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Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

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I

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

REGULATIONS

COUNCIL REGULATION (EC) No 1226/2009

of 20 November 2009

fixing the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks applicable in the Baltic Sea for 2010

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy [1], and in particular Article 20 thereof,

Having regard to Council Regulation (EC) No 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas [2], and in particular Article 2 thereof,

Having regard to Council Regulation (EC) No 1098/2007 of 18 September 2007 establishing a multiannual plan for the cod stocks in the Baltic Sea and the fisheries exploiting those stocks [3], and in particular Articles 5 and 8(3) thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) Article 4 of Regulation (EC) No 2371/2002 requires the Council to adopt the measures necessary to ensure access to waters and resources and the sustainable pursuit of fishing activities taking account of available scientific advice and, in particular, the report prepared by the Scientific, Technical and Economic Committee for Fisheries, as well as in the light of any advice received from the Baltic Sea Regional Advisory Council.

(2) Under Article 20 of Regulation (EC) No 2371/2002, it is incumbent upon the Council to establish fishing opportunity limits by fishery or group of fisheries and the allocation of these opportunities to Member States.

(3) In order to ensure effective management of fishing opportunities, the specific conditions under which fishing operations are carried out should be established.

(4) The principles and certain procedures for fishery management need to be laid down at Community level, so that Member States can ensure the management of the vessels flying their flag.

(5) Article 3 of Regulation (EC) No 2371/2002 lays down definitions of relevance for the allocation of fishing opportunities.

(6) In accordance with Article 2 of Regulation (EC) No 847/96, the stocks that are subject to the various measures referred to therein must be identified.

(7) Fishing opportunities should be used in accordance with Community legislation, and in particular with Commission Regulation (EEC) No 2807/83 of 22 September 1983 laying down detailed rules for

[1] OJ L 358, 31.12.2002, p. 59.
[2] OJ L 115, 9.5.1996, p. 3.
[3] OJ L 248, 22.9.2007, p. 1.

recording information on Member States' catches of fish [1], Council Regulation (EEC) No 2930/86 of 22 September 1986 defining characteristics for fishing vessels [2], Commission Regulation (EEC) No 1381/87 of 20 May 1987 establishing detailed rules concerning the marking and documentation of fishing vessels [3], Council Regulation (EEC) No 3880/91 of 17 December 1991 on the submission of nominal catch statistics by Member States fishing in the North-East Atlantic [4], Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy [5], Commission Regulation (EC) No 2244/2003 of 18 December 2003 laying down detailed provisions regarding satellite-based Vessel Monitoring Systems [6], Council Regulation (EC) No 2187/2005 of 21 December 2005 for the conservation of fishery resources through technical measures in the Baltic Sea, the Belts and the Sound [7], Regulation (EC) No 1098/2007 and Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing [8].

(8) To ensure that annual fishing opportunities are set at a level commensurate with the sustainable exploitation of resources in environmental, economic and social terms, account has been taken of the guiding principles for fixing total allowable catches (TACs) as described in the Communication from the Commission on the Consultation on fishing opportunities for 2010.

(9) In order to reduce discards, it is appropriate to establish a high-grading ban for any species subject to quota, implying a prohibition on discarding species subject to quota that can legally be caught and landed under Community fisheries legislation.

(10) To help conserve fish stocks, certain supplementary measures on technical conditions of fishing should be implemented in 2010.

(11) To ensure the livelihood of Community fishermen, it is important to open these fisheries on 1 January 2010. Given the urgency of the matter, it is necessary to grant an exception to the 6-week period referred to in point 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,

[1] OJ L 276, 10.10.1983, p. 1.
[2] OJ L 274, 25.9.1986, p. 1.
[3] OJ L 132, 21.5.1987, p. 9.
[4] OJ L 365, 31.12.1991, p. 1.
[5] OJ L 261, 20.10.1993, p. 1.
[6] OJ L 333, 20.12.2003, p. 17.
[7] OJ L 16, 20.1.2005, p. 184.
[8] OJ L 286, 29.10.2008, p. 1.

HAS ADOPTED THIS REGULATION:

CHAPTER I

SCOPE AND DEFINITIONS

Article 1

Subject matter

This Regulation fixes fishing opportunities for 2010 for certain fish stocks and groups of fish stocks in the Baltic Sea and the associated conditions under which such fishing opportunities may be used.

Article 2

Scope

This Regulation shall apply to Community fishing vessels (Community vessels) operating in the Baltic Sea.

Article 3

Definitions

In addition to the definitions laid down in Article 3 of Regulation (EC) No 2371/2002, for the purposes of this Regulation the following definitions shall apply:

(a) the International Council for the Exploration of the Sea (ICES) zones are the geographical areas specified in Annex I to Regulation (EC) No 2187/2005;

(b) 'Baltic Sea' means ICES Subdivisions 22-32;

(c) 'total allowable catch' (TAC) means the quantity that can be taken from each stock each year;

(d) 'quota' means a proportion of the TAC allocated to the Community, a Member State or a third country;

(e) 'day absent from port' means any continuous period of 24 hours or part thereof during which the vessel is absent from port.

CHAPTER II

FISHING OPPORTUNITIES AND ASSOCIATED CONDITIONS

Article 4

Catch limits and allocations

The catch limits, the allocation of such limits among Member States, and associated conditions set out in accordance with Article 2 of Regulation (EC) No 847/96 are set out in Annex I to this Regulation.

Article 5

Special provisions on allocations

1. The allocation of catch limits among Member States as set out in Annex I shall be without prejudice to:

(a) exchanges made pursuant to Article 20(5) of Regulation (EC) No 2371/2002;

(b) reallocations made pursuant to Articles 21(4), 23(1) and 32(2) of Regulation (EEC) No 2847/93;

(c) additional landings allowed under Article 3 of Regulation (EC) No 847/96;

(d) quantities withheld in accordance with Article 4 of Regulation (EC) No 847/96;

(e) deductions made pursuant to Article 23(4) of Regulation (EC) No 2371/2002 and Article 2 of Regulation (EC) No 338/2008.

2. For the purpose of withholding quotas to be transferred to 2011, Article 4(2) of Regulation (EC) No 847/96 may apply, by way of derogation from that Regulation, to all stocks subject to analytical TAC.

Article 6

Conditions for catches and by-catches

1. Fish from stocks for which catch limits are fixed shall only be retained on board or landed if:

(a) the catches have been taken by vessels of a Member State with a quota and that quota has not been exhausted; or

(b) species other than herring and sprat are mixed with other species, and are not sorted either on board or on landing and the catches have been taken with trawls, Danish seines or similar gears of a mesh size less than 32 mm.

2. All landings shall count against the quota or, if the Community share has not been allocated among Member States by quotas, against the Community share, except for catches made under paragraph 1(b).

