to prevent a critical situation from arising owing to a shortage of essential products, or to remedy such a situation;

(b) to allow international undertakings entered into by the Community or all the Member States to be fulfilled, in particular those relating to trade in primary products.

2. The measures referred to in paragraph 1 may be limited to exports to certain countries or to exports from certain regions of the Community. They shall not affect products already on their way to the Community frontier.

3. When quantitative restrictions on exports are introduced, account shall be taken in particular of:

(a) the volume of goods exported under contracts concluded on normal terms and conditions before the entry into force of

a protective measure within the meaning of this Chapter and notified by the Member State concerned to the Commission in conformity with its national laws; and

(b) the need to avoid jeopardising achievement of the aim pursued in introducing quantitative restrictions.

Article 8

1. While any measure referred to in Articles 6 and 7 is in operation, consultations within the Committee shall be held, either at the request of a Member State or on the initiative of the Commission. The purpose of such consultations shall be:

(a) to examine the effects of the measures;

(b) to ascertain whether the conditions for its application are satisfied.

2. Where the Commission considers that any measure provided for in Article 6 or in Article 7 should be revoked or amended, it shall proceed as follows:

(a) where the Council has taken no decision on a measure taken by the Commission, the latter shall amend or revoke such measure forthwith and shall immediately deliver a report to the Council;

(b) in all other cases, the Commission shall propose to the Council that the measures adopted by the Council be revoked or amended. The Council shall act by a qualified majority.

CHAPTER IV

TRANSITIONAL AND FINAL PROVISIONS

Article 9

In respect of products listed in Annex I, until such time as the Council adopts appropriate measures pursuant to international commitments entered into by the Community or all its Member States, Member States shall be authorised to implement, without prejudice to rules adopted by the Community in this field, the emergency sharing system introducing an allocation obligation vis-à-vis third countries provided for in international commitments entered into before the entry into force of this Regulation.

Member States shall inform the Commission of measures they intend to adopt. The measures adopted shall be communicated by the Commission to the Council and other Member States.

Article 10

Without prejudice to other Community provisions, this Regulation shall not preclude the adoption or application by a Member State of quantitative restrictions on exports on grounds of public morality, public policy or public security; the protection of health and life of humans, animals and plants; the protection of national treasures possessing artistic, historic or archaeological value, or the protection of industrial and commercial property.

Article 11

This Regulation shall be without prejudice to the operation of the instruments establishing common organisation of agricultural markets; or of the special instruments adopted under Article 308 of the Treaty for processed agricultural products; it shall operate by way of complement to those instruments.

However, in the case of products covered by such instruments, the provisions of Article 6 shall not apply to those in respect of

which the Community rules on trade with third countries make provision for the application of quantitative export restrictions. The provisions of Article 5 shall not apply to those products in respect of which such rules require the production of a licence or other export document.

Article 12

Regulation (EEC) No 2603/69, as amended by the acts mentioned in Annex II, is repealed.

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

Article 13

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 Luxembourg, 19 October 2009.

For the Council

The President

E. ERLANDSSON

ANNEX I

Products referred to in Article 9

CN code	Description
2709 00	Petroleum oils and oils obtained from bituminous minerals, crude
2710	Petroleum oils and oils obtained from bituminous minerals, other than crude; preparations not elsewhere specified or included, containing by weight 70 % or more of petroleum oils or of oils obtained from bituminous minerals, these oils being the basic constituents of the preparations; waste oils:
2710 11 11 to 2710 11 90	Light oils
2710 19 11 to 2710 19 29	Medium oils
2710 19 31 to 2710 19 99	Heavy oils, except lubricating oils, used in clocks and watches and the like, presented in small receptacles containing not more than 250 g net of oil
2711	Petroleum gases and other gaseous hydrocarbons:
	- Liquefied:
2711 12	-- Propane:
	--- Propane of a purity not less than 99 %
	--- Other
2711 13	-- Butanes
	- In gaseous state:
ex 2711 29 00	-- Other:
	--- Propane
	--- Butanes

ANNEX II

Repealed Regulation with its list of successive amendments

(as referred to in Article 12)

Council Regulation (EEC) No 2603/69
(OJ L 324, 27.12.1969, p. 25)

Council Regulation (EEC) No 234/71
(OJ L 28, 4.2.1971, p. 2)

Council Regulation (EEC) No 1078/71
(OJ L 116, 28.5.1971, p. 5)

Council Regulation (EEC) No 2182/71
(OJ L 231, 14.10.1971, p. 4)

Council Regulation (EEC) No 2747/72
(OJ L 291, 28.12.1972, p. 150)

Only Article 1, first indent

Council Regulation (EEC) No 1275/75
(OJ L 131, 22.5.1975, p. 1)

Council Regulation (EEC) No 1170/76
(OJ L 131, 20.5.1976, p. 5)

Council Regulation (EEC) No 1934/82
(OJ L 211, 20.7.1982, p. 1)

Council Regulation (EEC) No 3918/91
(OJ L 372, 31.12.1991, p. 31)

ANNEX III

Correlation table

Regulation (EEC) No 2603/69	This Regulation
Articles 1 to 6	Articles 1 to 6
Article 7(1) introductory part	Article 7(1) introductory part
Article 7(1) first indent	Article 7(1)(a)
Article 7(1) second indent	Article 7(1)(b)
Article 7(2)	Article 7(2)
Article 7(3) introductory part	Article 7(3) introductory part
Article 7(3) first indent	Article 7(3)(a)
Article 7(3) second indent	Article 7(3)(b)
Article 8	—
Article 9	Article 8
Article 10(1)	—
Article 10(2)	Article 9
Article 11	Article 10
Article 12(1)	Article 11 first paragraph
Article 12(2)	Article 11 second paragraph
—	Article 12
Article 13	Article 13
Annex I	—
Annex II	Annex I
—	Annex II
—	Annex III

COUNCIL REGULATION (EC) No 1062/2009**of 26 October 2009****opening and providing for the management of autonomous Community tariff quotas for certain fishery products for the period 2010 to 2012 and repealing Regulation (EC) No 824/2007**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 26 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Community supplies of certain fishery products currently depend on imports from third countries. In the last 10 years the EU self-sufficiency rate for fishery products has decreased from 57 % to 36 %. It is in the Community's interest to suspend in part or in whole the customs duties for those products, within Community tariff quotas of an appropriate volume. In order not to jeopardise the Community production of fishery products and to ensure an adequate supply to the EU processing industry, such tariff quotas should be opened in accordance with the sensitivity of the product in question on the Community market. It is therefore appropriate to open such tariff quotas for the period 2010 to 2012, applying a reduction or elimination of customs duties.
- (2) Council Regulation (EC) No 824/2007 of 10 July 2007 opening and providing for the management of autonomous Community tariff quotas for certain fishery products for the period 2007 to 2009 ⁽¹⁾ should be replaced by this Regulation in order to guarantee the appropriate supply conditions for the Community industry for the period 2010 to 2012.
- (3) Equal and uninterrupted access to those tariff quotas should be ensured for all Community importers and the rates laid down for the quotas should be applied without interruption to all imports of the products concerned into all Member States until the tariff quotas have been used up.
- (4) To ensure the efficiency of a common management of the tariff quotas, Member States should be permitted to draw from the quota amount the necessary quantities

corresponding to their actual imports. Since that method of management requires close cooperation between the Member States and the Commission, the latter should in particular be able to monitor the rate at which the quotas are used up and should inform the Member States accordingly.

- (5) Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽²⁾ provides for a system of tariff quota management which follows the chronological order of the dates of acceptance of the declarations of release for free circulation. The tariff quotas opened by this Regulation should be managed by the Commission and the Member States in accordance with that system.
- (6) Therefore, Regulation (EC) No 824/2007 should be repealed with effect from 1 January 2010.
- (7) Given the urgency of the matter, it is important to grant an exception to the six-week period referred to in paragraph I(3) of the Protocol on the role of national parliaments in the European Union annexed to the Treaty on European Union and to the Treaties establishing the European Communities,

HAS ADOPTED THIS REGULATION:

Article 1

1. Import duties on the products listed in the Annex shall be suspended, within tariff quotas, at the rates, for the periods and up to the amounts indicated therein.

2. Imports of the products listed in the Annex shall be covered by the quotas referred to in paragraph 1 only if the declared customs value is at least equal to the reference price fixed, or to be fixed, in accordance with Article 29 of Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products ⁽³⁾.

