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I

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

REGULATIONS

COUNCIL REGULATION (EC) No 1197/2009

of 30 November 2009

amending Regulation (EC) No 2115/2005 establishing a recovery plan for Greenland halibut in the framework of the Northwest Atlantic Fisheries Organisation

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament,

Whereas:

- (1) Regulation (EC) No 2115/2005 of 20 December 2005 ⁽¹⁾ implements a recovery plan for Greenland halibut adopted by the Northwest Atlantic Fisheries Organisation (hereinafter referred to as 'NAFO').
- (2) At its 29th Annual Meeting held in September 2007, NAFO adopted a number of amendments to this recovery plan. Those amendments relate to enhanced measures for catch reporting and additional control measures designed to enhance at-sea inspections for vessels entering and leaving the NAFO Regulatory Area.
- (3) It is therefore necessary to amend Regulation (EC) No 2115/2005 in order to implement the amendments to the recovery plan,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2115/2005 shall be amended as follows:

- (1) The following Article shall be inserted:

⁽¹⁾ OJ L 340, 23.12.2005, p. 3.

'Article 5a

Entry into the NAFO Regulatory Area

1. Fishing vessels referred to in Article 5(1) may enter the NAFO Regulatory Area to fish for Greenland halibut only if they:

- (a) have less than 50 tonnes of any catch on board; or
- (b) comply with the procedure set out in paragraphs 2, 3 and 4.

2. Where the fishing vessel has catches from outside the NAFO Regulatory Area of 50 tonnes or more on board, it shall communicate to the NAFO Secretariat, by e-mail or fax, at the latest 72 hours prior to entry into the NAFO Regulatory Area:

- (a) the amount of catch retained on board;
- (b) the position (latitude/longitude) where the master of the vessel estimates that the vessel will commence fishing; and
- (c) the estimated time of arrival at the position.

3. If an inspection vessel, following the communication referred to in paragraph 2, signals its intention to carry out an inspection, it shall communicate to the fishing vessel the coordinates of a checkpoint for an inspection to take place. The checkpoint shall be no more than 60 nautical miles from the position where the master of the fishing vessel estimates that the vessel will commence fishing.

4. The fishing vessel referred to in paragraph 2 may proceed to fish in any of the following cases:

- (a) if it receives notification to that effect from the NAFO Secretariat;
- (b) if, after an inspection carried out in accordance with paragraph 3, it is informed by the inspection vessel that it may proceed to fish;
- (c) if the inspection vessel has not commenced the inspection within three hours following the arrival of the fishing vessel at the checkpoint designated in accordance with paragraph 3;
- (d) if it receives no communication, from the NAFO Secretariat or an inspection vessel by the time it enters the NAFO Regulatory Area, that an inspection vessel intends to carry out an inspection in accordance with paragraph 3.;
- (2) Article 6 shall be amended as follows:
- (a) in paragraph 1, point (b) shall be replaced by the following:
- (b) quantities of Greenland halibut on a five-day basis, including zero catch returns. This report shall be transmitted for the first time no later than the end of the tenth day following the date of the entry of the vessel into NAFO Sub-area 2 and Divisions 3KLMNO;;
- (b) paragraphs 2 and 3 shall be replaced by the following:
- ‘2. Member States shall, upon receipt, transmit the reports provided for in paragraph 1 to the Commission. The Commission shall promptly forward the report provided for in paragraph 1(b) to the NAFO Secretariat.
3. When catches of Greenland halibut notified in accordance with paragraph 2 are deemed to have exhausted 75 % of the Member States’ quota allocation, masters shall transmit the reports referred to in paragraph 1(b) on a three-day basis.’.
- Article 2*
- This Regulation shall enter into force on the seventh 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, 30 November 2009.

For the Council
The President
B. ASK

DIRECTIVES

DIRECTIVE 2009/139/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**of 25 November 2009****on statutory markings for two- or three-wheel motor vehicles****(codified version)****(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⁾,

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

Whereas:

(1) Council Directive 93/34/EEC of 14 June 1993 on statutory markings for two- or three-wheel motor vehicles ⁽³⁾ has been substantially amended several times ⁽⁴⁾. In the interests of clarity and rationality the said Directive should be codified.

(2) Directive 93/34/EEC is one of the separate Directives of the EC type-approval system provided for in Council Directive 92/61/EEC of 30 June 1992 relating to the type-approval of two or three-wheel motor vehicles, as replaced by Directive 2002/24/EC of the European Parliament and of the Council of 18 March 2002 relating to the type-approval of two or three-wheel

motor vehicles ⁽⁵⁾, and lays down technical prescriptions concerning the design and construction of two- or three-wheel motor vehicles as regards the statutory markings. Those technical prescriptions concern the approximation of the laws of the Member States to allow for the EC type-approval procedure provided for in Directive 2002/24/EC to be applied in respect of each type of vehicle. Consequently, the provisions laid down in Directive 2002/24/EC relating to vehicle systems, components and separate technical units apply to this Directive.

(3) With regard to the statutory markings applicable to two- or three-wheel motor vehicles, this Directive should not prevent certain Member States from retaining, on a non-discriminatory basis, specific mandatory provisions for the purposes of applying traffic regulations, provided that such specific requirements concern the use of these vehicles and do not involve any modifications in their construction likely to create an obstacle to Community type-approval of this type of vehicle.

(4) This Directive should be without prejudice to the obligations of the Member States relating to the time limits for transposition into national law and application of the Directives set out in Annex II, Part B,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

This Directive applies to the statutory markings for all types of vehicle as referred to in Article 1 of Directive 2002/24/EC.

Article 2

The procedure for the granting of EC component type-approval in respect of the statutory markings for a type of two- or three-wheel motor vehicle and the conditions governing the free movement of such vehicles shall be as laid down in Chapters II and III of Directive 2002/24/EC.

⁽¹⁾ OJ C 77, 31.3.2009, p. 41.

⁽²⁾ Opinion of the European Parliament of 18 November 2008 (not yet published in the Official Journal) and Council Decision of 10 November 2009.

⁽³⁾ OJ L 188, 29.7.1993, p. 38.

⁽⁴⁾ See Annex II, Part A.

⁽⁵⁾ OJ L 124, 9.5.2002, p. 1.

Article 3

The amendments necessary to adapt to technical progress the requirements of Annex I shall be adopted in accordance with the procedure referred to in Article 18(2) of Directive 2002/24/EC.

Article 4

1. With respect to two- or three-wheel vehicles which comply with the provisions laid down in this Directive, Member States shall not, on grounds relating to statutory markings, refuse to grant EC type-approval or prohibit the registration, sale or entry into service of such a vehicle.

2. Member States shall refuse, on grounds relating to statutory markings, to grant EC type-approval to any new type of two- or three-wheel motor vehicle which does not comply with the provisions laid down in this Directive.

3. Member States shall communicate to the Commission the texts of the main provisions of national law which they adopt in the field governed by this Directive.

Article 5

Directive 93/34/EEC, as amended by the Directives listed in Annex II, Part A, is repealed, without prejudice to the obligations of the Member States relating to the time limits for

transposition into national law and application of the Directives set out in Annex II, Part B.

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

Article 6

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

It shall apply from 1 June 2010.

Article 7

This Directive is addressed to the Member States.

Done at Strasbourg, 25 November 2009.

For the European Parliament
The President
J. BUZEK

For the Council
The President
Å. TORSTENSSON

ANNEX I

REQUIREMENTS CONCERNING STATUTORY MARKINGS FOR TWO- OR THREE-WHEEL MOTOR VEHICLES

1. GENERAL

- 1.1. All vehicles must receive a plate and markings as described below. That plate and those markings must be affixed by the manufacturer or his authorised representative.

2. MANUFACTURER'S DATA PLATE

- 2.1. A manufacturer's data plate, an example of which is shown in Appendix 1, must be firmly attached, at an easily accessible point, to a part which is normally not likely to be replaced during use; it must be easily legible and contain the following information in an indelible form, in the following order:

2.1.1. name of manufacturer;

2.1.2. type-approval mark as described in Article 8 of Directive 2002/24/EC;

2.1.3. the vehicle identification number (VIN);

2.1.4. the stationary sound level: ... dB(A) ... rev/min.

- 2.2. The type-approval mark as required by point 2.1.2, the stationary sound level value and the number of rev/minute as required by point 2.1.4 are not included in the EC component type-approval of statutory markings. However, those pieces of information must be attached to all vehicles manufactured in conformity with the type that has been approved.