3. Where the quota for herring allocated to a Member State is exhausted, vessels flying the flag of that Member State, registered in the Community, and operating in the fisheries to which the relevant quota applies shall not land catches that are unsorted and that contain herring.

4. Where the quota for sprat allocated to a Member State is exhausted, vessels flying the flag of that Member State, registered in the Community, and operating in the fisheries to which the relevant quota applies shall not land catches that are unsorted and that contain sprat.

Article 7

Prohibition of highgrading

Any species subject to quota which is caught during fishing operations shall be brought aboard the vessel and subsequently landed unless this would be contrary to obligations laid down in Community fisheries legislation establishing technical, control, and conservation measures, and in particular in this Regulation and in Regulation (EC) No 2187/2005, Regulation (EEC) No 2847/93, and Regulation (EC) No 2371/2002.

Article 8

Fishing effort limits

1. Fishing effort limits are set out in Annex II.

2. The limits referred to in paragraph 1 shall apply to ICES Subdivisions 27, and 28,2 in so far as the Commission has not taken a decision in accordance with Article 29(2) of Regulation (EC) No 1098/2007 to exclude those Subdivisions from the restrictions provided for in Article 8(1)(b), (3), (4) and (5) and Article 13 of that Regulation.

3. The limits referred to in paragraph 1 shall not apply to ICES Subdivision 28,1 in so far as the Commission has not taken a decision in accordance with Article 29(4) of Regulation (EC) No 1098/2007 that the restrictions provided for in Article 8(1)(b), (3), (4) and (5) of Regulation (EC) No 1098/2007 shall apply to that Subdivision.

Article 9

Transitional technical measures

Transitional technical measures are set out in Annex III.

CHAPTER III

FINAL PROVISIONS

Article 10

Data transmission

When Member States send data to the Commission relating to landings of quantities of stocks caught, pursuant to Article 15(1) of Regulation (EEC) No 2847/93, they shall use the stock codes set out in Annex I to this Regulation.

Article 11

Entry into force

This Regulation shall enter into force on the 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, 20 November 2009.

For the Council
The President
E. ERLANDSSON

ANNEX I

CATCH LIMITS AND ASSOCIATED CONDITIONS FOR YEAR-TO-YEAR MANAGEMENT OF CATCH LIMITS APPLICABLE TO COMMUNITY VESSELS IN AREAS WHERE CATCH LIMITS EXIST BY SPECIES AND BY AREA

The following tables set out the TACs and quotas (in tonnes live weight, except where otherwise specified) by stock, the allocation to the Member States and associated conditions for year-to-year management of the quotas.

Within each area, fish stocks are referred to following the alphabetical order of the Latin names of the species. For the purposes of these tables the codes used for the different species are as follows:

Scientific name	Alpha-3 code	Common name
Clupea harengus	HER	Herring
Gadus morhua	COD	Cod
Platichthys flesus	FLX	Flounder
Pleuronectes platessa	PLE	Plaice
Psetta maxima	TUR	Turbot
Salmo salar	SAL	Atlantic salmon
Sprattus sprattus	SPR	Sprat

Species: Herring *Clupea harengus*		**Zone:** Subdivisions 30-31 HER/3D30.; HER/3D31.
Finland	84 721	
Sweden	18 615	
EC	103 336	Analytical TAC. Article 3 of Regulation (EC) No 847/96 applies. Article 4 of Regulation (EC) No 847/96 applies. Article 5(2) of Regulation (EC) No 847/96 applies.
TAC	103 336	

Species: Herring *Clupea harengus*		**Zone:** Subdivisions 22-24 HER/3B23.; HER/3C22.; HER/3D24.
Denmark	3 181	
Germany	12 519	
Finland	2	
Poland	2 953	
Schweden	4 037	Analytical TAC. Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply. Article 5(2) of Regulation (EC) No 847/96 applies.
EC	22 692	
TAC	22 692	

Species: Herring *Clupea harengus*		**Zone:** Subdivisions 25-27, 28.2, 29 and 32 HER/3B23.; HER/3C22.; HER/3D24.HER/3D25.; HER/3D26.; HER/3D27.; HER/3D28.; HER/3D29.; HER/3D32.
Denmark	2 780	
Germany	737	
Estonia	14 198	
Finland	27 714	
Latvia	3 504	
Lithuania	3 689	
Poland	31 486	
Sweden	42 268	Analytical TAC. Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply. Article 5(2) of Regulation (EC) No 847/96 applies.
EC	126 376	
TAC	Not relevant	

Species: Herring *Clupea harengus*		**Zone:** Subdivision 28,1 HER/03D.RG
Estonia	16 809	
Latvia	19 591	
EC	36 400	Analytical TAC. Article 3 of Regulation (EC) No 847/96 applies. Article 4 of Regulation (EC) No 847/96 applies. Article 5(2) of Regulation (EC) No 847/96 applies.
TAC	36 400	

Species: Cod *Gadus morhua*		**Zone:** EC waters of Subdivisions 25-32 COD/3D25.; COD/3D26.; COD/3D27.; COD/3D28.; COD/3D29.; COD/3D30.; COD/3D31.; COD/3D32.
Denmark	11 777	
Germany	4 685	
Estonia	1 148	
Finland	901	
Latvia	4 379	
Lithuania	2 885	
Poland	13 561	
Sweden	11 932	Analytical TAC. Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply. Article 5(2) of Regulation (EC) No 847/96 applies.
EC	51 267	
TAC	Not relevant	

Species: Cod *Gadus morhua*		**Zone:** EC waters of Subdivisions 22 –24 COD/3B23.; COD/3C22.; COD/3D24.
Denmark	7 726	
Germany	3 777	
Estonia	171	
Finland	152	
Latvia	639	
Lithuania	415	
Poland	2 067	
Sweden	2 753	Analytical TAC. Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply. Article 5(2) of Regulation (EC) No 847/96 applies.
EC	17 700	
TAC	17 700	

Species: Plaice *Pleuronectes platessa*		**Zone:** EC waters of Subdivisions 22-32 PLE/3B23.; PLE/3C22.; PLE/3D24.; PLE/3D25.; PLE/3D26.; PLE/3D27.; PLE/3D28.; PLE/3D29.; PLE/3D30.; PLE/3D31.; PLE/3D32.
Denmark	2 179	
Germany	242	
Poland	456	
Sweden	164	
EC	3 041	Precautionary TAC. Article 3 of Regulation (EC) No 847/96 applies. Article 4 of Regulation (EC) No 847/96 does not apply. Article 5(2) of Regulation (EC) No 847/96 applies.
TAC	3 041	

Species: Atlantic salmon *Salmo salar*		**Zone:** EC waters of Subdivisions 22-31 SAL/3B23.; SAL/3C22.; SAL/3D24.; SAL/3D25.; SAL/3D26.; SAL/3D27.; SAL/3D28.; SAL/3D29.; SAL/3D30.; SAL/3D31.
Denmark	60 975 (1)	
Germany	6 784 (1)	
Estonia	6 197 (1)	
Finland	76 031 (1)	
Latvia	38 783 (1)	
Lithuania	5 594 (1)	
Poland	18 497 (1)	
Sweden	82 420 (1)	Analytical TAC. Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply. Article 5(2) of Regulation (EC) No 847/96 applies.
EC	294 246 (1)	
TAC	Not relevant	

(1) Expressed by number of individual fish.