⁽¹⁾ OJ L 184, 14.7.2007, p. 1.

⁽²⁾ OJ L 253, 11.10.1993, p. 1.

⁽³⁾ OJ L 17, 21.1.2000, p. 22.

Article 2

The tariff quotas referred to in Article 1 shall be managed in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

Article 3

The Commission and customs authorities of Member States shall cooperate closely to ensure the proper management and control of the application of this Regulation.

Article 4

Regulation (EC) No 824/2007 shall be repealed.

Article 5

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

It shall apply from 1 January 2010 to 31 December 2012.

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

Done at Luxembourg, 26 October 2009.

For the Council
The President
C. MALMSTRÖM

ANNEX

Order No	CN code	TARIC code	Description	Annual amount of quota (tons) (*)	Quota duty	Quota period
09.2759	ex 0302 50 10	20	Cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>), excluding livers and roes, fresh, chilled or frozen, for processing ⁽¹⁾ ⁽²⁾	80 000	0 %	1.1.2010-31.12.2012
	ex 0302 50 90	10				
	ex 0303 52 10	10				
	ex 0303 52 30	10				
	ex 0303 52 90	10				
09.2765	ex 0305 62 00	20	Cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>) and fish of the species <i>Boreogadus saida</i> , salted or in brine, but not dried or smoked, for processing ⁽¹⁾ ⁽²⁾	5 000	0 %	1.1.2010-31.12.2012
		25				
		29				
	ex 0305 69 10	10				
09.2761	ex 0304 29 91	10	Blue grenadier (<i>Macruronus</i> spp.), frozen fillets and other meat, for processing ⁽¹⁾ ⁽²⁾	20 000	0 %	1.1.2010-31.12.2012
	ex 0304 29 99	41				
		81				
	ex 0304 99 99	60				
		81				
09.2760	ex 0303 78 11	10	Hake (<i>Merluccius</i> spp. excluding <i>Merluccius merluccius</i> , <i>Urophycis</i> spp.), and Pink cusk-eel (<i>Genypterus blacodes</i>), frozen, for processing ⁽¹⁾ ⁽²⁾	15 000	0 %	1.1.2010-31.12.2012
	ex 0303 78 12	10				
	ex 0303 78 13	10				
	ex 0303 78 19	11				
		81				
	ex 0303 78 90	10				
	ex 0303 79 93	10				
09.2770	ex 0305 63 00	10	Anchovies (<i>Engraulis anchoita</i>), salted or in brine, but not dried or smoked, for processing ⁽¹⁾ ⁽²⁾	5 000	0 %	1.1.2010-31.12.2012
09.2788	ex 0302 40 00	10	Herrings (<i>Clupea harengus</i> , <i>Clupea pallasii</i>), of a weight exceeding 100 g per piece or flaps of a weight exceeding 80 g per piece, excluding livers and roes, for processing ⁽¹⁾ ⁽²⁾	20 000	0 %	1.10.2010-31.12.2010
	ex 0303 51 00	10				1.10.2011-31.12.2011
	ex 0304 19 97	10				1.10.2012-31.12.2012
	ex 0304 99 23	10				
09.2792	ex 1604 12 99	10	Herrings, spiced and/or vinegar-cured, in brine, preserved in barrels of at least 70 kg net drained weight, for processing ⁽¹⁾ ⁽²⁾	10 000 ⁽⁶⁾	6 %	1.1.2010-31.12.2012
09.2790	ex 1604 14 16	20	Filets known as 'loins' of tunas and skipjack, for processing ⁽¹⁾ ⁽²⁾	15 000	6 %	1.1.2010-31.12.2012
		30				
		40				
		95				
09.2774	ex 0304 29 58	10	Hake (<i>Merluccius productus</i>), frozen fillets and minced meat for processing ⁽¹⁾ ⁽²⁾	12 000	4 %	1.1.2010-31.12.2012
	ex 0304 99 51	10				
09.2762	ex 0306 11 10	10	Rock lobster and other sea crawfish (<i>Palinurus</i> spp., <i>Panulirus</i> spp., <i>Jasus</i> spp.), live, chilled, frozen, for processing ⁽¹⁾ ⁽²⁾ ⁽³⁾	750	6 %	1.1.2010-31.12.2012
	ex 0306 11 90	10				

Order No	CN code	TARIC code	Description	Annual amount of quota (tons) (*)	Quota duty	Quota period
09.2794	ex 1605 20 10	50	Shrimps and prawns of the species <i>Pandalus borealis</i> ; cooked and peeled, for processing ⁽¹⁾ ⁽²⁾ ⁽⁴⁾	20 000	0 %	1.1.2010-31.12.2012
	ex 1605 20 99	45				
09.2785	ex 0307 49 59	10	Pod ⁽⁵⁾ of squid (<i>Ommastrephes</i> spp. – excluding <i>Ommastrephes sagittatus</i> –, <i>Nototodarus</i> spp., <i>Sepioteuthis</i> spp.) and <i>Illex</i> spp., frozen, with skin and fins, for processing ⁽¹⁾ ⁽²⁾	45 000	0 %	1.1.2010-31.12.2012
	ex 0307 99 11	10				
09.2786	ex 0307 49 59	20	Squid (<i>Ommastrephes</i> spp. – excluding <i>Ommastrephes sagittatus</i> –, <i>Nototodarus</i> spp., <i>Sepioteuthis</i> spp.) and <i>Illex</i> spp., frozen whole or tentacles and fins, for processing ⁽¹⁾ ⁽²⁾	1 500	0 %	1.1.2010-31.12.2012
	ex 0307 99 11	20				
09.2772	ex 0304 99 10	10	Surimi, frozen, for processing ⁽¹⁾ ⁽²⁾	55 000	0 %	1.1.2010-31.12.2012
09.2776	ex 0304 29 21	10	Cod, (<i>Gadus morhua</i> , <i>Gadus macrocephalus</i>), frozen fillets and meat, for processing ⁽¹⁾ ⁽²⁾	20 000	0 %	1.1.2010-31.12.2012
	ex 0304 29 29	20				
	ex 0304 99 31	10				
	ex 0304 99 33	10				
09.2778	ex 0304 29 99	65	Flatfish, frozen fillets and other fish meat (<i>Limanda aspera</i> , <i>Lepidopsetta bilineata</i> , <i>Pleuronectes quadrituberculatus</i> , <i>Limanda ferruginea</i> , <i>Lepidopsetta polyxystra</i>), for processing ⁽¹⁾ ⁽²⁾	10 000	0 %	1.1.2010-31.12.2012
	ex 0304 99 99	65				
09.2777	ex 0303 79 55	40	Alaska pollack (<i>Theragra chalcogramma</i>), frozen, for processing ⁽¹⁾ ⁽²⁾	10 000	0 %	1.1.2010-31.12.2012

⁽¹⁾ Entry under this subheading is subject to conditions laid down in the relevant Community provisions (see Articles 291 to 300 of Regulation (EEC) No 2454/93).

⁽²⁾ This quota is available for products intended to undergo any operation, unless it is solely for one or more of the following operations:

- cleaning, gutting, tailing, heading, cutting (excluding dicing, filleting, production of flaps or cutting of frozen blocks or splitting of frozen interleaved fillet blocks),
- sampling, sorting, labelling, packing, chilling, freezing, deep freezing, thawing, separation.

The quota is not available for products intended, in addition, to undergo treatment (or operations) which gives quota entitlement, where such treatment (or operations) is (are) carried out at retail or catering level. The reduction of customs duties shall apply only to fish intended for human consumption.

⁽³⁾ Products under CN codes 0306 11 10 10 and 0306 11 90 10 will, however, qualify for the quota if they undergo one or both of the following operations:

- dividing the frozen product, subjecting the frozen product to heat treatment to enable the removal of internal waste material.

⁽⁴⁾ Products under CN codes 1605 20 10 50 and 1605 20 99 45 will, however, qualify for the quota if they undergo the following operation:

- subjecting the shrimps and prawns to processing treatment by packaging gases as defined in European Parliament and Council Directive 95/2/EC of 20 February 1995 on food additives other than colours and sweeteners (OJ L 61, 18.3.1995, p. 1).

⁽⁵⁾ Body of cephalopod or the squid headless and without tentacles.

⁽⁶⁾ Expressed in net drained weight.