- 2.3. Manufacturers may affix additional information below or to one side of the mandatory markings, outside a clearly marked rectangle which contains only the information required by points 2.1.1 to 2.1.4 (see Appendix 1).

3. VEHICLE IDENTIFICATION NUMBER

The vehicle identification number consists of a structured combination of characters assigned to each vehicle by their manufacturer. Its purpose is to enable any vehicle to be identified unambiguously via its manufacturer — without any need for any other information — for a period of 30 years. The identification must meet the following requirements:

- 3.1. the vehicle identification number must be entered on the manufacturer's data plate. It must also be hammered or punched in such a way as to avoid obliteration or change on the chassis or frame at a point such that it can easily be accessible, and it must be situated on the right half of the vehicle;

3.1.1. the vehicle identification number must be in three parts as indicated hereafter:

3.1.1.1. the first part consists of a code assigned to the vehicle manufacturer enabling that person to be identified. The code shall consist of three characters (letters or digits) issued by the competent authorities in the country in which the manufacturer has his registered address in line with the practice of the international agency acting on the authorisation of the International Organisation for Standardisation (ISO). The first character designates a geographical area, the second a country within a geographical area and the third character a particular manufacturer. Where the manufacturer produces fewer than 500 vehicles per year the third character is always a 9. In order to identify that manufacturer the authority referred to above shall also issue the third, fourth and fifth characters of the third part;

3.1.1.2. the second part consists of six characters (letters or digits) for the purpose of describing the general characteristics of the vehicle (type, variant, and in the case of mopeds, version); each characteristic may be represented by several characters. If its manufacturer does not use one or more of those characters the unused spaces must be filled by alphabetical or numerical characters, the choice being left to the manufacturer;

- 3.1.1.3. the third part consists of eight characters, the last four of which are required to be numerical and, in combination with the two other parts, must enable a particular vehicle to be clearly identified. Any unused position must be filled by a 0 in order to obtain the requisite total number of characters;
- 3.1.2. the vehicle identification number must, wherever possible, occupy a single line. The beginning and end of this line must be marked by a symbol which is neither an Arabic numeral nor a capital Latin letter, nor must it be possible to confuse this with any such character.

By way of exception and for technical reasons it may also occupy two lines. However, in this case there must be no breaks within any of the three parts and the beginning and end of each line must be marked by a symbol which is neither an Arabic numeral nor a capital Latin letter, nor must it be possible to confuse this with any such character.

The introduction of said symbol within a line between the three parts (point 3.1.1) is also authorised.

There must be no spaces between the characters.

4. CHARACTERS

- 4.1. Latin letters and Arabic numerals must be used for all of the markings provided for in points 2 and 3. However, the Latin letters used for the information provided for in points 2.1.1, 2.1.3 and 3 must be capital letters.
- 4.2. In the vehicle identification number:
 - 4.2.1. letters I, O and Q, or dashes, asterisks or other specific signs are prohibited;
 - 4.2.2. letters and figures shall have the following minimum heights:
 - 4.2.2.1. 4 mm in the case of characters entered directly on the chassis or frame or any other similar vehicle structure;
 - 4.2.2.2. 3 mm in the case of characters entered on the manufacturer's data plate.

—

Appendix 1

Example of manufacturer's data plate

The example below in no way affects the information actually set out on manufacturer's data plates, nor the dimensions of the plate itself, the figures or letters. It is given solely by way of an example.

The additional information referred to in point 2.3 may be entered below or on one side of the information required in the following rectangle.

STELLA FABBRICA MOTOCICLI
e3 5364
3 G S K L M 3 A C 8 B 1 2 0 0 0 0
80 dB(A) — 3 750 rev/min

Legend:

In the above example of a plate the vehicle concerned has been made by 'Stella Fabbrica Motocicli' and type-approved in Italy (e3), under number 5364.

The identification number (3GSKLM3AC8B120000) gives the following information:

- first part (3GS):
 - 3: geographical area (Europe),
 - G: country within the geographical area (Germany),
 - S: manufacturer (Stella Fabbrica Motocicli),
- second part (KLM3AC):
 - KL: type of vehicle,
 - M3: variant (vehicle bodywork),
 - AC: version (vehicle engine),
- third part (8B120000):
 - 8B12: identification of the vehicle and combination of the two other parts of the identification number;
 - 0000: unused positions that have been filled by a 0 in order to make up the total number of characters required.

The stationary sound level is 80 dB(A) at 3 750 rev/min.

*Appendix 2***Information document in respect of the statutory markings for a type of two- or three-wheel motor vehicle**

(to be attached to the application for EC component type-approval if this is submitted separately from the application for an EC vehicle type-approval)

Order number (assigned by the applicant):

The application for an EC component type-approval in respect of statutory markings for a type of two- or three-wheel motor vehicle shall contain the information set out under the following points in Part I, Section A of Annex II to Directive 2002/24/EC:

- 0.1,
 - 0.2,
 - 0.4 to 0.6,
 - 9.3.1 to 9.3.3.
-

Appendix 3

Name of administration

EC component type-approval certificate in respect of statutory markings for a type of two- or three-wheel motor vehicles

MODEL

Report Noby technical servicedate

EC component type-approval No:Extension No:

1. Trade mark or name of vehicle:

2. Type of vehicle:

3. Manufacturer's name and address:

.....

4. Name and address of manufacturer's representative (if any):

.....

5. Date vehicle submitted for test:

6. EC component type-approval granted/refused (1):

7. Place:

8. Date:

9. Signature:

(1) Delete as appropriate.

ANNEX II

PART A

Repealed Directive with list of its successive amendments

(referred to in Article 5)

Council Directive 93/34/EEC
(OJ L 188, 29.7.1993, p. 38)

Commission Directive 1999/25/EC
(OJ L 104, 21.4.1999, p. 19)

Commission Directive 2006/27/EC
(OJ L 66, 8.3.2006, p. 7)

Article 2 and Annex II only

PART B

List of time limits for transposition into national law and application

(referred to in Article 5)

Directive	Time limit for transposition	Date of application
93/34/EEC	14 December 1994	14 June 1995
1999/25/EC	31 December 1999	1 January 2000 (*)
2006/27/EC	31 December 2006 (**)	—

(*) In conformity with Article 2 of Directive 1999/25/EC:

‘1. With effect from 1 January 2000, Member States shall not, on grounds relating to statutory markings:

- refuse, in respect of a type of two- or three-wheel vehicle, to grant EC type-approval,
- prohibit the registration, sale or entry into service of two- or three-wheel motor vehicles,

if the statutory markings comply with the requirements of Council Directive 93/34/EEC as amended by this Directive.

2. With effect from 1 July 2000, Member States shall refuse to grant EC type-approval for any type of two- or three-wheel motor vehicle on grounds relating to the statutory markings if the requirements of Directive 93/34/EEC, as amended by this Directive, are not fulfilled.’

(**) In conformity with Article 5 of Directive 2006/27/EC:

‘1. With effect from 1 January 2007, with respect to two- or three-wheel vehicles which comply with the provisions laid down in Directives [...], 93/34/EEC, [...] respectively, as amended by this Directive, Member States shall not, on grounds relating to the subject matter of the Directive concerned, refuse to grant EC type-approval or prohibit the registration, sale or entry into service of such a vehicle.

2. With effect from 1 July 2007, Member States shall refuse, on grounds relating to the subject matter of the Directive concerned, to grant EC type-approval to any new type of two- or three-wheel motor vehicle which does not comply with the provisions laid down in Directives [...], 93/34/EEC, [...] respectively, as amended by this Directive.’

ANNEX III

CORRELATION TABLE

Directive 93/34/EEC	Directive 2006/27/EC	This Directive
Articles 1, 2 and 3		Articles 1, 2 and 3
Article 4(1)		—
—	Article 5(1)	Article 4(1)
—	Article 5(2)	Article 4(2)
Article 4(2)		Article 4(3)
—		Article 5
—		Article 6
Article 5		Article 7
Annex		Annex I
—		Annex II
—		Annex III

II

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

DECISIONS

COUNCIL

COUNCIL DECISION

of 26 November 2009

**on the position to be taken by the European Community regarding the renegotiation of the
Monetary Agreement with the Republic of San Marino**

(2009/904/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 111(3) thereof,

Having regard to the recommendation from the Commission,

Having consulted the European Central Bank,

Whereas:

- (1) The Community has the competence for monetary and exchange rate matters as of the date of the introduction of the euro.
- (2) The Council is to determine the arrangements for the negotiation and conclusion of agreements concerning monetary or foreign exchange regime matter.
- (3) The Italian Republic, on behalf of the Community, concluded on 29 November 2000 a Monetary Agreement with the Republic of San Marino.
- (4) In its conclusions on 10 February 2009 the Council invited the Commission to review the functioning of the existing agreements and to consider possible increases in the ceilings for coin issuance.