Species: Atlantic salmon *Salmo salar*		**Zone:** EC waters of Subdivision 32 SAL/3D32.
Estonia	1 581 (1)	
Finland	13 838 (1)	
EC	15 419 (1)	Analytical TAC. Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply. Article 5(2) of Regulation (EC) No 847/96 applies.
TAC	Not relevant	

(1) Expressed by number of individual fish.

Species: Sprat *Sprattus sprattus*		**Zone:** EC waters of Subdivisions 22-32 SPR/3B23.; SPR/3C22.; SPR/3D24.; SPR/3D25.; SPR/3D26.; SPR/3D27.; SPR/3D28.; SPR/3D29.; SPR/3D30.; SPR/3D31.; SPR/3D32.
Denmark	37 480	
Germany	23 745	
Estonia	43 522	
Finland	19 620	
Latvia	52 565	
Lithuania	19 015	
Poland	111 552	
Sweden	72 456	
EC	379 955	Analytical TAC. Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply. Article 5(2) of Regulation (EC) No 847/96 applies.
TAC	Not relevant	

ANNEX II

Fishing effort limits

1. For vessels flying their flag, Member States shall ensure that fishing with trawls, Danish seines or similar gears of a mesh size equal to or larger than 90 mm, with gillnets, entangling nets or trammel nets of a mesh size equal to or larger than 90 mm, with bottom set lines, longlines except drifting lines, handlines and jigging equipment shall be permitted for a maximum number of:

   (a) 181 days absent from port in subdivisions 22-24 with the exception of the period from 1 to 30 April when Article 8(1)(a) of Regulation (EC) No 1098/2007 applies; and

   (b) 160 days absent from port in subdivisions 25-28 with the exception of the period from 1 July to 31 August when Article 8(1)(b) of Regulation (EC) No 1098/2007 applies.

2. The maximum number of days absent from port per year for which a vessel may be present within the two areas defined in point 1(a) and (b) fishing with the gears referred to in point 1 may not exceed the maximum number of days allocated for one of the two areas.

ANNEX III

TRANSITIONAL TECHNICAL MEASURES

A. **Restrictions on fishing for flounder and turbot**

1. The retention on board of the following species of fish which are caught within the geographical areas and during the periods mentioned below shall be prohibited:

Species	Geographical area	Period
Flounder *(Platichthys flesus)*	Subdivisions 26, 27, 28 and 29 south of 59°30′N Subdivision 32	15 February to 15 May 15 February to 31 May
Turbot *(Psetta maxima)*	Subdivisions 25, 26 and 28 south of 56°50′N	1 June to 31 July

2. By way of derogation from point 1, when fishing with trawls, Danish seines or similar gears with a mesh size equal to or greater then 105 mm or with gillnets, entangling nets or trammel nets with a mesh size equal to or greater than 100 mm, by-catches of flounder and turbot may be retained on board and landed within a limit of 10 % by live weight of the total catch retained on board and landed during the periods of prohibition referred to in point 1.

B. **Specifications of top window codend BACOMA**

1. By way of derogation from point 1(e)(i) of Appendix 1 to Annex II to Regulation (EC) No 2187/2005, the meshes shall have a minimum mesh opening of 120 mm from 1 January in subdivisions 22-24 and from 1 March in subdivisions 25-32.

2. By way of derogation from point 1(d)(ii) of Appendix 1 to Annex II to Regulation (EC) No 2187/2005, the length of the window shall be at least 5,5 m from 1 January in subdivisions 22-24 and from 1 March in subdivisions 25-32.

3. By way of derogation from point 2 the length of the window shall be at least 6 m, if a sensor dedicated to the measurement of the volume of the catches is attached to the window from 1 January in subdivisions 22-24 and from 1 March in subdivisions 25-32.

C. **Specifications of T90 trawl**

By way of derogation from point (b) of Appendix 2 to Annex II to Regulation (EC) No 2187/2005, the mesh size for meshes shall be at least 120 mm from 1 January in subdivisions 22-24 and from 1 March in subdivisions 25-32.

DIRECTIVES

DIRECTIVE 2009/142/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 30 November 2009

relating to appliances burning gaseous fuels

(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 90/396/EEC of 29 June 1990 on the approximation of the laws of the Member States relating to appliances burning gaseous fuels [3] has been substantially amended [4]. In the interests of clarity and rationality the said Directive should be codified.

(2) Member States are responsible for ensuring the health and safety on their territory of their people and, where appropriate, of domestic animals and goods in relation to the hazards arising out of the use of appliances burning gaseous fuels.

(3) In certain Member States, mandatory provisions define in particular the safety level required of appliances burning gaseous fuels by specifying design, operating characteristics and inspection procedures. These mandatory provisions do not necessarily lead to different safety levels from one Member State to another but do, by their disparity, hinder trade within the Community.

(4) Different conditions as regards types of gas and supply pressures are in force in the Member States. These conditions are not harmonised because each Member State's energy supply and distribution situation is peculiar to it.

(5) Community law provides - by way of derogation from one of the fundamental rules of the Community, namely the free movement of goods - that obstacles to movement within the Community resulting from disparities in national legislation relating to the marketing of products must be accepted in so far as such obstacles can be recognised as being necessary to satisfy mandatory requirements. Therefore, the harmonisation of legislation in the present case should be limited to the provisions necessary to satisfy both the mandatory and essential requirements regarding safety, health and energy conservation in relation to gas appliances. These requirements should replace the national provisions in this matter because they are essential requirements.

(6) The maintenance or improvement of the level of safety attained in Member States constitutes one of the essential aims of this Directive and of safety as defined by the essential requirements.

(7) The essential safety and health requirements should be observed in order to ensure that appliances burning gaseous fuels are safe. Energy conservation is considered essential. These requirements should be applied with discernment to take account of the state of the art at the time of construction.

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[1] OJ C 151, 17.6.2008, p. 12.
[2] Opinion of the European Parliament of 20 October 2009 (not yet published in the Official Journal) and Council Decision of 26 November 2009.
[3] OJ L 196, 26.7.1990, p. 15.
[4] See Annex VI, Part A.