^(*) Expressed in net weight, unless otherwise specified

COMMISSION REGULATION (EC) No 1063/2009**of 6 November 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 7 November 2009.

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

Done at Brussels, 6 November 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	42,8
	MK	24,1
	TR	59,7
	ZZ	42,2
0707 00 05	EG	114,7
	JO	161,3
	TR	126,4
	ZZ	134,1
0709 90 70	MA	62,4
	TR	110,8
	ZZ	86,6
0805 20 10	MA	78,8
	ZZ	78,8
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	AR	49,8
	HR	37,0
	TR	79,1
	UY	49,8
	ZZ	53,9
0805 50 10	AR	64,5
	TR	78,0
	ZA	72,6
	ZZ	71,7
0806 10 10	AR	205,2
	BR	239,4
	EG	85,0
	LB	223,8
	TR	121,7
	US	259,8
0808 10 80	ZZ	189,2
	AU	227,7
	CA	70,7
	MK	20,3
	NZ	94,2
	US	94,4
	ZA	75,9
0808 20 50	ZZ	97,2
	CN	65,4
	ZZ	65,4

⁽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 1064/2009**of 4 November 2009****opening and providing for the administration of a Community import tariff quota for malting barley from third countries**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Article 144(1) and Article 148 in conjunction with Article 4 thereof,

Whereas:

(1) Under the Agreement in the form of an Exchange of Letters between the European Community and the United States of America in accordance with Article XXIV:6 and Article XXVIII of the 1994 General Agreement on Tariffs and Trade (GATT) relating to the modification of concessions in the schedules of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic as part of their accession to the European Union ⁽²⁾, approved by Council Decision 2006/333/EC ⁽³⁾, and the Agreement between the European Community and the Government of Canada on the conclusion of GATT Article XXIV:6 Negotiations ⁽⁴⁾, approved by Council Decision 2007/444/EC ⁽⁵⁾, the Community has undertaken to open, on an annual basis, an import tariff for malting barley of 50 000 tonnes.

(2) The implementation rules relating to the administration of this quota are currently laid down by Commission Regulation (EC) No 1215/2008 of 5 December 2008 on opening and providing for the administration of a Community tariff quota for malting barley from third countries and derogating from Council Regulation (EC) No 1234/2007 ⁽⁶⁾.

(3) The use of the first-come, first-served principle has proved to have been successful in other agricultural

sectors, and in the interest of administrative simplification, this quota should now be administered using the method indicated in Article 144(2)(a) of Regulation (EC) No 1234/2007. This should be done in accordance with Articles 308a, 308b and 308c(1) of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽⁷⁾.

(4) Due to the particularities involved in the transfer from one management system to another, Article 308c(2) and (3) of Regulation (EEC) No 2454/93 should not apply to the tariff period from 1 January 2010 to 31 December 2010.

(5) Article 166 of Regulation (EC) No 450/2008 of the European Parliament and of the Council of 23 April 2008 laying down the Community Customs Code (Modernised Customs Code) ⁽⁸⁾ provides for the customs supervision of goods released for free circulation at a reduced rate of duty on account of their specific use. It should be ensured that malting barley imported under this tariff quota is designed to be used for producing beer aged in vats containing beechwood, in accordance with the Community's international commitments.

(6) Provision needs to be made for a high level of security in order to ensure the sound management of the tariff and to maintain such security throughout processing.

(7) Taking into account the specific nature of the barley imported from the United States of America under this quota, the amount of the security in respect of imports which are accompanied by a compliance certificate agreed upon with the United States Government, in accordance with the administrative co-operation procedure provided for in Articles 63, 64 and 65 of Regulation (EEC) No 2454/93, should be reduced.

(8) Regulation (EC) No 1215/2008 should therefore be repealed and replaced by a new Regulation. However, it would be expedient to continue to apply Regulation (EC) No 1215/2008 to the import licences issued for the import quota periods prior to those covered by this Regulation.

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 124, 11.5.2006, p. 15.

⁽³⁾ OJ L 124, 11.5.2006, p. 13.

⁽⁴⁾ OJ L 169, 29.6.2007, p. 55.

⁽⁵⁾ OJ L 169, 29.6.2007, p. 53.

⁽⁶⁾ OJ L 328, 6.12.2008, p. 20.

⁽⁷⁾ OJ L 253, 11.10.1993, p. 1.

⁽⁸⁾ OJ L 145, 4.6.2008, p. 1.

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

HAS ADOPTED THIS REGULATION:

Article 1

1. This Regulation opens a tariff import quota of 50 000 tonnes for malting barley falling under CN code 1003 00 to be used for the production of beer aged in vats containing beechwood. The order number for the quota shall be 09.0076.

2. The quota referred to in paragraph 1 above shall be administered in accordance with Articles 308a, 308b and 308c(1) of Regulation (EEC) No 2454/93. Article 308c(2) and (3) of that Regulation shall not apply to the tariff period from 1 January 2010 to 31 December 2010.

3. The tariff quota referred to in paragraph 1 above shall be opened on an annual basis from 1 January to 31 December ('import quota period'). Duties on imports within the tariff quota shall be levied at a rate of EUR 8 per tonne.

Article 2

For the purposes of the application of this Regulation:

- (a) 'damaged grains' shall mean grains of barley, other cereals or wild oats that display damage, including deterioration caused by disease, frost, heat, insects or fungus, bad weather and all other forms of physical damage;
- (b) 'sound and fair merchantable barley' shall mean barley grains or pieces of grain that are not damaged, as defined in a), except grains damaged by frost or fungus.

Article 3

1. The tariff quota referred to in Article 1 may only apply if the barley imported meets the following criteria:

- (a) specific weight: minimum 60,5 kg/hl;
- (b) damaged grains: maximum 1 %;
- (c) moisture content: maximum 13,5 %;
- (d) sound and fair merchantable barley grains: minimum 96 %.

2. Compliance with the quality criteria set out in paragraph 1 above shall be certified by one of the following documents:

- (a) a certificate of analysis carried out at the importer's request by the customs office of release for free circulation; or
- (b) a certificate of conformity for the imported barley issued by a government authority of the country of origin and recognised by the Commission.

Article 4

1. In accordance with Article 166 of Regulation (EC) No 450/2008, the barley imported under this tariff shall be the subject of customs monitoring, to ensure that:

- (a) it is malted within six months from the date of release for free circulation; and
- (b) the resulting malt must be used in the manufacture of beer aged in vats containing beechwood within no more than 150 days following the date on which the barley is processed into malt.

Processing of the imported barley into malt shall be deemed to have taken place when the malting barley has undergone steeping.

2. Importers shall lodge a security with the competent customs authorities to ensure that the requirement referred to in paragraph 1 above is complied with and that unpaid duties are collected where that requirement is not met. The security shall be EUR 85 per tonne. If the malting barley consignments are accompanied by a certificate of conformity issued by the Federal Grain Inspection Service (FGIS), the security is reduced to EUR 10 per tonne.

3. The securities provided for in paragraph 2 shall be released immediately where proof is presented to the customs authorities concerned that:

- (a) the quality of the barley, established on the basis of the certificate of conformity or the analysis certificate, meets the criteria laid down in Article 3(1),
- (b) the processing obligation referred to in paragraph 1 has been complied with within the timeframe specified.

Article 5

Certificates issued by the Federal Grain Inspection Service (FGIS) for malting barley to be used in the production of beer aged in vats containing beechwood, a model version of which can be found in the Annex to this Regulation, shall be officially recognised by the Commission under the administrative cooperation procedure referred to in Articles 63, 64 and 65 of Regulation (EEC) No 2454/93. If the analytical parameters entered in the certificate of conformity issued by the FGIS indicate conformity with the malting barley quality standards established in Article 3, samples shall be taken of at least 3 % of the cargoes arriving at each entry port during the marketing year in question. A copy of the stamps authorised by the United States Government is to be provided to the Member States by the most appropriate means.

Article 6

Regulation (EC) No 1215/2008 is hereby repealed. However, it shall continue to apply to import licences issued before 1 July 2009 up to the time they expire.

Article 7

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

It shall apply from 1 January 2010.

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

Done at Brussels, 4 November 2009.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX

Model certificate of conformity issued by the Government of the United States of America for malting barley designed for use in the manufacture of beer aged in vats containing beechwood.