(5) The Commission concluded in the Communication on the functioning of the Monetary Agreements with Monaco, San Marino and Vatican that the Monetary Agreement with the Republic of San Marino in its present form needs to be amended with a view to ensuring a more consistent approach in the relations between the Community and the countries having signed a monetary agreement.

(6) The Monetary Agreement with the Republic of San Marino should therefore be renegotiated as soon as possible so that the new regime enters into force on 1 January 2010, together with the new rules on the modalities of introduction of euro coins set by the Commission Recommendation of 19 December 2008 on common guidelines for the national side and the issuance of euro coins intended for circulation⁽¹⁾, endorsed by the Council in its conclusions of 10 February 2009,

HAS ADOPTED THIS DECISION:

Article 1

The Italian Republic shall notify the Republic of San Marino of the need to amend the existing Monetary Agreement between the Italian Republic, on behalf of the European Community, and the Republic of San Marino (hereinafter 'the Agreement') at the earliest possible date and offer renegotiation on the relevant provisions of the Agreement.

Article 2

The Community shall seek the following changes in the renegotiation of the Agreement with the Republic of San Marino:

⁽¹⁾ OJ L 9, 14.1.2009, p. 52.

- (a) The Agreement shall be concluded between the Community and the Republic of San Marino. The text of the agreement shall be a codified text of the current agreement with the amendments.
- (b) The Republic of San Marino shall undertake to adopt all appropriate measures, through direct transpositions or possibly equivalent actions:
- for the application of all relevant Community banking and financial legislation, in particular legislation relating to the activity and supervision of the institutions concerned;
 - for the application of all relevant Community legislation on the prevention of money laundering, on the prevention of fraud and counterfeiting of cash and non-cash means of payment, on medals and tokens and on statistical reporting requirements.

The Republic of San Marino shall ensure that all relevant Community banking and financial legislation is implemented in its territory before 1 January 2015. The Agreement shall contain an annex detailing the deadlines for the adoption of such measures.

- (c) The method for determining the ceiling of issuance of San Marino euro coins shall be revised. The new ceiling shall be calculated using a method which will combine a fixed part aimed at avoiding excessive numismatic speculation on San Marino coins by satisfying the demand of the collector coin market and a variable part, calculated as the average per capita coin issuance of the Republic of Italy in the year n-1 multiplied by the number of inhabitants of the Republic of San Marino.
- (d) A Joint Committee shall be established in order to monitor the progress in the implementation of the Agreement. It shall be composed of representatives of the Republic of San Marino, the Republic of Italy, the Commission and the ECB. It shall have the possibility to revise each year the fixed part with a view to taking into account inflation and the evolution of the collector market. It shall adopt decisions unanimously. The Joint Committee shall adopt its own rules of procedure.
- (e) The euro coins of the Republic of San Marino shall be minted by the Istituto Poligrafico e Zecca dello Stato. The Republic of San Marino shall however have the possibility to take another contractor among the European Union mints striking euro coins, with the agreement of the Joint Committee. The volume of coins issued by the Republic of

San Marino shall be added to the volume of coins issued by the Republic of Italy for the purpose of the ECB approval of the total volume of the issuance.

- (f) The Court of Justice of the European Communities shall be elected as the body in charge of settling disputes which may arise from the application of the Agreement.

If the Community or the Republic of San Marino consider that the other Party has not fulfilled an obligation under the Monetary Agreement, it may bring the matter before the Court of Justice. The judgment of the Court of Justice shall be binding on the Parties, which will take the necessary measures to comply with the judgment within a period to be decided by the Court of Justice in its judgment. In case the Community or the Republic of San Marino fail to take the necessary measures to comply with the judgment within the period, the other Party can terminate immediately the Agreement.

Article 3

The negotiations with the Republic of San Marino shall be conducted by the Italian Republic and the Commission on behalf of the Community. The Italian Republic and the Commission are empowered to initial the Agreement on behalf of the Community. The ECB shall be fully associated with the negotiations and its agreement shall be required on issues falling in its field of competence. The Italian Republic and the Commission shall submit the draft Agreement to the Economic and Financial Committee (EFC) for opinion.

Article 4

Upon the initialling of the Agreement, the Commission shall be entitled to conclude the Agreement on behalf of the Community, unless the EFC or the ECB is of the opinion that the Agreement should be submitted to the Council.

Article 5

This Decision is addressed to the Italian Republic, the Commission and the ECB.

Done at Brussels, 26 November 2009.

For the Council
The President
J. BJÖRKLUND

III

(Acts adopted under the EU Treaty)

ACTS ADOPTED UNDER TITLE VI OF THE EU TREATY

COUNCIL FRAMEWORK DECISION 2009/905/JHA

of 30 November 2009

on Accreditation of forensic service providers carrying out laboratory activities

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 30(1)(a) and (c) and Article 34(2)(b) thereof,

Having regard to the initiative of the Kingdom of Sweden and the Kingdom of Spain ⁽¹⁾,

Having regard to the opinion of the European Parliament,

Whereas:

(1) The European Union has set itself the objective of maintaining and developing the Union as an area of freedom, security and justice; a high level of safety is to be provided by common action among the Member States in the field of police and judicial cooperation in criminal matters.

(2) That objective is to be achieved by preventing and combating crime through closer cooperation between law enforcement authorities in the Member States, while respecting the principles and rules relating to human rights, fundamental freedoms and the rule of law on which the Union is founded and which are common to the Member States.

(3) Exchange of information and intelligence on crime and criminal activities is crucial for the possibility for law enforcement authorities to successfully prevent, detect and investigate crime or criminal activities. Common action in the field of police cooperation under Article 30(1)(a) of the Treaty entails the need to process relevant information which should be subject to appropriate provisions on the protection of personal data.

(4) The intensified exchange of information regarding forensic evidence and the increased use of evidence from one Member State in the judicial processes of another, highlights the need to establish common standards for forensic service providers.

(5) Information originating from forensic processes in one Member State may currently be associated with a level of uncertainty in another Member State regarding the way in which an item has been handled, what methods have been used and how the results have been interpreted.

(6) In point 3.4 (h) of the Council and Commission Action Plan implementing The Hague Programme on strengthening freedom, security and justice in the European Union ⁽²⁾ Member States stressed the need for a definition of the quality standards of forensic laboratories by 2008.

(7) It is particularly important to introduce common standards for forensic service providers relating to such sensitive personal data as DNA profiles and dactyloscopic data.

(8) Pursuant to Article 7(4) of Council Decision 2008/616/JHA of 23 June 2008 on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime ⁽³⁾, Member States shall take the necessary measures to guarantee the integrity of DNA profiles made available or sent for comparison to other Member States and to ensure that these measures comply with international standards, such as EN ISO/IEC 17025 'General requirements for the competence of testing and calibration laboratories' (hereinafter 'EN ISO/IEC 17025').

⁽¹⁾ OJ C 174, 28.7.2009, p. 7.

⁽²⁾ OJ C 198, 12.8.2005, p. 1.

⁽³⁾ OJ L 210, 6.8.2008, p. 12.

- (9) DNA profiles and dactyloscopic data are not only used in criminal proceedings but are also crucial for the identification of victims, particularly after disasters.
- (10) The accreditation of forensic service providers carrying out laboratory activities is an important step towards a safer and more effective exchange of forensic information within the Union.
- (11) Accreditation is granted by the national accreditation body which has exclusive competence to assess if a laboratory meets the requirements set by harmonised standards. An accreditation body derives its authority from the State. Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products⁽¹⁾ contains detailed provisions on the competence of such national accreditation bodies. Inter alia, Article 7 of that Regulation regulates cross-border accreditation in cases where accreditation may be requested from another national accreditation body.
- (12) The absence of an agreement to apply a common accreditation standard for the analysis of scientific evidence is a deficiency that should be remedied; it is, therefore, necessary to adopt a legally binding instrument on the accreditation of all forensic service providers carrying out laboratory activities. Accreditation offers the necessary guarantees that laboratory activities are performed in accordance with relevant international standards, in particular EN ISO/IEC 17025, as well as relevant applicable guidelines.
- (13) An accreditation standard allows any Member State to require, if it wishes, complementary standards in laboratory activities within its national jurisdiction.
- (14) Accreditation will help establish mutual trust in the validity of the basic analytic methods used. However, accreditation does not state which method to use, only that the method used has to be suitable for its purpose.
- (15) Any measure taken outside a laboratory is beyond the scope of this Framework Decision. For example, the taking of dactyloscopic data or measures taken at the scene of incident, the scene of crime or forensic analyses carried out outside laboratories are not included in its scope.
- (16) This Framework Decision does not aim to harmonise national rules regarding the judicial assessment of forensic evidence.