(8) This Directive should therefore only contain essential requirements. To facilitate proof of conformity with the essential requirements, it is necessary to have harmonised standards at Community level in particular as to the construction, operation and installation of appliances burning gaseous fuels so that products complying with them may be assumed to conform to the essential requirements. These standards, harmonised at Community level, are drawn up by private bodies and must remain non-mandatory texts. For that purpose the European Committee for Standardisation (CEN), the European Committee for Electrotechnical Standardisation (Cenelec) and the European Telecommunications Standards Institute (ETSI) are recognised as the competent bodies for the adoption of harmonised standards in accordance with the general guidelines for cooperation between the Commission, the European Free Trade Association (EFTA) and those three bodies signed on 28 March 2003 ([1]). 'Harmonised standard' means a technical specification (European standard or harmonisation document) adopted by CEN, Cenelec or ETSI or by two or three of those bodies upon a remit from the Commission in accordance with Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services ([2]) and the above mentioned general guidelines for cooperation.

(9) The Council has adopted a series of Directives designed to remove technical barriers to trade in accordance with the principles established in Resolution of 7 May 1985 on a new approach to technical harmonisation and standards ([3]); each of these Directives provides for the affixing of the CE marking. The Commission, in its Communication of 15 June 1989 on a global approach to certification and testing ([4]), proposed that common rules be drawn up concerning a CE marking with a single design. The Council, in its Resolution of 21 December 1989 on a global approach to conformity assessment ([5]), approved as a guiding principle the adoption of a consistent approach such as this with regard to the use of the CE marking. The two basic elements of the new approach which should be applied are the essential requirements and the conformity assessment procedures.

(10) A check on compliance with the relevant technical requirements is necessary in order to provide effective protection for users and third parties. The existing certification procedures differ from one Member State to another. In order to avoid multiple inspections, which are in effect barriers to the free movement of appliances burning gaseous fuels, arrangements should be made for the mutual recognition of certification procedures by the Member States. In order to facilitate mutual recognition of certification procedures, harmonised Community procedures and the criteria for appointing the bodies responsible for carrying out these procedures should be set up.

(11) The Member States' responsibility on their territory for safety, health and energy conservation covered by the essential requirements should be recognised in a safeguard clause providing for an adequate Community procedure.

(12) The addressees of any decision taken under this Directive should be informed of the reasons for such a decision and the legal remedies available to them.

(13) This Directive is without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law and application of the Directives in Annex VI, Part B,

HAVE ADOPTED THIS DIRECTIVE:

CHAPTER 1

SCOPE, DEFINITIONS, PLACING ON THE MARKET AND FREE MOVEMENT

Article 1

1. This Directive shall apply to appliances and fittings.

Appliances specifically designed for use in industrial processes carried out on industrial premises shall be excluded from its scope.

2. For the purposes of this Directive the following definitions shall apply:

(a) 'appliances' means appliances burning gaseous fuels used for cooking, heating, hot water production, refrigeration, lighting or washing and having, where applicable, a normal water temperature not exceeding 105 °C. Forced draught burners and heating bodies to be equipped with such burners shall also be considered as appliances;

(b) 'fittings' means safety devices, controlling devices or regulating devices and sub-assemblies, other than forced draught burners and heating bodies to be equipped with such burners, separately marketed for trade use and designed to be incorporated into an appliance burning gaseous fuel or assembled to constitute such an appliance;

(c) 'gaseous fuel' means any fuel which is in a gaseous state at a temperature of 15 °C under a pressure of 1 bar.

([1]) OJ C 91, 16.4.2003, p. 7.
([2]) OJ L 204, 21.7.1998, p. 37.
([3]) OJ C 136, 4.6.1985, p. 1.
([4]) OJ C 231, 8.9.1989, p. 3 and OJ C 267, 19.10.1989, p. 3.
([5]) OJ C 10, 16.1.1990, p. 1.

3. For the purposes of this Directive, an appliance is said to be 'normally used' when it is:

(a) correctly installed and regularly serviced in accordance with the manufacturer's instructions;

(b) used with a normal variation in the gas quality and a normal fluctuation in the supply pressure; and

(c) used in accordance with its intended purpose or in a way which can be reasonably foreseen.

Article 2

1. Member States shall take all necessary steps to ensure that appliances may be placed on the market and put into service only if, when normally used, they do not compromise the safety of persons, domestic animals and property.

2. Member States shall communicate in good time to the other Member States and the Commission all changes to the types of gas and corresponding supply pressures used on their territory which have been communicated in accordance with Article 2(2) of Directive 90/396/EEC.

The Commission shall ensure that this information is published in the *Official Journal of the European Union*.

Article 3

Appliances and fittings shall satisfy the essential requirements applicable to them set out in Annex I.

Article 4

1. Member States may not prohibit, restrict or impede the placing on the market and the putting into service of appliances which comply with this Directive and which bear the CE marking provided for in Article 10.

2. Member States may not prohibit, restrict or impede the placing on the market of fittings accompanied by a certificate as referred to in Article 8(4).

Article 5

1. Member States shall presume compliance with the essential requirements set out in Annex I of appliances and fittings when they conform to:

(a) the national standards applicable to them implementing the harmonised standards the reference numbers of which have been published in the *Official Journal of the European Union*;

(b) the national standards applicable to them in so far as, in the areas covered by such standards, no harmonised standards exist.

2. Member States shall publish the reference numbers of the national standards referred to in paragraph 1(a).

They shall communicate to the Commission the texts of their national standards as referred to in paragraph 1(b) which they regard as complying with the essential requirements set out in Annex I.

The Commission shall forward these national standards to the other Member States. In accordance with the procedure provided for in Article 6(2), it shall notify the Member States of those national standards which are presumed to conform with the essential requirements set out in Annex I.

Article 6

1. Where a Member State or the Commission considers that the standards referred to in Article 5(1) do not entirely meet the essential requirements set out in Annex I, the Commission or the Member State concerned shall bring the matter before the standing committee established under Article 5 of Directive 98/34/EC, hereinafter referred to as 'the committee', giving the reasons therefor.

The committee shall deliver an opinion without delay.

In the light of the committee's opinion, the Commission shall inform the Member States whether or not it is necessary to withdraw those standards from the publications referred to in the first subparagraph of Article 5(2).

2. After receipt of the communication referred to in the second subparagraph of Article 5(2), the Commission shall consult the committee.

Upon receipt of the committee's opinion, the Commission shall, within one month, inform the Member States whether the national standard(s) in question are to enjoy the presumption of conformity. If they are, the Member States shall publish the reference numbers of those standards.

The Commission shall also publish them in the *Official Journal of the European Union*.

Article 7

1. Where a Member State finds that normally used appliances bearing the CE marking might compromise the safety of persons, domestic animals or property, it shall take all appropriate measures to withdraw those appliances from the market and prohibit or restrict their being placed on the market.

The Member State concerned shall immediately inform the Commission of any such measure, indicating the reasons for its decision and, in particular, whether non-compliance is due to:

(a) failure to meet the essential requirements set out in Annex I, where the appliance does not correspond to the standards referred to in Article 5(1);

(b) incorrect application of the standards referred to in Article 5(1);

(c) shortcomings in the standards referred to in Article 5(1) themselves.