UNITED STATES DEPARTMENT OF AGRICULTURE
FEDERAL GRAIN INSPECTION SERVICE
U.S. GRAIN STANDARDS ACT

Approved OMB No. 0580-0013

OFFICIAL EXPORT INSPECTION CERTIFICATE

ORIGINAL
US-XXXX-X-XXXX
NOT NEGOTIABLE

LEVEL OF INSPECTION:

ISSUED AT:

DATE OF SERVICE:

IDENTIFICATION:

LOCATION:

QUANTITY: (this is NOT a weight certificate)

GRADE AND KIND:

RESULTS:

REMARKS:



APPLICANT NAME:

I CERTIFY THAT THE SERVICES SPECIFIED ABOVE WERE PERFORMED WITH THE RESULTS STATED.

NAME OR SIGNATURE:

ISSUING OFFICE:

This certificate is issued under the authority of the United States Grain Standards Act, as amended (7 U.S.C. 71 et seq.), and the regulations thereunder (7 CFR 800.0 et seq.). It is issued to show the kind, class, grade, quality, condition, or quantity of grain; or the condition of a car or container for the storage or transportation of grain; or other facts relating to grain as determined by official personnel. The statements on the certificate are considered true at the time and place the inspection or weighing service was performed. The certificate shall not be considered representative of the lot if the grain is transhipped or is otherwise transferred from the identified car or container or if grain or other material is added to or removed from the total lot. If this certificate is not canceled by a superseding certificate, it is receivable by all officers and all courts of the United States as prima facie evidence of the truth of the facts stated therein. This certificate does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or other Federal law.

WARNING: Any person who shall knowingly falsify, make, issue, alter, forge, or counterfeit this certificate, or participate in any such actions, or otherwise violate provisions in the U.S. Grain Standards Act, the U.S. Warehouse Act, or related Federal laws is subject to criminal, civil, and administrative penalties. The conduct of all services and the licensing of personnel under the regulations governing such services shall be accomplished without discrimination as to race, color, religion, sex, national origin, age, or handicap.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information is 0580-0013. The time required to disclose this recordkeeping requirement is to average 38.097 hours per recordkeeper annually, including the time to retain such records, and to notify, disclose, and report to third parties such recordkeeping requirements.

COMMISSION REGULATION (EC) No 1065/2009**of 5 November 2009****establishing special measures as regards the private storage aid for pigmeat laid down by Regulation (EC) No 1278/2008**

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 826/2008 of 20 August 2008 laying down common rules for the granting of private storage aid for certain agricultural products ⁽²⁾, and in particular Article 23(3) thereof,

Whereas:

- (1) An examination of the situation has indicated a risk that there will be an excessively large number of applications for the private storage aid scheme for pigmeat introduced by Commission Regulation (EC) No 1278/2008 of 17 December 2008 adopting emergency support measures for the pigmeat market in form of private storage aid in Ireland ⁽³⁾

- (2) Therefore, it is necessary to suspend application of the scheme established by Regulation (EC) No 1278/2008 and reject the applications in question,

- (3) In order to avoid speculation the Regulation should enter into force on the day following its publication,

HAS ADOPTED THIS REGULATION:

Article 1

1. Application of Regulation (EC) No 1278/2008 is hereby suspended for the period 8 November 2009 to 13 November 2009. Applications to conclude contracts submitted during this period shall not be accepted.

2. Applications submitted from 3 November 2009, whose acceptance would have been decided during the period referred to in the first paragraph, are hereby rejected.

Article 2

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, 5 November 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 223, 21.8.2008, p. 3.

⁽³⁾ OJ L 339, 18.12.2008, p. 78.

COMMISSION REGULATION (EC) No 1066/2009**of 5 November 2009****establishing special measures as regards the private storage aid for pigmeat laid down by Regulation (EC) No 1329/2008**

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 826/2008 of 20 August 2008 laying down common rules for the granting of private storage aid for certain agricultural products ⁽²⁾, and in particular Article 23(3) thereof,

Whereas:

- (1) An examination of the situation has indicated a risk that there will be an excessively large number of applications for the private storage aid scheme for pigmeat introduced by Commission Regulation (EC) No 1329/2008 of 22 December 2008 adopting emergency support measures for the pigmeat market in form of private storage aid in part of the United Kingdom ⁽³⁾.

- (2) Therefore, it is necessary to suspend application of the scheme established by Regulation (EC) No 1329/2008 and reject the applications in question.

- (3) In order to avoid speculation the Regulation should enter into force on the day following its publication,

HAS ADOPTED THIS REGULATION:

Article 1

1. Application of Regulation (EC) No 1329/2008 is hereby suspended for the period 8 November 2009 to 13 November 2009. Applications to conclude contracts submitted during this period shall not be accepted.

2. Applications submitted from 3 November 2009, whose acceptance would have been decided during the period referred to in the first paragraph, are hereby rejected.

Article 2

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, 5 November 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 223, 21.8.2008, p. 3.

⁽³⁾ OJ L 345, 23.12.2008, p. 56.

COMMISSION REGULATION (EC) No 1067/2009**of 6 November 2009****approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications [La Bella della Daunia (PDO)]**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs⁽¹⁾, and in particular the first subparagraph of Article 7(4) thereof,

Whereas:

- (1) In accordance with the first subparagraph of Article 9(1) of Regulation (EC) No 510/2006, the Commission has examined Italy's application for the approval of amendments to the specification of the protected designation of origin 'La Bella della Daunia' registered in accordance with Commission Regulation (EC) No 2400/96⁽²⁾, as amended by Regulation (EC) No 1904/2000⁽³⁾.

- (2) Since the amendments in question are not minor within the meaning of Article 9 of Regulation (EC) No 510/2006, the Commission published the amendment application in the *Official Journal of the European Union*, as required by the first subparagraph of Article 6(2) of that Regulation⁽⁴⁾. As no statement of objection in accordance with Article 7 of Regulation (EC) No 510/2006 has been sent to the Commission, the amendments should be approved,

HAS ADOPTED THIS REGULATION:

Article 1

The amendments to the specification published in the *Official Journal of the European Union* regarding the name in the Annex to this Regulation are hereby approved.

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, 6 November 2009.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 93, 31.3.2006, p. 12.

⁽²⁾ OJ L 327, 18.12.1996, p. 11.

⁽³⁾ OJ L 228, 8.9.2000, p. 57.

⁽⁴⁾ OJ C 71, 25.3.2009, p. 28.

ANNEX

Agricultural products intended for human consumption listed in Annex I to the Treaty:

Class 1.6. Fruit, vegetables and cereals, fresh or processed

ITALY

La Bella della Daunia (PDO)

COMMISSION REGULATION (EC) No 1068/2009**of 6 November 2009****amending the representative prices and additional import duties for certain products in the sugar sector fixed by Regulation (EC) No 877/2009 for the 2009/10 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector ⁽²⁾, and in particular Article 36(2), second subparagraph, second sentence thereof,

Whereas:

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

for the 2009/10 marketing year are fixed by Commission Regulation (EC) No 877/2009 ⁽³⁾. These prices and duties have been last amended by Commission Regulation (EC) No 1043/2009 ⁽⁴⁾.

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

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties applicable to imports of the products referred to in Article 36 of Regulation (EC) No 951/2006, as fixed by Regulation (EC) No 877/2009 for the 2009/10, marketing year, are hereby amended as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 7 November 2009.

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

Done at Brussels, 6 November 2009.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 178, 1.7.2006, p. 24.

⁽³⁾ OJ L 253, 25.9.2009, p. 3.

⁽⁴⁾ OJ L 289, 5.11.2009, p. 3.

ANNEX

Amended representative prices and additional import duties applicable to white sugar, raw sugar and products covered by CN code 1702 90 95 from 7 November 2009

(EUR)

CN code	Representative price per 100 kg net of the product concerned	Additional duty per 100 kg net of the product concerned
1701 11 10 ⁽¹⁾	35,56	0,62
1701 11 90 ⁽¹⁾	35,56	4,24
1701 12 10 ⁽¹⁾	35,56	0,48
1701 12 90 ⁽¹⁾	35,56	3,94
1701 91 00 ⁽²⁾	40,49	5,32
1701 99 10 ⁽²⁾	40,49	2,19
1701 99 90 ⁽²⁾	40,49	2,19
1702 90 95 ⁽³⁾	0,40	0,28

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

II

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

DECISIONS

COUNCIL AND COMMISSION

COUNCIL AND COMMISSION DECISION

of 19 October 2009

on the conclusion of the Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Azerbaijan, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union

(2009/816/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Whereas:

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 44(2), the last sentence of Article 47(2), and Articles 55, 57(2), 71, 80(2), 93, 94, 133 and 181a, in conjunction with the second sentence of the first subparagraph of Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular the second paragraph of Article 101 thereof,

Having regard to the Act of Accession of Bulgaria and Romania, and in particular Article 6(2) thereof,

Having regard to the proposal from the Commission,

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

Having regard to the Council's approval pursuant to Article 101 of the Treaty establishing the European Atomic Energy Community,

(1) The Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Azerbaijan, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union, was signed on behalf of the European Community and the Member States on 9 December 2008 in accordance with Council Decision 2009/173/EC ⁽²⁾.