- (17) This Decision does not affect the validity, established in accordance with national applicable rules, of the results of laboratory activities carried out prior to its implementation, even if the forensic service provider was not accredited to comply with EN ISO/IEC 17025,

HAS ADOPTED THIS FRAMEWORK DECISION:

Article 1

Objective

1. The purpose of this Framework Decision is to ensure that the results of laboratory activities carried out by accredited forensic service providers in one Member State are recognised by the authorities responsible for the prevention, detection and investigation of criminal offences as being equally reliable as the results of laboratory activities carried out by forensic service providers accredited to EN ISO/IEC 17025 within any other Member State.
2. This purpose is achieved by ensuring that forensic service providers carrying out laboratory activities are accredited by a national accreditation body as complying with EN ISO/IEC 17025.

Article 2

Scope

This Framework Decision shall apply to laboratory activities resulting in:

- (a) DNA-profile; and
- (b) dactyloscopic data.

Article 3

Definitions

For the purposes of this Framework Decision:

- (a) 'laboratory activity' means any measure taken in a laboratory when locating and recovering traces on items, as well as developing, analysing and interpreting forensic evidence, with a view to providing expert opinions or exchanging forensic evidence;
- (b) 'results of laboratory activities' means any analytical outputs and directly associated interpretation;
- (c) 'forensic service provider' means any organisation, public or private, that carries out forensic laboratory activities at the request of competent law enforcement or judicial authorities;

⁽¹⁾ OJ L 218, 13.8.2008, p. 30.

- (d) 'national accreditation body' means the sole body in a Member State that performs accreditation with authority derived from the State as referred to in Regulation (EC) No 765/2008;
- (e) 'DNA-profile' means a letter or number code which represents a set of identification characteristics of the non-coding part of an analysed human DNA sample, i.e. the particular molecular structure at the various DNA locations (loci);
- (f) 'dactyloscopic data' means fingerprint images, images of fingerprint latents, palm prints, palm print latents and templates of such images (coded minutiae).

Article 4

Accreditation

Member States shall ensure that their forensic service providers carrying out laboratory activities are accredited by a national accreditation body as complying with EN ISO/IEC 17025.

Article 5

Recognition of results

1. Each Member State shall ensure that the results of accredited forensic service providers carrying out laboratory activities in other Member States are recognised by its authorities responsible for the prevention, detection, and investigation of criminal offences as being equally reliable as the results of domestic forensic service providers carrying out laboratory activities accredited to EN ISO/IEC 17025.
2. This Framework Decision does not affect national rules on the judicial assessment of evidence.

Article 6

Costs

1. Each Member State shall bear any public costs resulting from this Framework Decision in accordance with national arrangements.
2. The Commission shall examine the means to provide financial support from the general budget of the European Union for national and transnational projects intended to

contribute to the implementation of this Framework Decision, inter alia for the exchange of experience, dissemination of know-how and proficiency testing.

Article 7

Implementation

1. Member States shall take the necessary steps to comply with the provisions of this Framework Decision in relation to DNA-profiles by 30 November 2013.
2. Member States shall take the necessary steps to comply with the provisions of this Framework Decision in relation to dactyloscopic data by 30 November 2015.
3. Member States shall forward to the General Secretariat of the Council and to the Commission the text of the provisions transposing into their national laws the obligations imposed on them under this Framework Decision by 30 May 2016 at the latest.
4. On the basis of the information referred to in paragraph 3 and other information provided by the Member States on request, the Commission shall, before 1 July 2018, submit a report to the Council on the implementation and application of this Framework Decision.
5. The Council shall, by the end of 2018, assess the extent to which Member States have complied with this Framework Decision.

Article 8

Entry into force

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

Done at Brussels, 30 November 2009.

For the Council

The President

B. ASK

V

(Acts adopted from 1 December 2009 under the Treaty on European Union, the Treaty on the Functioning of the European Union and the Euratom Treaty)

ACTS WHOSE PUBLICATION IS OBLIGATORY

COMMISSION REGULATION (EU) No 1198/2009

of 8 December 2009

establishing the standard import values for determining the entry price of certain fruit and vegetables

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

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 9 December 2009.

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

Done at Brussels, 8 December 2009.

*For the Commission,
On behalf of the President,*

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	AL	29,4
	MA	43,4
	TN	81,6
	TR	64,5
	ZZ	54,7
0707 00 05	MA	52,9
	TR	78,4
	ZZ	65,7
0709 90 70	MA	43,6
	TR	118,8
	ZZ	81,2
0805 10 20	AR	70,4
	MA	53,2
	TR	52,2
	ZA	60,0
	ZZ	59,0
0805 20 10	MA	66,7
	ZZ	66,7
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	CN	132,8
	HR	55,1
	IL	68,7
	TR	77,7
	ZZ	83,6
0805 50 10	TR	69,5
	ZZ	69,5
0808 10 80	AU	161,8
	CA	65,1
	CN	77,8
	MK	24,5
	US	92,3
	ZA	106,2
	ZZ	88,0
0808 20 50	CN	69,2
	US	223,0
	ZZ	146,1

⁽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 (EU) No 1199/2009**of 8 December 2009****amending Regulation (EC) No 1159/2009 fixing the import duties in the cereals sector applicable from 1 December 2009**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

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

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 in respect of import duties in the cereals sector ⁽²⁾, and in particular Article 2(1) thereof,

Whereas:

- (1) The import duties in the cereals sector applicable from 1 December 2009 were fixed by Commission Regulation (EC) No 1159/2009 ⁽³⁾.

- (2) As the average of the import duties calculated differs by more than EUR 5/tonne from that fixed, a corresponding adjustment must be made to the import duties fixed by Regulation (EC) No 1159/2009.

- (3) Regulation (EC) No 1159/2009 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 1159/2009 are hereby replaced by the text in the Annex to this Regulation.

Article 2

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

It shall apply from 9 December 2009.

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

Done at Brussels, 8 December 2009.

*For the Commission,
On behalf of the President,*

Jean-Luc DEMARTY
*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 161, 29.6.1996, p. 125.

⁽³⁾ OJ L 314, 1.12.2009, p. 3.

ANNEX I

Import duties on the products referred to in Article 136(1) of Regulation (EC) No 1234/2007 applicable from 9 December 2009

CN code	Description	Import duties ⁽¹⁾ (EUR/t)
1001 10 00	Durum wheat, high quality	0,00
	medium quality	0,00
	low quality	8,78
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	High quality common wheat, other than for sowing	0,00
1002 00 00	Rye	37,85
1005 10 90	Maize seed other than hybrid	17,53
1005 90 00	Maize, other than seed ⁽²⁾	17,53
1007 00 90	Grain sorghum other than hybrids for sowing	37,85

⁽¹⁾ For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal the importer may benefit, under Article 2(4) of Regulation (EC) No 1249/96, from a reduction in the duty of:

- 3 EUR/t, where the port of unloading is on the Mediterranean Sea, or
- 2 EUR/t, where the port of unloading is in Denmark, Estonia, Ireland, Latvia, Lithuania, Poland, Finland, Sweden, the United Kingdom or the Atlantic coast of the Iberian peninsula.

⁽²⁾ The importer may benefit from a flatrate reduction of EUR 24 per tonne where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

ANNEX II

Factors for calculating the duties laid down in Annex I

30.11.2009-7.12.2009

1. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

(EUR/t)

	Common wheat ⁽¹⁾	Maize	Durum wheat, high quality	Durum wheat, medium quality ⁽²⁾	Durum wheat, low quality ⁽³⁾	Barley
Exchange	Minneapolis	Chicago	—	—	—	—
Quotation	152,42	103,68	—	—	—	—
Fob price USA	—	—	131,77	121,77	101,77	75,75
Gulf of Mexico premium	—	14,49	—	—	—	—
Great Lakes premium	13,89	—	—	—	—	—

⁽¹⁾ Premium of 14 EUR/t incorporated (Article 4(3) of Regulation (EC) No 1249/96).⁽²⁾ Discount of 10 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).⁽³⁾ Discount of 30 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

2. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

Freight costs: Gulf of Mexico–Rotterdam: 22,85 EUR/t

Freight costs: Great Lakes–Rotterdam: 46,48 EUR/t

COUNCIL DECISION 2009/906/CFSP**of 8 December 2009****on the European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and, in particular, Article 28 and Article 43(2) thereof,

Whereas:

- (1) On 19 November 2007 the Council adopted Joint Action 2007/749/CFSP on the European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH) ⁽¹⁾. That Joint Action expires on 31 December 2009.
- (2) The command and control structure of EUPM should be without prejudice to the contractual responsibilities of the Head of Mission towards the Commission for implementing the budget of EUPM.
- (3) The watch-keeping capability should be activated for EUPM.
- (4) EUPM will be conducted in the context of a situation which may deteriorate and could harm the objectives of the common foreign and security policy as set out in Article 21 of the Treaty on European Union,

HAS ADOPTED THIS DECISION:

*Article 1***Mission**

1. The European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH), established by Joint Action 2002/210/CFSP ⁽²⁾, shall be continued from 1 January 2010.
2. EUPM shall operate in accordance with the mission statement as set out in Article 2 and shall carry out the key tasks as set out in Article 3.