2. The Commission shall enter into consultation with the parties concerned as soon as possible. Where, after such consultation, the Commission finds that any measure as referred to in paragraph 1 is justified, it shall immediately so inform the Member State that took the measure and the other Member States.

Where the decision referred to in paragraph 1 is attributed to shortcomings in the standards, the Commission, after consulting the parties concerned, shall bring the matter before the committee within two months if the Member State which has taken the measures intends to maintain them, and shall initiate the procedures referred to in Article 6.

3. Where an appliance which does not comply bears the CE marking, the competent Member State shall take appropriate action against whomsoever has affixed the CE marking and shall inform the Commission and the other Member States thereof.

4. The Commission shall ensure that the Member States are kept informed of the progress and outcome of the procedures.

CHAPTER 2

MEANS OF CERTIFICATION OF CONFORMITY

Article 8

1. The means of certification of conformity of series-manufactured appliances shall be:

(a) the EC type-examination as referred to in point 1 of Annex II; and

(b) prior to their being placed on the market, at the choice of the manufacturer:

(i) the EC declaration of conformity to type referred to in point 2 of Annex II, or

(ii) the EC declaration of conformity to type (guarantee of production quality) referred to in point 3 of Annex II, or

(iii) the EC declaration of conformity to type (guarantee of product quality) referred to in point 4 of Annex II, or

(iv) EC verification as referred to in point 5 of Annex II.

2. In the case of production of an appliance as a single unit or in small quantities, EC verification by single unit, as referred to in point 6 of Annex II, may be chosen by the manufacturer.

3. After completion of the procedures referred to in paragraphs 1(b) and 2, the CE marking shall be affixed to conforming appliances in accordance with Article 10.

4. The means of certification of conformity referred to in paragraph 1 shall be applied in respect of fittings with the exception of the affixing of the CE marking and, where appropriate, the drawing-up of the declaration of conformity.

A certificate shall be issued declaring the conformity of the fittings with the provisions of this Directive which apply to them and stating their characteristics and how they must be incorporated into an appliance or assembled to assist compliance with the essential requirements applicable to finished appliances set out in Annex I.

The certificate shall be supplied with the fitting.

5. Where the appliances are covered by other Directives dealing with other aspects and specifying the affixing of the CE marking, the latter shall indicate that the appliances are also presumed to conform to the provisions of those Directives.

However, where one or more of these Directives allow the manufacturer, during a transitional period, to choose which arrangements to apply, the CE marking shall indicate conformity to the provisions only of those Directives applied by the manufacturer. In this case, particulars of the Directives applied, as published in the *Official Journal of the European Union*, must be given in the documents, notices or instructions required by the Directives and accompanying such devices.

6. Records and correspondence relating to the means of certification of conformity shall be drawn up in the official language(s) of the Member State where the body responsible for carrying out these procedures is established or in a language accepted by it.

Article 9

1. Member States shall notify the Commission and the other Member States of the bodies which they have appointed to carry out the procedures referred to in Article 8 together with the specific tasks which these bodies have been appointed to carry out and the identification numbers assigned to them beforehand by the Commission.

The Commission shall, for information, publish in the *Official Journal of the European Union*, a list of those bodies, and the identification numbers it has assigned to them and shall ensure that the list is kept up to date.

2. Member States shall apply the criteria set out in Annex V for assessing the bodies to be notified.

Bodies which satisfy the assessment criteria laid down in the applicable harmonised standards shall be presumed to satisfy the criteria set out in that Annex.

3. A Member State which has notified a body must withdraw approval if it finds that the body no longer meets the criteria set out in Annex V. It shall immediately inform the Commission and the other Member States accordingly.

CHAPTER 3

CE MARKING

Article 10

1. The CE marking and the inscriptions set out in Annex III shall be affixed in a visible, easily legible and indelible form to the appliance or to a data plate attached to it. The data plate shall be so designed that it cannot be re-used.

2. The affixing of markings on the appliances which are likely to deceive third parties as to the meaning and form of the CE marking shall be prohibited. Any other marking may be affixed to the appliance or to the data plate provided that the visibility and legibility of the CE marking are not thereby reduced.

Article 11

Without prejudice to Article 7:

(a) where a Member State establishes that the CE marking has been affixed unduly, the manufacturer or his authorised representative established within the Community shall be obliged to make the product comply as regards the provisions concerning the CE marking and to end the infringement under conditions imposed by that Member State;

(b) where non-compliance continues, the Member State must take all appropriate measures to restrict or prohibit the placing on the market of the appliance in question or to ensure that it is withdrawn from the market in accordance with the procedure laid down in Article 7.

CHAPTER 4

FINAL PROVISIONS

Article 12

Any decision taken pursuant to this Directive which includes restriction on the placing on the market and/or putting into service of an appliance shall state the precise grounds on which it is based. It shall be notified without delay to the party concerned, who shall at the same time be informed of the legal remedies available to him under the laws in force in the Member State in question and of the time-limits to which such remedies are subject.

Article 13

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

Article 14

Directive 90/396/EEC, as amended by the Directive listed in Annex VI, 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 VI, 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 in Annex VII.

Article 15

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

Article 16

This Directive is addressed to the Member States.

Done at Brussels, 30 November 2009.

For the European Parliament	*For the Council*
The President	*The President*
J. BUZEK	B. ASK

ANNEX I

ESSENTIAL REQUIREMENTS

PRELIMINARY REMARK

The obligations resulting from the essential requirements for appliances in this Annex also apply to fittings where the corresponding risk exists.

1. GENERAL CONDITIONS

1.1. Appliances must be so designed and built as to operate safely and present no danger to persons, domestic animals or property when normally used as defined in Article 1(3) of this Directive.

1.2. When placed on the market, all appliances must:

— be accompanied by technical instructions intended for the installer,

— be accompanied by instructions for use and servicing, intended for the user,

— bear appropriate warning notices, which must also appear on the packaging.

The instructions and warning notices must be in the official language or languages of the Member States of destination.

1.2.1. The technical instructions intended for the installer must contain all the instructions for installation, adjustment and servicing required to ensure that those operations are correctly performed and that the appliance may be used safely. In particular, the instructions must specify:

— the type of gas used,

— the gas supply pressure used,

— the flow of fresh air required:

  — for the combustion air supply,

  — to avoid the formation of dangerous unburned gas mixtures for appliances not fitted with the device referred to in point 3.2.3,

— the conditions for the dispersal of combustion products,

— for forced draught burners and heating bodies intended to be equipped with such burners, their characteristics, the requirements for assembly, to assist compliance with the essential requirements applicable to finished appliances and, where appropriate, the list of combinations recommended by the manufacturer.

1.2.2. The instructions for use and servicing intended for the user must contain all the information required for safe use, and must in particular draw the user's attention to any restrictions on use.