(2) Pending its entry into force, the Protocol has been applied on a provisional basis as from 1 January 2007.

(3) The Protocol should be concluded,

HAVE DECIDED AS FOLLOWS:

Article 1

The Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Azerbaijan, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union is hereby approved on behalf of the European Community, the European Atomic Energy Community and the Member States.

The text of the Protocol is annexed to this Decision ⁽³⁾.

⁽¹⁾ Opinion of the European Parliament of 10 July 2007 (not yet published in the Official Journal).

⁽²⁾ OJ L 62, 6.3.2009, p. 7.

⁽³⁾ OJ L 62, 6.3.2009, p. 9.

Article 2

The President of the Council shall, on behalf of the European Community and its Member States, give the notification provided for in Article 3 of the Protocol. The President of the Commission shall simultaneously give such notification on behalf of the European Atomic Energy Community.

Done at Luxembourg, 19 October 2009.

For the Council

The President

E. ERLANDSSON

For the Commission

The President

José Manuel BARROSO

COUNCIL

COUNCIL DECISION

of 27 October 2009

appointing one French member of the Committee of the Regions

(2009/817/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

Having regard to the proposal of the French Government,

Whereas:

(1) On 24 January 2006, the Council adopted Decision 2006/116/EC appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2006 to 25 January 2010 ⁽¹⁾.

(2) A member's seat on the Committee of the Regions has become vacant following the end of the term of office of Mr Bernard SOULAGE,

Article 1

The following is hereby reappointed to the Committee of the Regions as a member for the remainder of the current term of office, which runs until 25 January 2010:

Mr Bernard SOULAGE, Vice-président du Conseil régional de Rhône-Alpes.

Article 2

This Decision shall take effect on the day of its adoption.

Done at Luxembourg, 27 October 2009.

For the Council

The President

C. BILDT

⁽¹⁾ OJ L 56, 25.2.2006, p. 75.

COMMISSION

COMMISSION DECISION

of 6 November 2009

amending Decisions 2005/692/EC, 2005/731/EC, 2005/734/EC and 2007/25/EC concerning avian influenza as regards their period of application

(notified under document C(2009) 8454)

(Text with EEA relevance)

(2009/818/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

disease in south-east Asia which started in December 2003 and was caused by the highly pathogenic avian influenza virus of subtype H5N1.

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽¹⁾, and in particular Article 10(4) thereof,

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC ⁽²⁾, and in particular Article 18(7) thereof,

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries ⁽³⁾, and in particular Article 22(6) thereof,

Having regard to Regulation (EC) No 998/2003 of the European Parliament and of the Council of 26 May 2003 on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC ⁽⁴⁾, and in particular Article 18 thereof,

Whereas:

(1) The Commission adopted several protection measures in relation to avian influenza, following the outbreak of that

(2) Those measures are laid down, in particular, in Commission Decision 2005/692/EC of 6 October 2005 concerning certain protection measures in relation to avian influenza in several third countries ⁽⁵⁾, Commission Decision 2005/731/EC of 17 October 2005 laying down additional requirements for the surveillance of avian influenza in wild birds ⁽⁶⁾, Commission Decision 2005/734/EC of 19 October 2005 laying down biosecurity measures to reduce the risk of transmission of highly pathogenic avian influenza caused by Influenza virus A subtype H5N1 from birds living in the wild to poultry and other captive birds and providing for an early detection system in areas at particular risk ⁽⁷⁾ and Commission Decision 2007/25/EC of 22 December 2006 as regards certain protection measures in relation to highly pathogenic avian influenza and movements of pet birds accompanying their owners into the Community ⁽⁸⁾.

(3) Commission Decision 2009/6/EC of 17 December 2008 amending Decisions 2005/692/EC, 2005/731/EC, 2005/734/EC and 2007/25/EC concerning avian influenza as regards their period of application ⁽⁹⁾ prolonged the application of those four Decisions until 31 December 2009.

(4) Outbreaks of highly pathogenic avian influenza of subtype H5N1 continue to occur in poultry and wild birds, and close contact by humans with infected birds continues to lead to infections with that disease, which are sometimes fatal, in humans in third countries. Hence the risk remains that the disease may spread from third countries to the Member States.

⁽¹⁾ OJ L 224, 18.8.1990, p. 29.

⁽²⁾ OJ L 268, 24.9.1991, p. 56.

⁽³⁾ OJ L 24, 30.1.1998, p. 9.

⁽⁴⁾ OJ L 146, 13.6.2003, p. 1.

⁽⁵⁾ OJ L 263, 8.10.2005, p. 20.

⁽⁶⁾ OJ L 274, 20.10.2005, p. 93.

⁽⁷⁾ OJ L 274, 20.10.2005, p. 105.

⁽⁸⁾ OJ L 8, 13.1.2007, p. 29.

⁽⁹⁾ OJ L 4, 8.1.2009, p. 15.

- (5) Therefore, apart from limiting the direct risk caused by imports of poultry, poultry products and pet birds, it is appropriate to keep in place the biosecurity measures to reduce the risk of transmission of highly pathogenic avian influenza caused by Influenza virus A subtype H5N1 from birds living in the wild to poultry and other captive birds and to keep in place the early detection systems in areas at particular risk.
- (6) It is therefore necessary to continue to keep in place the measures laid down in Decisions 2005/692/EC, 2005/731/EC, 2005/734/EC and 2007/25/EC in order to reduce the risk of the transmission of that disease.
- (7) The period of application of those Decisions should therefore be extended until 31 December 2010.
- (8) Decisions 2005/692/EC, 2005/731/EC, 2005/734/EC and 2007/25/EC should therefore be amended accordingly.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

In Article 7 of Decision 2005/692/EC, the date '31 December 2009' is replaced by '31 December 2010'.

Article 2

In Article 4 of Decision 2005/731/EC, the date '31 December 2009' is replaced by '31 December 2010'.

Article 3

In Article 4 of Decision 2005/734/EC, the date '31 December 2009' is replaced by '31 December 2010'.

Article 4

In Article 6 of Decision 2007/25/EC, the date '31 December 2009' is replaced by '31 December 2010'.

Article 5

The Member States shall immediately take the necessary measures to comply with this Decision and publish those measures. They shall immediately inform the Commission thereof.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 6 November 2009.

For the Commission

Androulla VASSILIOU

Member of the Commission

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 1/2009 OF THE EU-TUNISIA ASSOCIATION COUNCIL

of 22 October 2009

amending Decision No 1/1999 on the implementation of the provisions on processed agricultural products laid down in Article 10 of the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part

(2009/819/EC)

THE EU-TUNISIA ASSOCIATION COUNCIL,

Having regard to the Euro-Mediterranean Agreement of 17 July 1995 establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part ⁽¹⁾ (hereinafter referred to as the Agreement), and in particular Articles 10 and 80 thereof,

Whereas:

- (1) Decision No 1/1999 ⁽²⁾, pursuant to Article 10(2) of the Agreement, establishes the specification by the Republic of Tunisia of the agricultural component of the basic import duties for the products listed in Annex 2 to the Agreement which originate in the Community.
- (2) Article 10(4) of the Agreement provides that the Republic of Tunisia shall eliminate the industrial component of the basic import duties, starting from the entry into force of the Agreement in 1998.
- (3) Following difficulties found in the dismantling of the industrial component of the duties, as provided for in paragraphs 2, 3 and 4 of Article 10 of the Agreement for the products listed in Annex 2, a group of experts from the Commission and the Republic of Tunisia, under a mandate from the Association Council, met ten times between 2003 and 2007.
- (4) That group of experts concluded that the definition of the agricultural component of the basic duty, and consequently the Annexes to Decision No 1/1999

should be amended. This amendment should alter neither the basic duty nor the schedule for its dismantling laid down in the Agreement.