*Article 2***Mission statement**

As part of the broader rule of law approach in BiH and in the region, EUPM, while retaining residual capacities in the fields of police reform and accountability, shall primarily support BiH relevant Law Enforcement Agencies in the fight against organised crime and corruption, notably focusing on State level Law Enforcement Agencies, on enhancement of the inter-

action between police and prosecutor and on regional and international cooperation.

EUPM shall provide operational advice to the European Union Special Representative (EUSR) to support him in his role. Through its work and its network within the country, EUPM shall contribute to overall efforts to ensure that the EU is fully informed of developments in BiH.

EUPM shall operate in line with the general objectives of Annex 11 of the General Framework Agreement for Peace in Bosnia and Herzegovina and its objective shall be supported by the European Community instruments.

*Article 3***Mission key tasks**

In order to achieve the Mission, the key tasks of EUPM shall be to:

1. strengthen the operational capacity and joint capability of Law Enforcement Agencies engaged in the fight against organised crime and corruption;
2. assist and support in the planning and conduct of investigations in the fight against organised crime and corruption in a systematic approach;
3. assist and promote development of criminal investigative capacities of BiH;
4. enhance police-prosecution cooperation;
5. strengthen police-penitentiary system cooperation;
6. contribute to ensure a suitable level of accountability.

*Article 4***Structure of the Mission**

1. EUPM shall be structured as follows:
 - (a) main headquarters in Sarajevo, composed of the Head of the Mission and staff as defined in the Operation Plan (OPLAN);
 - (b) four Regional Offices in Sarajevo, Banja Luka, Mostar and Tuzla;

⁽¹⁾ OJ L 303, 21.11.2007, p. 40.

⁽²⁾ OJ L 70, 13.3.2002, p. 1.

(c) co-locations within the relevant Law Enforcement Agencies engaged in the fight against organised crime and corruption at senior management level and on other key level as deemed required (State Investigation and Protection Agency, Border Police, Indirect Taxation Authority, Directorate for Police Coordination, State Prosecutors' Office etc.).

2. These elements shall be subject to further detailed arrangements in the OPLAN. The Council shall approve the Concept of Operations (CONOPS) and the OPLAN.

Article 5

Civilian Operation Commander

1. The Civilian Planning and Conduct Capability (CPCC) Director shall be the Civilian Operation Commander for EUPM.

2. The Civilian Operation Commander, under the political control and strategic direction of the Political and Security Committee (PSC) and the overall authority of the High Representative of the Union for Foreign Affairs and Security Policy (HR), shall exercise command and control of EUPM at the strategic level.

3. The Civilian Operation Commander shall ensure proper and effective implementation of the Council's decisions as well as the PSC's decisions, including by issuing instructions at the strategic level as required to the Head of Mission and providing him with advice and technical support.

4. All seconded staff shall remain under the full command of the national authorities of the seconding State or EU institution concerned. National authorities shall transfer Operational Control (OPCON) of their personnel, teams and units to the Civilian Operation Commander.

5. The Civilian Operation Commander shall have overall responsibility for ensuring that the EU's duty of care is properly discharged.

6. The Civilian Operation Commander and the EUSR shall consult each other as required.

Article 6

Head of Mission

1. The Head of Mission shall assume responsibility for and exercise command and control of EUPM at theatre level.

2. The Head of Mission shall exercise command and control over personnel, teams and units from contributing States as assigned by the Civilian Operation Commander together with administrative and logistic responsibility including over assets, resources and information placed at the disposal of EUPM.

3. The Head of Mission shall issue instructions to all EUPM staff for the effective conduct of EUPM in theatre, assuming its coordination and day-to-day management, and following the instructions at the strategic level of the Civilian Operation Commander.

4. The Head of Mission shall be responsible for the implementation of EUPM's budget. For this purpose, the Head of Mission shall sign a contract with the Commission.

5. The Head of Mission shall be responsible for disciplinary control over the staff. For seconded staff, disciplinary action shall be exercised by the national or EU authority concerned.

6. The Head of Mission shall represent EUPM in the operations area and shall ensure its appropriate visibility.

7. The Head of Mission shall coordinate, as appropriate, with other EU actors on the ground. The Head of Mission shall, without prejudice to the chain of command, receive local political guidance from the EUSR.

Article 7

EUPM Staff

1. The numbers and competence of EUPM staff shall be consistent with the mission statement set out in Article 2, the mission key tasks set out in Article 3 and the structure set out in Article 4.

2. EUPM shall consist primarily of staff seconded by Member States or EU institutions. Each Member State or EU institution shall bear the costs related to any of the staff seconded by it, including travel expenses to and from the place of deployment, salaries, medical coverage and allowances other than applicable daily allowances, as well as hardship and risk allowances.

3. International civilian staff and local staff may also be recruited by EUPM, as required, on a contractual basis, if the functions required are not provided by personnel seconded by Member States. Exceptionally, in duly justified cases, where no qualified applications from Member States are available, nationals from participating third States may be recruited on a contractual basis, as appropriate.

4. All staff shall abide by the Mission-specific minimum security operating standards and the Mission security plan supporting the EU field security policy. As regards the protection of EU classified information with which staff are entrusted in the course of their duties, all staff shall respect the security principles and minimum standards established by the Council Decision 2001/264/EC of 19 March 2001 adopting Council's security regulations⁽¹⁾ (hereinafter referred to as Council's Security Regulations).

⁽¹⁾ OJ L 101, 11.4.2001, p. 1.

*Article 8***Status of Mission and EUPM staff**

1. The necessary arrangements shall be made regarding the continuation of the Agreement between the EU and BiH of 4 October 2002 on the activities of EUPM in BiH for the duration of EUPM.

2. The State or EU institution having seconded a staff member shall be responsible for answering any claims linked to the secondment, from or concerning the staff member. The State or EU institution in question shall be responsible for bringing any action against the seconded person.

3. The conditions of employment and the rights and obligations of international and local civilian staff shall be laid down in the contracts between the Head of Mission and the staff member.

*Article 9***Chain of command**

1. EUPM shall have a unified chain of command, as a crisis management operation.

2. Under the responsibility of the Council, the PSC shall exercise political control and strategic direction of EUPM.

3. The Civilian Operation Commander, under the political control and strategic direction of the PSC and the overall authority of the HR, shall be the commander of EUPM at the strategic level and, as such, shall issue instructions to the Head of Mission and provide him with advice and technical support.

4. The Civilian Operation Commander shall report to the Council through the HR.

5. The Head of Mission shall exercise command and control of EUPM at theatre level and shall be directly responsible to the Civilian Operation Commander.

*Article 10***Political control and strategic direction**

1. The PSC shall exercise, under the responsibility of the Council, political control and strategic direction of EUPM. The Council hereby authorises the PSC to take the relevant decisions in accordance with the third paragraph of Article 38 of the Treaty. This authorisation shall include the powers to appoint a Head of Mission, upon a proposal of the HR, and to amend the CONOPS and the OPLAN. The powers of decision with respect to the objectives and termination of EUPM shall remain vested in the Council.

2. The PSC shall report to the Council at regular intervals.

3. The PSC shall receive, on a regular basis and as required, reports by the Civilian Operation Commander and the Head of Mission on issues within their areas of responsibility.

*Article 11***Participation of third States**

1. Without prejudice to the decision-making autonomy of the Union and its single institutional framework, third States may be invited to contribute to EUPM, provided that they bear the cost of the staff seconded by them, including salaries, all risk insurance cover, daily subsistence allowances and travel expenses to and from BiH, and that they contribute to the running costs of EUPM, as appropriate.