1.2.3. The warning notices on the appliance and its packaging must clearly state the type of gas used, the gas supply pressure and any restrictions on use, in particular the restriction whereby the appliance must be installed only in areas where there is sufficient ventilation.

1.3. Fittings intended to be part of an appliance must be so designed and built as to fulfil correctly their intended purpose when incorporated in accordance with the instructions for installation.

The instructions for installation, adjustment, operation and maintenance must be provided with the fittings concerned.

2. MATERIALS

2.1. Materials must be appropriate for their intended purpose and must withstand the technical, chemical and thermal conditions to which they will foreseeably be subjected.

2.2. The properties of materials that are important for safety must be guaranteed by the manufacturer or the supplier of the appliance.

3. DESIGN AND CONSTRUCTION

3.1. General

3.1.1. Appliances must be so constructed that, when used normally, no instability, distortion, breakage or wear likely to impair their safety can occur.

3.1.2. Condensation produced at the start-up and/or during use must not affect the safety of appliances.

3.1.3. Appliances must be so designed and constructed as to minimise the risk of explosion in the event of a fire of external origin.

3.1.4. Appliances must be so constructed that water and inappropriate air penetration into the gas circuit does not occur.

3.1.5. In the event of a normal fluctuation of auxiliary energy, appliances must continue to operate safely.

3.1.6. Abnormal fluctuation or failure of auxiliary energy or its restoration must not lead to an unsafe situation.

3.1.7. Appliances must be so designed and constructed as to obviate hazards of electrical origin. In the area in which it applies, compliance with the safety objectives in respect of electrical hazards laid down in Directive 2006/95/EC of the European Parliament and of the Council [1] shall be equivalent to fulfilment of this requirement.

3.1.8. All pressurised parts of an appliance must withstand the mechanical and thermal stresses to which they are subjected without any deformation affecting safety.

3.1.9. Appliances must be so designed and constructed that failure of a safety, controlling or regulating device may not lead to an unsafe situation.

3.1.10. If an appliance is equipped with safety and controlling devices, the functioning of the safety devices must not be overruled by that of the controlling devices.

3.1.11. All parts of appliances which are set or adjusted at the stage of manufacture and which should not be manipulated by the user or the installer must be appropriately protected.

3.1.12. Levers and other controlling and setting devices must be clearly marked and give appropriate instructions so as to prevent any error in handling. Their design must be such as to preclude accidental manipulation.

3.2. Unburned gas release

3.2.1. Appliances must be so constructed that the gas leakage rate is not dangerous.

3.2.2. Appliances must be so constructed that gas release during ignition and re-ignition and after flame extinction is limited in order to avoid a dangerous accumulation of unburned gas in the appliance.

3.2.3. Appliances intended to be used in indoor spaces and rooms must be fitted with a special device which avoids a dangerous accumulation of unburned gas in such spaces or rooms.

Appliances which are not fitted with such devices must be used only in areas where there is sufficient ventilation to avoid a dangerous accumulation of unburned gas.

Member States may define on their territory adequate space ventilation conditions for the installation of such appliances, bearing in mind the features peculiar to them.

Large-scale kitchen appliances and appliances powered by gas containing toxic components must be equipped with the aforesaid device.

3.3. Ignition

Appliances must be so constructed that, when used normally:

— ignition and re-ignition is smooth,

— cross-lighting is assured.

[1] OJ L 374, 27.12.2006, p. 10.

3.4. Combustion

3.4.1. Appliances must be so constructed that, when used normally, flame stability is assured and combustion products do not contain unacceptable concentrations of substances harmful to health.

3.4.2. Appliances must be so constructed that, when used normally, there will be no accidental release of combustion products.

3.4.3. Appliances connected to a flue for the dispersal of combustion products must be so constructed that in abnormal draught conditions there is no release of combustion products in a dangerous quantity into the room concerned.

3.4.4. Independent flueless domestic heating appliances and flueless instantaneous water heaters must not cause, in the room or space concerned, a carbon monoxide concentration likely to present a danger to the health of persons exposed, bearing in mind the foreseeable duration of their exposure.

3.5. Rational use of energy

Appliances must be so constructed as to ensure rational use of energy, reflecting the state of the art and taking into account safety aspects.

3.6. Temperatures

3.6.1. Parts of appliances which are intended to be placed in close proximity to the floor or other surfaces must not reach temperatures which present a danger in the surrounding area.

3.6.2. The surface temperature of knobs and levers of appliances intended to be manipulated must not present a danger to the user.

3.6.3. The surface temperatures of external parts of appliances intended for domestic use, with the exception of surfaces or parts which are associated with the transmission of heat, must not under operating conditions present a danger to the user and in particular to children, for whom an appropriate reaction time must be taken into account.

3.7. Foodstuffs and water used for sanitary purposes

Without prejudice to the Community rules in this area, materials and components used in the construction of an appliance, which may come into contact with food or water used for sanitary purposes, must not impair their quality.

ANNEX II

PROCEDURE FOR CERTIFICATION OF CONFORMITY

1. EC TYPE-EXAMINATION

1.1. The EC type-examination is that part of the procedure by which a notified body checks and certifies that an appliance, representative of the production envisaged, meets the provisions of this Directive which apply to it.

1.2. The application for type-examination must be lodged by the manufacturer or his authorised representative established within the Community with a single notified body.

1.2.1. The application must include:

— the name and address of the manufacturer and, if the application is lodged by the authorised representative, his name and address,

— a written declaration that the application has not been lodged with any other notified body,

— the design documentation, as described in Annex IV.

1.2.2. The manufacturer must place at the disposal of the notified body an appliance, representative of the production envisaged, hereinafter called 'type'. The notified body may request further samples of the type if needed for the test programme.

The type may additionally cover variants of the product provided that those variants do not have different characteristics with respect to types of risk.

1.3. The notified body must:

1.3.1. examine the design documentation and verify that the type has been manufactured in conformity with the design documentation and identify the elements which have been designed in accordance with the applicable provisions of the standards referred to in Article 5 and the essential requirements of this Directive;

1.3.2. perform, or have performed, the appropriate examinations and/or tests to check whether the solutions adopted by the manufacturer meet the essential requirements where the standards referred to in Article 5 have not been applied;

1.3.3. perform, or have performed, the appropriate examinations and/or tests to check whether the applicable standards have effectively been applied where the manufacturer has chosen to do so, thereby assuring conformity with the essential requirements.

1.4. Where the type satisfies the provisions of this Directive, the notified body must issue an EC type-examination certificate to the applicant. The certificate must contain the conclusions of the examination, the conditions, if any, for its validity and the necessary data for identification of the approved type and, if relevant, descriptions of its functioning. Relevant technical elements such as drawings and diagrams must be annexed to the certificate.

1.5. The notified body must inform the other notified bodies forthwith of the issuing of the EC type-examination certificate and any additions to the said type as referred to in point 1.7. They may obtain a copy of the EC type-examination certificate and/or its additions and on a reasoned request may obtain a copy of the Annexes to the certificate and the reports on the examinations and tests carried out.