- (5) This amendment should therefore be the subject of a decision of the Association Council,

HAS DECIDED AS FOLLOWS:

Article 1

Annexes I and II to Decision No 1/1999 are hereby replaced by Annexes I and II respectively to this Decision.

Article 2

The Republic of Tunisia, the Member States and the Community shall be bound, each to the extent to which it is concerned, to take the measures necessary to implement this Decision.

Article 3

This Decision shall enter into force the day after its adoption by the Association Council.

Done at Brussels, 22 October 2009.

*For the Association Council**The President*

C. BILDT

⁽¹⁾ OJ L 97, 30.3.1998, p. 2.

⁽²⁾ OJ L 298, 19.11.1999, p. 16.

ANNEX I

CN Code ⁽¹⁾	Description	As per 1.1.1995 (%)	Agricultural component (%)
0710	Vegetables (uncooked or cooked by steaming or boiling in water), frozen:		
0710 40 00	– Sweet corn	43	30
0711	Vegetables provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption:		
0711 90 30	--- Sweet corn	43	42
1702	Other sugars, including chemically pure lactose, maltose, glucose and fructose, in solid form; sugar syrups not containing added flavouring or colouring matter; artificial honey, whether or not mixed with natural honey; caramel:		
1702 50 00	– Chemically pure fructose	29	10
1903	Tapioca and substitutes therefor prepared from starch, in the form of flakes, grains, pearls, siftings or similar forms	29	10
1904	Prepared foods obtained by the swelling or roasting of cereals or cereal products (for example, corn flakes); cereals (other than maize (corn)) in grain form or in the form of flakes or other worked grains (except flour and meal), pre-cooked, or otherwise prepared, not elsewhere specified or included:		
1904 20	– Prepared foods obtained from unroasted cereal flakes or from mixtures of unroasted cereal flakes and roasted cereal flakes or swelled cereals:		
1904 20 10	-- Preparation of the Muesli type based on unroasted cereal flakes	43	32
	-- Other:		
1904 20 91	--- Obtained from maize	43	32
1904 20 95	--- Obtained from rice	43	32
1904 20 99	--- Other	43	32
1904 30 00	– Bulgur wheat	43	15
2001	Vegetables, fruit, nuts and other edible parts of plants, prepared or preserved by vinegar or acetic acid:		
2001 90	– Other:		
2001 90 30	-- Sweetcorn (<i>Zea mays</i> var. <i>saccharata</i>)	43	27
2001 90 40	-- Yams, sweet potatoes and similar edible parts of plants containing 5 % or more by weight of starch	43	15
2004	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, frozen, other than products of heading 2006:		
2004 10	– Potatoes:		
	-- Other		
2004 10 91	--- In the form of flour, meal or flakes	43	10
2004 90	– Other vegetables and mixtures of vegetables:		
2004 90 10	-- Sweetcorn (<i>Zea mays</i> var. <i>saccharata</i>)	43	19

CN Code ⁽¹⁾	Description	As per 1.1.1995 (%)	Agricultural component (%)
2005	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, not frozen, other than products of heading 2006:		
2005 20	– Potatoes:		
2005 20 10	-- In the form of flour, meal or flakes	43	12
2005 80 00	– Sweetcorn (<i>Zea mays</i> var. <i>saccharata</i>)	43	21
2008	Fruit and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included:		
2008 99	-- Other:		
	--- Not containing added spirit:		
	---- Not containing added sugar:		
2008 99 85	----- Maize (corn), other than sweetcorn (<i>Zea mays</i> var. <i>saccharata</i>)	43	10
2008 99 91	----- Yams, sweet potatoes and similar edible parts of plants containing 5 % or more by weight of starch	43	15
2101	Extracts, essences and concentrates of coffee, tea or maté and preparations with a basis of these products or with a basis of coffee, tea or maté; roasted chicory and other roasted coffee substitutes, and extracts, essences and concentrates thereof:		
	– Extracts, essences and concentrates of coffee, and preparations with a basis of these extracts, essences or concentrates or with a basis of coffee:		
2101 12	-- Preparations with a basis of these extracts, essences or concentrates or with a basis of coffee		
2101 12 98	--- other than preparations with a basis of extracts, essences or concentrates of coffee	43	10
2101 20	– Extracts, essences and concentrates of tea or maté, and preparations with a basis of these extracts, essences and concentrates or with a basis of tea or maté:		
	-- Extracts, essences or concentrates		
	--- Preparations:		
2101 20 92	--- With a basis of extracts, essences or concentrates of tea or maté	43	10
2101 20 98	--- Other	43	10
2101 30	– Roasted chicory and other roasted coffee substitutes and extracts, essences and concentrates thereof:		
	-- Roasted chicory and other roasted coffee substitutes:		
2101 30 19	--- Other (than roasted chicory)	43	0
	-- Extracts, essences and concentrates of roasted chicory and other roasted coffee substitutes:		
2101 30 99	--- Other than roasted chicory	43	0
2905	Acrylic alcohols and their halogenated, sulphonated, nitrated or nitrosated derivatives:		
	– Other polyhydric alcohols:		
2905 43 00	-- Mannitol	20	0

CN Code ⁽¹⁾	Description	As per 1.1.1995 (%)	Agricultural component (%)
2905 44	-- D-glucitol (sorbitol):		
	--- In aqueous solution:		
2905 44 11	---- Containing 2 % or less by weight of D-mannitol, calculated on the D-glucitol content	20	0
2905 44 19	---- Other	20	0
	--- Other		
2905 44 91	---- Containing 2 % or less by weight of D-mannitol, calculated on the D-glucitol content	20	0
2905 44 99	---- Other	20	0
ex 3501	Casein, caseinates and other casein derivatives:		
3501 10	- Casein	20	0
3501 90	- Other:		
3501 90 90	-- Other	20	0
3824	Prepared binders for foundry moulds or cores; chemical products and preparations of the chemical or allied industries (including those consisting of mixtures of natural products), not elsewhere specified or included:		
3824 60	- Sorbitol, other than that of subheading 2905 44:		
	-- In aqueous solution:		
3824 60 11	--- Containing 2 % or less by weight of D-mannitol, calculated on the D-glucitol	23	0
3824 60 19	--- Other	23	0
	-- Other:		
3824 60 91	--- Containing 2 % or less by weight of D-mannitol, calculated on the D-glucitol	23	0
3824 60 99	--- Other	23	0

⁽¹⁾ The CN codes are those in force on 1 January 2008.

ANNEX II

CN Code ⁽¹⁾	Description	As per 1.1.1995 (%)	Agricultural component (%)
ex 1517	Margarine; edible mixtures or preparations of animal or vegetable fats or oils or of fractions of different fats or oils of this chapter, other than edible fats or oils or their fractions of heading 1516:		
1517 10	– Margarine, excluding liquid margarine:		
1517 10 10	-- Containing, by weight, more than 10 % but not more than 15 % of milk fats	43	32
1517 90	– Other:		
1517 90 10	-- Containing, by weight, more than 10 % but not more than 15 % of milk fats	43	32
1520 00 00	Glycerol, crude; glycerol waters and glycerol lyes	20	10
1704	Sugar confectionery (including white chocolate), not containing cocoa:		
1704 10	Chewing gum, whether or not sugar-coated:		
ex 1704 10 10	-- Containing less than 60 % by weight of sucrose (including invert sugar expressed as sucrose), in the form of a strip	43	32
ex 1704 10 10	-- Containing less than 60 % by weight of sucrose (including invert sugar expressed as sucrose), other than in the form of a strip	43	43
1704 10 90	-- Containing 60 % or more by weight of sucrose (including invert sugar expressed as sucrose)	43	43
1704 90	– Other:		
1704 90 10	-- Liquorice extract containing more than 10 % by weight of sucrose but not containing other added substances	43	32
1704 90 30	-- White chocolate	43	43
	-- Other		
1704 90 51	--- Pastes, including marzipan, in immediate packings of a net content of 1 kg or more	43	43
1704 90 55	--- Throat pastilles and cough drops	43	23
1704 90 61	--- Sugar-coated goods	43	43
	--- Other:		
1704 90 65	---- Gum confectionery and jelly confectionery, including fruit pastes in the form of sugar confectionery	43	43
1704 90 71	---- Boiled sweets whether or not filled	43	43
1704 90 75	---- Toffees, caramels and similar sweets	43	43
	---- Other		
1704 90 81	----- Compressed tablets	43	43
1704 90 99	----- Other	43	43
1803	Cocoa paste, whether or not defatted:		
1803 10 00	– Not defatted	33	18
1803 20 00	– Wholly or partly defatted	33	18