2. Third States contributing to EUPM shall have the same rights and obligations in terms of day-to-day management of EUPM as Member States.

3. The Council hereby authorises the PSC to take the relevant decisions on acceptance of the proposed contributions and to establish a Committee of Contributors.

4. Detailed arrangements regarding the participation of third States shall be covered by agreements concluded in accordance with Article 37 of the Treaty. The HR may negotiate such agreements. Where the EU and a third State conclude an agreement establishing a framework for the participation of that third State in EU crisis-management operations, the provisions of that agreement shall apply in the context of the Mission.

*Article 12***Financial arrangements**

1. The financial reference amount for the year 2010 to cover the expenditure related to EUPM shall be EUR 14 100 000.

2. All expenditure shall be managed in accordance with the Community rules and procedures applicable to the general budget of the European Union. In accordance with the Financial Regulation, the Head of Mission may conclude technical arrangements with Member States, participating third States, and other international actors regarding the provision of equipment, services and premises to EUPM. The Head of Mission shall be responsible for the management of a warehouse stocking used equipment that may also be used to respond to urgent requirements in ESDP deployments. Nationals of participating third States and host country nationals shall be allowed to tender for contracts.

3. The Head of Mission shall report fully to, and be supervised by, the Commission regarding the activities undertaken in the framework of his contract.

4. The financial arrangements shall respect the operational requirements of EUPM, including compatibility of equipment and interoperability of its teams.

5. The expenditure related to EUPM shall be eligible as of 1 January 2010.

Article 13

Security

1. The Civilian Operation Commander shall direct the Head of Mission's planning of security measures and ensure their proper and effective implementation for EUPM in accordance with Articles 5 and 9, in coordination with the Security Office of the General Secretariat of the Council.

2. The Head of Mission shall be responsible for the security of EUPM and for ensuring compliance with minimum security requirements applicable to EUPM, in line with the policy of the EU on the security of personnel deployed outside the EU in an operational capacity under Title V of the Treaty, and its supporting instruments.

3. The Head of Mission shall be assisted by a Senior Mission Security Officer (SMSO), who will report to the Head of Mission and also maintain a close functional relationship with the Security Office of the General Secretariat of the Council.

4. The Head of Mission shall appoint Area Security Officers in the four regional offices, who, under the authority of the SMSO, shall be responsible for the day-to-day management of all security aspects of the respective EUPM elements.

5. EUPM staff shall undergo mandatory security training before taking up their duties, in accordance with the OPLAN. They shall also receive regular in-theatre refresher training organised by the SMSO.

Article 14

Coordination

1. Without prejudice to the chain of command, the Head of Mission shall act in close coordination with the EU delegation in BiH to ensure consistency of EU action in support of BiH.

2. The Head of Mission shall coordinate closely with the EU Heads of Missions in BiH.

3. The Head of Mission shall cooperate with the other international actors present in the country, in particular OSCE, the Council of Europe and with the International Criminal Investigation Training Assistance Programme (ICITAP).

Article 15

Release of classified information

1. The HR shall be authorised to release to the third States associated with this Decision, as appropriate and in accordance with the needs of EUPM, EU classified information and documents up to 'RESTREINT UE' level generated for the purposes of EUPM, in accordance with the Council's Security Regulations.

2. In the event of a specific and immediate operational need, the HR shall also be authorised to release to the host State any EU classified information and documents up to 'RESTREINT UE' level which are generated for the purposes of EUPM, in accordance with the Council's Security Regulations. In all other cases, such information and documents shall be released to the host State in accordance with the appropriate procedures for cooperation by the host State with the EU.

3. The HR shall be authorised to release to the third States associated with this Decision any EU non-classified documents connected with the deliberations of the Council relating to EUPM and covered by the obligation of professional secrecy pursuant to Article 6(1) of the Council's Rules of Procedure ⁽¹⁾.

Article 16

Review

A six-monthly review process, in accordance with the assessment criteria set out in the CONOPS and the OPLAN shall enable adjustments to be made to EUPM's activities, as necessary.

Article 17

Watch-Keeping Capability

The Watch-Keeping Capability shall be activated for EUPM.

Article 18

Entry into force and duration

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

It shall apply from 1 January 2010 until 31 December 2011. The budget for 2011 shall be decided upon separately by the Council.

⁽¹⁾ Council Decision 2006/683/EC, Euratom of 15 September 2006 adopting the Council's Rules of Procedure (OJ L 285, 16.10.2006, p. 47).

*Article 19***Publication**

1. This Decision shall be published in the *Official Journal of the European Union*.
2. Decisions of the PSC pursuant to Article 10(1) regarding the appointment of the Head of Mission shall also be published in the *Official Journal of the European Union*.

Done at Brussels, 8 December 2009.

For the Council
The President
C. BILDT

COUNCIL DECISION 2009/907/CFSP

of 8 December 2009

amending Joint Action 2008/851/CFSP on a European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 28 and 43(2) thereof,

Whereas:

- (1) On 10 November 2008, the Council adopted Joint Action 2008/851/CFSP on a European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast ⁽¹⁾.
- (2) In light of experience from the first year of the operation, amendments to Joint Action 2008/851/CFSP are required in order to allow for the European Union naval force to contribute to the monitoring of fishing activities off the coast of Somalia.
- (3) Acts of piracy and armed robbery off the Somali coast continue to threaten shipping in the area and especially the delivery of food aid to the Somali population by the World Food Programme.
- (4) Therefore, it is necessary to extend the operation for another year.
- (5) On 30 November 2009 United Nations Security Council adopted Resolution 1897 (2009).
- (6) Joint Action 2008/851/CFSP should be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Joint Action 2008/851/CFSP is hereby amended as follows:

- (a) in Article 1, the following paragraph shall be added:

'3. In addition, Atalanta shall contribute to the monitoring of fishing activities off the coast of Somalia.;

- (b) in Article 2, point (f) shall be replaced by the following:

'(f) liaise and cooperate with organisations and entities, as well as States, working in the region to combat acts of piracy and armed robbery off the Somali coast, in particular the "Combined Task Force 150" maritime force which operates within the framework of "Operation Enduring Freedom";

(g) once sufficient progress has been made ashore in the area of maritime capacity-building, including security measures for the exchange of information, assist Somali authorities by making available data relating to fishing activities compiled in the course of the operation.;

- (c) in Article 16, paragraph 3 shall be replaced by the following:

'3. The EU military operation shall terminate on 12 December 2010.'

Article 2

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

Article 3

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

Done at Brussels, 8 December 2009.

For the Council

The President

C. BILDT

⁽¹⁾ OJ L 301, 12.11.2008, p. 33.

ACTS WHOSE PUBLICATION IS NOT OBLIGATORY

COUNCIL DECISION

of 1 December 2009

laying down measures for the implementation of the European Council Decision on the exercise of the Presidency of the Council, and on the chairmanship of preparatory bodies of the Council

(2009/908/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 16(9) thereof,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 236(b) thereof,

Having regard to the European Council Decision of 1 December 2009 on the exercise of the Presidency of the Council ⁽¹⁾, and in particular Article 2, third subparagraph, and Article 4 thereof,

Whereas:

- (1) Measures should be laid down for the implementation of the European Council Decision on the exercise of the Presidency of the Council (hereinafter referred to as 'the European Council Decision').
- (2) Those implementing measures include the order in which the pre-established groups of three Member States are to hold the Presidency in turn for consecutive periods of 18 months taking into account the fact that there exist since 1 January 2007, in accordance with the Council's Rules of Procedure, a system of Council 18-month programmes agreed between the three Presidencies which hold office during the period concerned.
- (3) In accordance with Article 1 of the European Council Decision, the composition of the groups must take account of the diversity of the Member States and geographical balance within the Union.
- (4) The division of responsibilities among the Member States within each group is determined by Article 1(2) of the European Council Decision. In either of the situations

provided for in Article 2(1) of this Decision, the Member States within each group will by common accord determine the practical arrangements for their collaboration.

- (5) In addition, those implementing measures should include specific rules with regard to the chairing of preparatory bodies of the Foreign Affairs Council as provided for in Article 2, third subparagraph, of the European Council Decision.
- (6) Most of those preparatory bodies should be chaired by a representative of the High Representative of the Union for Foreign Affairs and Security Policy (hereinafter 'the High Representative') while the rest of them should continue to be chaired by the six-monthly Presidency. Where the chair of such bodies is a representative of the High Representative, a transitional period may apply.
- (7) Preparatory bodies which are not chaired by the six-monthly Presidency should also be listed in this Decision, as provided for in Article 2, third subparagraph, of the European Council Decision.
- (8) The chairmanship of preparatory bodies not listed in this Decision will be chaired in accordance with Article 2 of the European Council Decision,

HAS ADOPTED THIS DECISION:

Article 1

The order in which the Member States shall hold the Presidency of the Council as from 1 January 2007 is set out in Council Decision of 1 January 2007 determining the order in which the office of President of the Council shall be held ⁽²⁾.