1.6. A notified body which refuses to issue or withdraws an EC type-examination certificate must inform the Member State which notified it and the other notified bodies accordingly, giving the reasons for its decision.

1.7. The applicant must keep the notified body that has issued the EC type-examination certificate informed of all modifications to the approved type which might affect conformity with the essential requirements.

Modifications to the approved type must receive additional approval from the notified body that issued the EC type-examination certificate where such changes affect conformity with the essential requirements or the prescribed conditions for use of the appliance. This additional approval is to be given in the form of an addition to the original EC type-examination certificate.

2. EC DECLARATION OF CONFORMITY TO TYPE

2.1. The EC declaration of conformity to type is that part of the procedure whereby the manufacturer declares that the appliances concerned are in conformity with the type as described in the EC type-examination certificate and satisfy the essential requirements of this Directive which apply to them. The manufacturer or his authorised representative established within the Community shall affix the CE marking on each appliance and draw up a written declaration of conformity. The declaration of conformity may cover one or more appliances and must be kept by the manufacturer. The CE marking must be followed by the identification number of the notified body responsible for the random checks set out in point 2.3.

2.2. The manufacturer must take all necessary measures to ensure that the manufacturing process, including final product inspection and testing, results in homogeneity of production and conformity of the appliances with the type as described in the EC type-examination certificate and with the requirements of this Directive which apply to them. A notified body, chosen by the manufacturer, must carry out random checks on the appliances as set out in point 2.3.

2.3. On-site checks of appliances must be undertaken at random by the notified body at intervals of one year or less. An adequate number of appliances must be examined and appropriate tests as set out in the applicable standards referred to in Article 5 or equivalent tests must be carried out in order to ensure conformity with the corresponding essential requirements of this Directive. The notified body shall in each case determine whether these tests need to be carried out in full or in part. Where one or more appliances are rejected, the notified body shall take the appropriate measures to prevent the marketing thereof.

3. EC DECLARATION OF CONFORMITY TO TYPE (guarantee of production quality)

3.1. The EC declaration of conformity to type (guarantee of production quality) is the procedure whereby a manufacturer who fulfils the obligations in point 3.2 declares that the appliances concerned are in conformity with the type as described in the EC type-examination certificate and satisfy the essential requirements of this Directive which applies to them. The manufacturer or his authorised representative established within the Community must affix the CE marking to each appliance and draw up a written declaration of conformity. This declaration may cover one or more appliances and must be kept by the manufacturer. The CE marking must be followed by the identification number of the notified body responsible for EC surveillance.

3.2. The manufacturer shall apply a quality system that ensures conformity of the appliances with the type as described in the EC type-examination certificate and with the essential requirements of this Directive which apply to them. The manufacturer is subject to EC surveillance as specified in point 3.4.

3.3. Quality system

3.3.1. The manufacturer must lodge an application for approval of his quality system with a notified body of his choice for the appliances in question.

The application must include:

— the quality system documentation,

— an undertaking to carry out the obligations arising from the quality system as approved,

— an undertaking to maintain the approved quality system to ensure its continuing suitability and effectiveness,

— documentation relating to the approved type and a copy of the EC type-examination certificate.

3.3.2. All the elements, requirements and provisions adopted by the manufacturer must be documented in a systematic and logical manner in the form of measures, procedures and written instructions. This quality system documentation must permit a uniform interpretation of the quality programmes, plans, manuals and records. It shall contain, in particular, an adequate description of:

— the quality objectives, the organisational structure and responsibilities of management and of their powers with regard to appliance quality,

— the manufacturing processes, quality control and quality assurance techniques and systematic actions that will be used,

— the examinations and tests that will be carried out before, during and after manufacture and the frequency with which they will be carried out,

— the method of monitoring attainment of the required appliance quality and the effective operation of the quality system.

3.3.3. The notified body shall examine and evaluate the quality system to determine whether it satisfies the requirements referred to in point 3.3.2. It will presume conformity with these requirements in respect of quality systems that implement the corresponding harmonised standard.

It must notify its decision to the manufacturer and inform the other notified bodies thereof. The notification to the manufacturer must contain the conclusions of the examination, the name and address of the notified body and the reasoned assessment decision in respect of the appliances concerned.

3.3.4. The manufacturer must keep the notified body that has approved the quality system informed of any updating of the quality system in relation to changes brought about by, for example, new technologies and quality concepts.

The notified body must examine the proposed modifications and decide whether the modified quality system complies with the relevant provisions or whether reappraisal is necessary. It must notify the manufacturer of its decision. The notification must include the conclusions of the inspection and the reasoned assessment decision.

3.3.5. A notified body that withdraws approval of a quality system must so inform the other notified bodies, giving the reasons for the decision.

3.4. EC surveillance

3.4.1. The purpose of EC surveillance is to ensure that the manufacturer duly fulfils the obligations arising out of the approved quality system.

3.4.2. The manufacturer must allow the notified body access for inspection purposes to the place of manufacture, inspection, testing and storage and must provide it with all necessary information, in particular:

— the quality system documentation,

— the quality records, such as inspection reports and test data, calibration data, reports on qualifications of the staff concerned.

3.4.3. The notified body must carry out a check at least once every two years to ensure that the manufacturer is maintaining and applying the approved quality system and must supply a report of the check to the manufacturer.

3.4.4. Furthermore, the notified body may make unannounced visits to the manufacturer. During these visits, the notified body may carry out tests on appliances or have them carried out. It must supply the manufacturer with an inspection report and, if appropriate, a test report.

3.4.5. The manufacturer may supply the notified body's report on request.

4. EC DECLARATION OF TYPE CONFORMITY (guarantee of product quality)

4.1. The EC declaration of type conformity (guarantee of product quality) is that part of the procedure whereby a manufacturer who fulfils the obligations in point 4.2 declares that the appliances concerned are in conformity with the type as described in the EC type-examination certificate and satisfy the essential requirements of this Directive which apply to them. The manufacturer or his authorised representative established within the Community must affix the CE marking to each appliance and draw up a written declaration of conformity. This declaration may cover one or more appliances and must be kept by the manufacturer. The CE marking must be followed by the identification number of the notified body responsible for EC surveillance.

4.2. The manufacturer shall apply an approved quality system for the final inspection of the appliances and the tests, as specified in point 4.3, and is subject to EC surveillance as specified in point 4.4.

4.3. Quality system

4.3.1. Under this procedure, the manufacturer must lodge an application for approval of his quality system with a notified body of his choice for the appliances in question.

The application must include:

— the quality system documentation,

— an undertaking to carry out the obligations arising from the quality system as approved,

— an undertaking to maintain the approved quality system to ensure its continuing suitability and effectiveness,

— the documentation relating to the approved type and a copy of the EC type-examination certificate.