CN Code (1)	Description	As per 1.1.1995 (%)	Agricultural component (%)
1805 00 00	Cocoa powder, not containing added sugar or other sweetening matter	43	18
1806	Chocolate and other food preparations containing cocoa:		
1806 10	– Cocoa powder, containing added sugar or other sweetening matter:		
1806 10 15	-- containing no sucrose or containing less than 5 % by weight of sucrose (including invert sugar expressed as sucrose) or isoglucose expressed as sucrose	43	32
1806 10 20	-- containing 5 % or more but less than 65 % by weight of sucrose (including invert sugar expressed as sucrose) or isoglucose expressed as sucrose	43	32
1806 10 30	-- containing 65 % or more but less than 80 % by weight of sucrose (including invert sugar expressed as sucrose) or isoglucose expressed as sucrose	43	32
1806 10 90	-- containing 80 % or more by weight of sucrose (including invert sugar expressed as sucrose) or isoglucose expressed as sucrose	43	32
1806 20	– Other preparations in blocks, slabs or bars weighing more than 2 kg or in liquid, paste, powder, granular or other bulk form in containers or immediate packings of a content exceeding 2 kg:		
1806 20 10	-- containing 31 % or more by weight of cocoa butter or containing a combined weight of 31 % or more of cocoa butter and milk fat	43	43
1806 20 30	-- containing a combined weight of 25 % or more but less than 31 % of cocoa butter and milk fat	43	32
	-- Other:		
1806 20 50	--- containing 18 % or more by weight of cocoa butter	40	32
1806 20 70	--- Chocolate milk crumb;	43	32
1806 20 80	--- Chocolate flavour coating	43	32
1806 20 95	--- Other	43	43
	– Other, in blocks, slabs or bars:		
1806 31 00	-- Filled	43	43
	-- Not filled		
1806 32 10	--- With added cereal, fruit or nuts	43	43
1806 32 90	--- Other	43	43
1806 90	– Other:		
	-- Chocolate and chocolate products:		
	--- Chocolates (including pralines), whether or not filled:		
1806 90 11	---- Containing alcohol	43	17
1806 90 19	---- Other	43	43
	--- Other:		
1806 90 31	---- Filled	43	43
1806 90 39	---- Not filled:	43	43
1806 90 50	-- Sugar confectionery and substitutes therefor made from sugar substitution products, containing cocoa	43	43

CN Code (1)	Description	As per 1.1.1995 (%)	Agricultural component (%)
1806 90 60	-- Spreads containing cocoa	43	43
1806 90 70	-- preparations containing cocoa for making beverages	43	43
1806 90 90	-- Other	43	43
1901	Malt extract; food preparations of flour, meal, starch or malt extract, not containing cocoa powder or containing less than 40 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included; food preparations of goods of headings 0401 to 0404, not containing cocoa or containing less than 5 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included:		
1901 10 00	- Preparations for infant use, put up for retail sale		
ex 1901 10 00	Flour gruel containing cocoa	43	19
ex 1901 10 00	Flour gruel without cocoa	20	19
ex 1901 10 00	Milk for invalids and babies	15	10
ex 1901 10 00	Other preparations for infant use	43	19
1901 20 00	Mixes and doughs for the preparations of bakers' wares of heading 1905	43	43
1901 90	- Other:		
	-- Malt extract		
1901 90 11	With a dry extract content of 90 % or more by weight	29	10
1901 90 19	--- Other	29	10
	-- Other:		
1901 90 91	--- containing no milk fats, sucrose, isoglucose, glucose or starch or containing less than 1,5 % milk fat, 5 % sucrose (including invert sugar) or isoglucose, 5 % glucose or starch, excluding food preparations in powder form of goods of headings 0401 to 0404	29	10
1901 90 99	--- Other	29	29
1904	Prepared foods obtained by the swelling or roasting of cereals or cereal products (for example, corn flakes); cereals (other than maize(corn)) in grain form or in the form of flakes or other worked grains (except flour, groats and meal), pre-cooked or otherwise prepared, not elsewhere specified or included:		
1904 10	- Prepared foods obtained by the swelling or roasting of cereals or cereal products		
1904 10 10	-- Obtained from maize	43	43
1904 10 30	-- Obtained from rice	43	43
1904 10 90	-- Other	43	43
1904 90	- Other:		
1904 90 10	-- Rice	43	15
1904 90 80	-- Other	43	32

CN Code (1)	Description	As per 1.1.1995 (%)	Agricultural component (%)
2105	Ice cream and other edible ice, whether or not containing cocoa:		
2105 00 10	– containing no milk fats or containing less than 3 % by weight of such fats	43	43
	– containing by weight of milk fats:		
2105 00 91	-- 3 % or more but less than 7 %	43	43
2105 00 99	-- 7 % or more	43	43
2106	Food preparations not elsewhere specified or included:		
2106 10	– Protein concentrates and textured protein substances:		
2106 10 20	-- Containing no milk fats, sucrose, isoglucose, glucose or starch or containing, by weight, less than 1,5 % milk fat, 5 % sucrose or isoglucose, 5 % glucose or starch	43	0
2106 10 80	-- Other	43	0
2106 90	– Other:		
	– Other:		
2106 90 92	--- Containing no milk fats, sucrose, isoglucose, glucose or starch or containing, by weight, less than 1,5 % milk fat, 5 % sucrose or isoglucose, and 5 % glucose or starch	43	0
ex 2106 90 98	--- other, with the exception of subheadings 2106 90 98 200 and 2106 90 98 915	43	0
2106 90 98 200	---- Cheese fondues	43	10
2106 90 98 915	---- Powders for the preparation of creams	43	10
2202	Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured, and other non-alcoholic beverages, not including fruit or vegetable juices of heading 2009		
2202 90	– other soft drinks, not including fruit or vegetable juices of heading 2009:		
	-- Other, containing by weight of fat obtained from the products of headings 0401 to 0404:		
2202 90 91	--- Less than 0,2 %	43	10
2202 90 95	--- 0,2 % or more but less than 2 %	43	10
2202 90 99	--- 2 % or more	43	10
2203 00	Beer made from malt	43	43
2208	Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80 % vol; spirits, liqueurs and other spirit drinks:		
2208 20	– Spirits obtained by distilling grape wine or grape marc	43	10
2208 30	– Whiskies:	43	10
2208 40	– Rum and other spirits obtained by distilling fermented sugar-cane products	43	10
2208 50	– Gin and Geneva:	43	10

CN Code (1)	Description	As per 1.1.1995 (%)	Agricultural component (%)
2208 60	- Vodka		
	-- Of an alcoholic strength by volume of 45,4 % vol or less in containers holding:		
2208 60 11	--- Not exceeding 2 litres	43	10
	-- Of an alcoholic strength by volume of more than 45,4 % vol in containers holding:		
2208 60 91	--- 2 litres or less	43	10
2208 60 99	--- more than 2 litres	43	10
2208 70	- Liqueurs		
2208 70 10	-- In containers holding 2 litres or less	43	0
2208 70 90	-- In containers holding more than 2 litres	43	0
2208 90	- Other:		
	-- Arrack, in containers holding:		
2208 90 11	--- 2 litres or less	43	10
2208 90 19	--- more than 2 litres	43	10
	-- Plum, pear or cherry spirit (excluding liqueurs), in containers holding:		
2208 90 33	--- 2 litres or less	43	10
2208 90 38	--- more than 2 litres	43	10
	-- Other spirits and other spirituous beverages, in containers holding:		
	--- 2 litres or less:		
2208 90 41	---- Ouzo	43	10
	---- Other:		
	----- Spirits (excluding liqueurs):		
	----- Distilled from fruit:		
2208 90 45	----- Calvados	43	10
2208 90 48	----- Other	43	10
	----- Other:		
2208 90 52	----- Korn	43	10
2208 90 54	----- Tequila	43	0
2208 90 56	----- Other	43	0
2208 90 69	----- Other spirit drinks	43	0
	--- more than 2 litres:		
	---- Spirits (excluding liqueurs):		
2208 90 71	----- Distilled from fruit	43	0
2208 90 75	----- Tequila	43	0