⁽¹⁾ OJ L 315, 2.12.2009, p. 50.

⁽²⁾ OJ L 1, 4.1.2007, p. 11.

The division of this order of Presidencies into groups of three Member States, in accordance with Article 1(1) of the European Council Decision, is set out in Annex I to this Decision.

Article 2

1. Each member of a group as referred to in Article 1, second subparagraph, shall in turn chair for a six-month period all configurations of the Council, with the exception of the Foreign Affairs configuration. The other members of the group shall assist the Chair in all its responsibilities on the basis of the Council's 18-month programme.

2. The members of a group as referred to in Article 1 may decide upon alternative arrangements among themselves.

3. In either of the situations provided for in paragraphs 1 and 2, the Member States within each group shall by common accord determine the practical arrangements for their collaboration.

Article 3

The order in which the Member States will hold the Presidency as from 1 July 2020 shall be decided by the Council before 1 July 2017.

Article 4

The preparatory bodies of the Foreign Affairs Council shall be chaired in accordance with the rules set out in Annex II.

Article 5

The Council preparatory bodies listed in Annex III shall be chaired by fixed chairs as set out in that Annex.

Article 6

This Decision shall enter into force on the day of its adoption.

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

Done at Brussels, 1 December 2009.

For the Council

The President

B. ASK

ANNEX I

Germany	January-June	2007
Portugal	July-December	2007
Slovenia	January-June	2008
France	July-December	2008
Czech Republic	January-June	2009
Sweden	July-December	2009
Spain	January-June	2010
Belgium	July-December	2010
Hungary	January-June	2011
Poland	July-December	2011
Denmark	January-June	2012
Cyprus	July-December	2012
Ireland	January-June	2013
Lithuania	July-December	2013
Greece	January-June	2014
Italy	July-December	2014
Latvia	January-June	2015
Luxembourg	July-December	2015
Netherlands	January-June	2016
Slovakia	July-December	2016
Malta	January-June	2017
United Kingdom	July-December	2017
Estonia	January-June	2018
Bulgaria	July-December	2018
Austria	January-June	2019
Romania	July-December	2019
Finland	January-June	2020

ANNEX II

CHAIRMANSHIP OF THE PREPARATORY BODIES OF THE FOREIGN AFFAIRS COUNCIL ⁽¹⁾

The chairmanship of the preparatory bodies of the Foreign Affairs Council referred to in categories 1 to 4 in the table below shall be organised as follows:

1. Category 1 (preparatory bodies in the area of trade and development):

The preparatory bodies shall be chaired by the six-monthly Presidency.

2. Category 2 (geographic preparatory bodies)

The preparatory bodies shall be chaired by a representative of the High Representative.

3. Category 3 (horizontal preparatory bodies, mainly CFSP)

The preparatory bodies shall be chaired by a representative of the High Representative, except the following preparatory bodies, which shall be chaired by the six-monthly Presidency:

- Working Party of Foreign Relations Counsellors (RELEX),
- Working Party on Terrorism (International Aspects) (COTER),
- Working Party on the application of specific measures to combat terrorism (COCOP),
- Working Party on Consular Affairs (COCON),
- Working Party on Public International Law (COJUR), and
- Working Party on the Law of the Sea (COMAR).

4. Category 4 (CSDP-related preparatory bodies)

The CSDP-related preparatory bodies shall be chaired by a representative of the High Representative ⁽²⁾.

The High Representative and the six-monthly Presidency shall closely cooperate in order to ensure coherence among all the preparatory bodies for the Foreign Affairs Council.

For categories 3 and 4, the six-monthly Presidency shall continue to chair the preparatory bodies during a transitional period of up to six months after the adoption of the Council Decision on the organisation and functioning of the European External Action Service (EEAS). For category 2 this transitional period shall last up to 12 months.

Modalities for appointment of chairs

Where the European Council Decision or this Decision stipulates that a preparatory body (PSC and relevant working parties) shall be chaired by a representative of the High Representative, the responsibility for appointing the chair shall belong to the High Representative. These appointments shall be made on the basis of competence, while ensuring adequate geographical balance and transparency. The High Representative shall ensure that the person he or she intends to appoint as chairperson will enjoy the confidence of Member States. If that person is not yet a member of the EEAS, he or she shall become one in accordance with the EEAS recruitment procedures, at least for the time of the appointment. An evaluation of the functioning of this arrangement shall be made in the framework of the status report on the EEAS foreseen for 2012.

⁽¹⁾ A review of the scope and organisation of the working structures in the area of foreign affairs should be conducted swiftly after 1 December 2009, in particular as concerns the area of development. The arrangements on the chairmanship of the working parties reviewed should, if needed, be adapted according to the general principles set out in this Annex.

⁽²⁾ The Military Committee (EUMC) and the Military Committee Working Group (EUMCWG) shall continue to be chaired by an elected chair, as shown in Annex III, as was the case before the entry into force of this Decision.

1. Preparatory bodies in the areas of trade and development	Article 207 Committee
	ACP Working Party
	Working Party on Development Cooperation (DEVGEN)
	Working Party on EFTA
	Working Party on Dual-Use Goods
	Working Party on Trade Questions
	Working Party on Commodities
	Working Party on the Generalised System of Preferences
	Working Party on Preparation for International Development Conferences/ UNCCD Desertification/UNCTAD
	Working Party on Humanitarian Aid and Food Aid
	Export Credits Group
2. Geographic preparatory bodies	Mashreq/Maghreb Working Party (COMAG/MaMa)
	Working Party on Eastern Europe and Central Asia (COEST)
	Working Party on the Western Balkans Region (COWEB)
	Middle East/Gulf Working Party (COMEM/MOG)
	Asia-Oceania Working Party (COASI)
	Working Party on Latin America (COLAT)
	Working Party on Transatlantic Relations (COTRA)
	Africa Working Party (COAFR)
3. Horizontal preparatory bodies (mostly CFSP)	Working Party of Foreign Relations Counsellors (RELEX)
	Nicolaidis Group
	Working Party on Global Disarmament and Arms Control (CODUN)
	Working Party on Non-Proliferation (CONOP)
	Working Party on Conventional Arms Export (COARM)
	Working Party on Human Rights (COHOM)
	Working Party on Terrorism (International Aspects) (COTER) ⁽¹⁾
	Working Party on the application of specific measures to combat terrorism (COCOP) ⁽¹⁾
	Working Party on OSCE and the Council of Europe (COSCE)
	United Nations Working Party (CONUN)
	Ad hoc Working Party on the Middle East Peace Process (COMEP)
	Working Party on Public International Law (COJUR, COJUR-ICC)
	Working Party on the Law of the Sea (COMAR)
	Working Party on Consular Affairs (COCON)
Working Party on CFSP Administrative Affairs and Protocol (COADM)	

4. CSDP-related preparatory bodies	Military Committee (EUMC)
	Military Committee Working Group (EUMCWG)
	Politico-Military Working Party (PMG)
	Committee for Civilian Aspects of Crisis Management (CIVCOM)
	Working Party on European Arms Policy

(¹) The question of the Working Party on Terrorism (International Aspects) (COTER) and of the Working Party on the application of specific measures to combat terrorism (COCOP) will also be dealt with in the framework of the discussion on the JHA working structures.

ANNEX III

CHAIRPERSONS OF COUNCIL PREPARATORY BODIES WITH A FIXED CHAIR

Elected chairs

Economic and Financial Committee

Employment Committee

Social Protection Committee

Military Committee ⁽¹⁾

Economic Policy Committee

Financial Services Committee

Military Committee Working Group ⁽¹⁾

Code of Conduct Group (Business Taxation)

Chaired by the General Secretariat of the Council

Security Committee

Working Party on Information

Working Party on Legal Data Processing

Working Party on Electronic Communications

Working Party on Codification of Legislation

Working Party of Legal-Linguistic Experts

Working Party on New Buildings

⁽¹⁾ See also Annex II.

COUNCIL DECISION**of 1 December 2009****laying down the conditions of employment of the President of the European Council**

(2009/909/EU)

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 243 thereof,

Having regard to Council Regulation No 422/67/EEC, 5/67/Euratom of 25 July 1967 determining the emoluments of the President and members of the Commission and of the President, Judges, Advocates-General and Registrar of the Court of Justice and of the President, members and Registrar of the Court of First Instance and of the President, Members and Registrar of the European Union Civil Service Tribunal ⁽¹⁾,

Whereas:

- (1) The Treaty of Lisbon transforms the European Council into an institution of the European Union and institutes the office of President of the European Council with a term of office of two and a half years, renewable once.
- (2) The conditions of employment of the President of the European Council should be laid down,

Article 1

1. The provisions of Council Regulation No 422/67/EEC, 5/67/Euratom of 25 July 1967 which apply to the President of the Commission shall apply by analogy to the President of the European Council.

2. The basic monthly salary of the President of the European Council shall be equal to the amount resulting from application of 138 % to the basic salary of an official of the European Union at grade 16 third step.

Article 2

This Decision shall be notified to the President of the European Council by the President of the Council.

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

Done at Brussels, 1 December 2009.

*For the Council**The President*

B. ASK

⁽¹⁾ OJ L 187, 8.8.1967, p. 1.

COUNCIL DECISION**of 1 December 2009****laying down the conditions of employment of the High Representative of the Union for Foreign Affairs and Security Policy**

(2009/910/EU)

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS DECISION:

Article 1

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 243 thereof,

1. The provisions of Council Regulation No 422/67/EEC, 5/67/Euratom of 25 July 1967 which apply to Members of the Commission, including those applicable to Vice-Presidents of the Commission, shall apply by analogy to the High Representative of the Union for Foreign Affairs and Security Policy.

Having regard to Council Regulation No 422/67/EEC, 5/67/Euratom of 25 July 1967 determining the emoluments of the President and members of the Commission and of the President, Judges, Advocates-General and Registrar of the Court of Justice and of the President, members and Registrar of the Court of First Instance and of the President, Members and Registrar of the European Union Civil Service Tribunal ⁽¹⁾,

2. By derogation from Article 2(1) of Council Regulation No 422/67/EEC, 5/67/Euratom of 25 July 1967, the basic monthly salary of the High Representative of the Union for Foreign Affairs and Security Policy shall be equal to the amount resulting from application of 130 % to the basic salary of an official of the European Union at grade 16 third step.

Whereas:

Article 2

(1) The Treaty of Lisbon institutes the office of High Representative of the Union for Foreign Affairs and Security Policy who, in accordance with Article 18 of the Treaty on European Union, shall conduct the Union's common foreign and security policy, preside over the Foreign Affairs Council and be one of the Vice-Presidents of the Commission.

This Decision shall be notified to the High Representative of the Union for Foreign Affairs and Security Policy by the President of the Council.

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

(2) The conditions of employment of the High Representative of the Union for Foreign Affairs and Security Policy should be laid down,

Done at Brussels, 1 December 2009.

*For the Council**The President*

B. ASK

⁽¹⁾ OJ L 187, 8.8.1967, p. 1.

COUNCIL DECISION
of 1 December 2009
appointing the Secretary-General of the Council of the European Union
(2009/911/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 240(2), first subparagraph, thereof,

Whereas the Secretary-General of the Council should be appointed,

HAS ADOPTED THIS DECISION:

Article 1

Mr Pierre de BOISSIEU is hereby appointed Secretary-General of the Council of the European Union for the period from 1 December 2009 until the day after the European Council meeting of June 2011.

Article 2

This Decision shall be notified to Mr Pierre de BOISSIEU by the President of the Council.

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

Done at Brussels, 1 December 2009.

For the Council
The President
B. ASK

COUNCIL DECISION**of 1 December 2009****laying down the conditions of employment of the Secretary-General of the Council of the European Union**

(2009/912/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 243 thereof,

Whereas the conditions of employment for the Secretary-General of the Council of the European Union should be laid down,

HAS ADOPTED THIS DECISION:

Article 1

The Secretary-General of the Council of the European Union shall receive a basic salary equivalent to that of an official of the European Union at grade 16 third step multiplied by 100 %. He or she shall receive the family allowances and other allowances provided for in the Staff Regulations of Officials of the European Union ⁽¹⁾.

He or she shall also be entitled to arrangements for the reimbursement of expenses and for social security fixed by analogy with those provided for in the Staff Regulations and Article 17 of Annex VII to the Staff Regulations shall apply to him or her by analogy.

Article 2

The remuneration referred to in the first paragraph of Article 1 shall be subject to the weighting determined by the Council pursuant to Articles 64 and 65 of the Staff Regulations of Officials of the European Union for officials employed in Belgium.

Article 3

The Secretary-General of the Council of the European Union shall be entitled to a residence allowance fixed in accordance with Article 4 of Council Regulation (EEC, Euratom, ECSC) No 2290/77 of 18 October 1977 determining the emoluments of

the members of the Court of Auditors ⁽²⁾, and to pension arrangements and a transitional allowance in the case of termination of service fixed by analogy with those provided for in that Regulation.

Article 4

Council Regulation (EEC, Euratom, ECSC) No 260/68 of 29 February 1968 laying down the conditions and procedure for applying the tax for the benefit of the European Communities ⁽³⁾ shall apply to the Secretary-General of the Council of the European Union.

Article 5

Except where otherwise stated in this Decision, Articles 11 to 14 and Article 17 of the Protocol on the Privileges and Immunities of the European Union and all the relevant provisions of the Staff Regulations of Officials of the European Union, with the exception of Article 52 thereof, shall apply to the Secretary-General of the Council of the European Union.

Article 6

This Decision shall apply from 1 December 2009.

It shall be notified to the Secretary-General of the Council of the European Union by the President of the Council.

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

Done at Brussels, 1 December 2009.

For the Council

The President

B. ASK

⁽¹⁾ Regulation (EEC, Euratom, ECSC) No 259/68 (OJ L 56, 4.3.1968, p. 1).

⁽²⁾ OJ L 268, 20.10.1977, p. 1.

⁽³⁾ OJ L 56, 4.3.1968, p. 8.

**DECISION TAKEN BY COMMON AGREEMENT BETWEEN THE REPRESENTATIVES OF THE
GOVERNMENTS OF MEMBER STATES**

of 7 December 2009

on the location of the seat of the Agency for the Cooperation of Energy Regulators

(2009/913/EU)

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES,

HAVE DECIDED AS FOLLOWS:

Article 1

Having regard to Article 341 of the Treaty on the functioning of the European Union,

The Agency for the Cooperation of Energy Regulators shall have its seat in Ljubljana.

Article 2

Whereas:

This Decision, which will be published in the *Official Journal of the European Union*, shall take effect on the date of its publication.

(1) The establishment of an Agency for the Cooperation of Energy Regulators was decided by Regulation (EC) No 713/2009 of the European Parliament and of the Council of 13 July 2009 establishing an Agency for the Cooperation of Energy Regulators⁽¹⁾

Done at Brussels, 7 December 2009.

(2) The location of the seat of this Agency should be determined,

For the Council

The President

M. OLOFSSON

⁽¹⁾ OJ L 211, 14.8.2009, p. 1.

CORRIGENDA**Corrigendum to Commission Decision 2009/442/EC of 5 June 2009 implementing Directive 2007/2/EC of the European Parliament and of the Council as regards monitoring and reporting**

(Official Journal of the European Union L 148 of 11 June 2009)

On the second page of the cover, at the end of the title of Commission Decision 2009/442/EC, the footnote reference '(1)' is deleted.

On page 18, the sub-title '(Text with EEA relevance)' is deleted.

Corrigendum to Commission Decision 2009/721/EC of 24 September 2009 excluding from Community financing certain expenditure incurred by the Member States under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF), under the European Agricultural Guarantee Fund (EAGF) and under the European Agricultural Fund for Rural Development (EAFRD)

(Official Journal of the European Union L 257 of 30 September 2009)

On page 37, Annex, in the table 'Budget item 6711', column 'Measure':

for: 'Rural Development EAFRD Axis 2 (2007 DE06RPO 020)',

read: 'Rural Development EAFRD Axis 2 (2007 DE06RPO 019)'.

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★ Corrigendum to Commission Decision 2009/442/EC of 5 June 2009 implementing Directive 2007/2/EC of the European Parliament and of the Council as regards monitoring and reporting (OJ L 148, 11.6.2009)	40
★ Corrigendum to Commission Decision 2009/721/EC of 24 September 2009 excluding from Community financing certain expenditure incurred by the Member States under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF), under the European Agricultural Guarantee Fund (EAGF) and under the European Agricultural Fund for Rural Development (EAFRD) (OJ L 257, 30.9.2009)	40

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