CN Code (*)	Description	As per 1.1.1995 (%)	Agricultural component (%)
2208 90 77	----- Other	43	0
2208 90 78	----- Other spirit drinks	43	0
	-- Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80 % vol, in containers holding:		
2208 90 91	--- 2 litres or less	43	0
2208 90 99	--- more than 2 litres	43	0
2402	Cigars, cheroots, cigarillos and cigarettes, of tobacco or of tobacco substitutes:		
2402 10 00	- Cigars, cheroots and cigarillos, containing tobacco	34	10
2402 20	- Cigarettes containing tobacco:		
2402 20 10	-- containing cloves	34	10
2402 20 90	-- Other	34	10
2402 90 00	- Other	34	10
2905 45 00	-- Glycerol	20	10
2915	Saturated acyclic monocarboxylic acids and their anhydrides, halides, peroxides and peroxyacids; their halogenated, sulphonated, nitrated or nitrosated derivatives:		
2915 90	- Other	20	0
3505	Dextrins and other modified starches (for example, pregelatinised or esterified starches); glues based on starches, or on dextrins or other modified starches:		
3505 10	- Dextrins and other modified starches		
3505 10 10	-- Dextrins	20	0
	-- Other modified starches:		
3505 10 90	--- other modified starches, not esterified or etherified	20	0
3505 20	- Glues:		
3505 20 10	-- containing, by weight, less than 25 % of starches or dextrins or other modified starches	20	0
3505 20 30	-- containing, by weight, 25 % or more but less than 55 % of starches or dextrins or other modified starches	20	0
3505 20 50	-- containing, by weight, 55 % or more but less than 80 % of starches or dextrins or other modified starches	20	0
3505 20 90	-- Containing by weight 80 % or more of starches or dextrins or other modified starches	20	0

CN Code ⁽¹⁾	Description	As per 1.1.1995 (%)	Agricultural component (%)
3809	Finishing agents, dye carriers to accelerate the dyeing or fixing of dyestuffs and other products and preparations (for example, dressings and mordants), of a kind used in the textile, paper, leather or like industries, not elsewhere specified or included:		
3809 10	– With a basis of amylaceous substances:		
3809 10 10	-- containing by weight of such substances less than 55 %	20	0
3809 10 30	-- containing by weight of such substances 55 % or more but less than 70 %	20	0
3809 10 50	-- containing by weight of such substances 70 % or more but less than 83 %	20	0
3809 10 90	-- containing by weight of such substances 83 % or more	20	0
3823	Industrial monocarboxylic fatty acids; acid oils from refining; industrial fatty alcohols:		
	– Industrial monocarboxylic fatty acids; acid oils from refining		
3823 11 00	-- Stearic acid	20	10
3823 12 00	-- Oleic acid	20	10
3823 13 00	-- Tall oil fatty acids	20	10
3823 19	-- Other:		
3823 19 10	--- Distilled fatty acids	20	10
3823 19 30	--- Fatty acid distillate	20	10
3823 19 90	--- Other	20	10
3823 70 00	– Industrial fatty alcohols	20	10

⁽¹⁾ The CN codes are those in force on 1.1.2008.

III

(Acts adopted under the EU Treaty)

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

COUNCIL DECISION 2009/820/CFSP

of 23 October 2009

on the conclusion on behalf of the European Union of the Agreement on extradition between the European Union and the United States of America and the Agreement on mutual legal assistance between the European Union and the United States of America

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 24 and 38 thereof,

Whereas:

- (1) Following the authorisation given by the Council on 26 April 2002 to the Presidency, assisted by the Commission, to enter into negotiations with the United States of America, two Agreements on international cooperation in criminal matters, one on extradition and one on mutual legal assistance, have been negotiated with the United States of America.
- (2) In accordance with Council Decision 2003/516/EC of 6 June 2003 ⁽¹⁾, the Agreement on extradition between the European Union and the United States of America ⁽²⁾ and the Agreement on mutual legal assistance between the European Union and the United States of America ⁽³⁾ have been signed on behalf of the European Union on 25 June 2003.
- (3) The Agreements should now be approved.
- (4) The Agreements provide in their Article 3(2) that written instruments be exchanged between the USA and the Member States of the Union on the application of bilateral treaties. Article 3(3) of the Agreement on mutual legal assistance provides a similar obligation for those Member States that do not have a bilateral mutual legal assistance treaty with the United States. These written instruments have been exchanged between all Member States and the United States of America.

- (5) On 19 February 2009 the General Secretariat of the Council notified the United States of America of the designations pursuant to Articles 2(3) and 10(2) of the Agreement on extradition and pursuant to Articles 4(3) and 8(2)(b) of the Agreement on mutual legal assistance, as well as of limitations invoked under Article 4(4) of the Agreement on mutual legal assistance,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement on extradition between the European Union and the United States of America and the Agreement on mutual legal assistance between the European Union and the United States of America are hereby approved on behalf of the European Union.

Article 2

The President of the Council is hereby authorised to designate the person empowered, on behalf of the European Union, to exchange the instruments of approval provided for in Article 22 of the Agreement on extradition between the European Union and the United States of America and in Article 18 of the Agreement on mutual legal assistance between the European Union and the United States of America, in order to express the consent of the European Union to be bound.

Article 3

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

⁽¹⁾ OJ L 181, 19.7.2003, p. 25.

⁽²⁾ OJ L 181, 19.7.2003, p. 27.

⁽³⁾ OJ L 181, 19.7.2003, p. 34.

Done at Luxembourg, 23 October 2009.

For the Council

The President

T. BILLSTRÖM

CORRIGENDA

Corrigendum to Commission Regulation (EC) No 560/2009 of 26 June 2009 amending Regulation (EC) No 874/2004 laying down the public policy rules concerning the implementation and functions of the .eu Top Level Domain and the principles governing registration*(Official Journal of the European Union L 166 of 27 June 2009)*

On page 9, Annex, under CYPRUS:

for: '64. elya-girne',

read: '64. şarapköyleri';

on page 10, Annex, under CYPRUS:

for: '84. kutsoventi',

read: '84. πόλη-χρυσοχούς';

for: '100. milya-baf',

read: '100. πόλη-της-χρυσοχούς';

on page 15, Annex, under CYPRUS:

the following text is deleted: '828. şarapköyleri',

the following text is deleted: '829. πόλη-χρυσοχούς',

the following text is deleted: '830. πόλη-της-χρυσοχούς';

on page 35, Annex, under TURKEY:

for: '10. турция',

read: '10. турция';

for: '11. республика-турция',

read: '11. республика-турция';

for: '12. республикатурция',

read: '12. республикатурция';

for: '44. турция',

read: '44. турция';

for: '45. республика-турция',

read: '45. республика-турция';

for: '46. республикатурция',

read: '46. республикатурция'.

Corrigendum to Commission Regulation (EC) No 1056/2009 of 5 November 2009 fixing the export refunds on milk and milk products*(Official Journal of the European Union L 290 of 6 November 2009)*

On page 67, Annex:

for:

Product code	Destination	Unit of measurement	Refunds
0402 99 10 9350	L20	EUR/100 kg	4,47'

read:

Product code	Destination	Unit of measurement	Refunds
0402 99 10 9350	L20	EUR/100 kg	0,00'

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

2009/819/EC:

- ★ **Decision No 1/2009 of the EU-Tunisia Association Council of 22 October 2009 amending Decision No 1/1999 on the implementation of the provisions on processed agricultural products laid down in Article 10 of the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part** 29

III *Acts adopted under the EU Treaty*

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

- ★ **Council Decision 2009/820/CFSP of 23 October 2009 on the conclusion on behalf of the European Union of the Agreement on extradition between the European Union and the United States of America and the Agreement on mutual legal assistance between the European Union and the United States of America** 40

Corrigenda

- ★ **Corrigendum to Commission Regulation (EC) No 560/2009 of 26 June 2009 amending Regulation (EC) No 874/2004 laying down the public policy rules concerning the implementation and functions of the .eu Top Level Domain and the principles governing registration (OJ L 166 of 27.6.2009)** 42

Corrigendum to Commission Regulation (EC) No 1056/2009 of 5 November 2009 fixing the export refunds on milk and milk products (OJ L 290, 6.11.2009) 43

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