4.3.2. As part of the quality system, each appliance must be examined and appropriate tests as laid down in the applicable standard(s) referred to in Article 5 or equivalent tests carried out to check its conformity with the essential requirements relating to it in this Directive.

All the elements, requirements and provisions adopted by the manufacturer must be documented in a systematic and logical manner in the form of measures, procedures and written instructions. This quality system documentation must permit a uniform interpretation of the quality programmes, plans, manuals and records.

The quality system documentation shall contain, in particular, an adequate description of:

— the quality objectives, the organisational structure and responsibilities of management and of their powers with regard to appliance quality,

— the checks and tests to be carried out after manufacture,

— the method of verifying the effective operation of the quality system.

4.3.3. The notified body shall examine and evaluate the quality system to determine whether it satisfies the requirements referred to in point 4.3.2. It will presume conformity with these requirements in respect of quality systems that implement the corresponding harmonised standard. It must notify the manufacturer of its decision and inform the other notified bodies thereof. The notification to the manufacturer must contain the conclusions of the examination, the name and address of the notified body and the reasoned assessment decision for the appliances concerned.

4.3.4. The manufacturer must keep the notified body which approved the quality system informed of any adaptation of the quality system made necessary, e.g. by new technology and quality concepts.

The notified body must examine the proposed changes and decide whether the amended quality system satisfies the relevant provisions or whether a reassessment is necessary. It must notify the manufacturer of its decision. The notification must contain the conclusions of the inspection and the reasoned assessment decision.

4.3.5. A notified body which withdraws approval of a quality system must inform the other notified bodies that it has done so and give reasons for its decision.

4.4. EC surveillance

4.4.1. The purpose of EC surveillance is to ensure that the manufacturer duly fulfils the obligations arising out of the approved quality system.

4.4.2. The manufacturer must allow the notified body access for inspection to the place of inspection, testing and storage and must provide it with all necessary information, in particular:

— the quality system documentation,

— the quality files such as inspection reports and test data, calibration data, report on qualifications of the staff concerned.

4.4.3. The notified body must carry out a check at least once every two years to ensure that the manufacturer is maintaining and applying the approved quality system and must supply a report on the check to the manufacturer.

4.4.4. Furthermore, the notified body may make unannounced visits to the manufacturer. During these visits, the body may carry out tests on appliances or have them carried out. It must supply the manufacturer with an inspection report and, if appropriate, a test report.

4.4.5. The manufacturer may supply the notified body's report on request.

5. EC VERIFICATION

5.1. EC verification is the procedure whereby the manufacturer or his authorised representative established within the Community ensures and declares that the appliances subject to the provisions of point 3 are in conformity to the type as described in the EC type-examination certification and satisfy the requirements of this Directive that apply to them.

5.2. The manufacturer or his authorised representative established within the Community must take all measures necessary in order that the manufacturing process ensures conformity of the appliances to the type as described in the EC type-examination certification and to the requirements of this Directive that apply to them. The manufacturer or his authorised representative established within the Community must affix the CE marking to each appliance and draw up a written declaration of conformity. The declaration of conformity may cover one or more appliances and must be kept by the manufacturer or his authorised representative established within the Community.

5.3. The notified body must carry out the appropriate examinations and tests in order to check the conformity of the appliance to the requirements of this Directive by examination and testing of every appliance, as specified in point 5.4, or by examination and testing of appliances on a statistical basis, as specified in point 5.5, at the choice of the manufacturer.

5.4. Verification by checking and testing of each appliance

5.4.1. All appliances must be individually examined and appropriate tests, as set out in the relevant standard(s) referred to in Article 5, or equivalent tests, must be carried out in order to verify their conformity with the type as described in the EC type-examination certificate and the requirements of this Directive that apply to them.

5.4.2. The notified body must affix, or cause to be affixed, its identification number on each appliance and draw up a written certificate of conformity relating to the tests carried out. The certificate of conformity may cover one or more appliances.

5.4.3. The manufacturer or his authorised representative must ensure that he is able to supply the notified body's certificates of conformity on request.

5.5. Statistical verification

5.5.1. Manufacturers must present the appliances manufactured in the form of uniform batches and must take all necessary measures in order that the manufacturing process ensures the uniformity of each batch produced.

5.5.2. Statistical control is as follows:

Appliances are subject to statistical control by attributes. They should be grouped into identifiable batches consisting of units of a single model manufactured under the same conditions. A batch is examined at random intervals. The appliances constituting a sample are examined individually and appropriate tests, as laid down in the respective standard(s) referred to in Article 5, or equivalent tests are carried out to determine whether the batch is to be accepted or rejected.

A sampling system with the following characteristics is applied:

— a level of quality corresponding to a probability of acceptance of 95 %, with a non-conformity percentage of between 0,5 and 1,5 %,

— a limit quality corresponding to a probability of acceptance of 5 %, with a percentage of non-conformity of between 5 and 10 %.

5.5.3. Where batches are accepted, the notified body must affix, or cause to be affixed, its identification number to each appliance and draw up a written certificate of conformity relating to the tests carried out. All appliances in the batch may be placed on the market except for those products from the sample which were found not to be in conformity.

Where a batch is rejected, the notified body must take appropriate measures to prevent the placing on the market of that batch. In the event of frequent rejection of batches the notified body may suspend the statistical verification.

The manufacturer may, under the responsibility of the notified body, affix the latter's identification number during the manufacturing process.

5.5.4. The manufacturer or his authorised representative must ensure that he is able to supply the notified body's certificates of conformity on request.

6. EC UNIT VERIFICATION

6.1. EC unit verification is the procedure whereby the manufacturer or his authorised representative established within the Community ensures and declares that the appliance concerned, which has been issued with the certificate referred to in point 2, conforms to the requirements of this Directive that apply to it. The manufacturer or his authorised representative must affix the CE marking to the appliance and draw up a written declaration of conformity which he must keep.

6.2. The notified body must examine the appliance and carry out the appropriate tests, taking account of the design documentation in order to ensure its conformity with the essential requirements of this Directive.

The notified body must affix, or cause to be affixed, its identification number to the approved appliance and must draw up a written certificate of conformity concerning the tests carried out.

6.3. The aim of the technical documentation relating to the design of the instrument, as referred to in Annex IV, is to enable conformity to the requirements of this Directive to be assessed and the design, manufacture and operation of the appliance to be understood.

The design documentation referred to in Annex IV must be made available to the notified body.

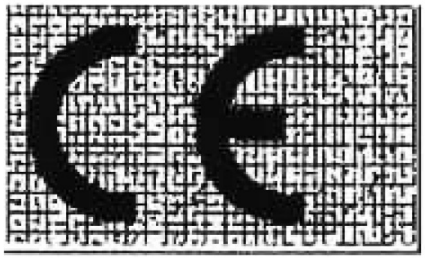
6.4. If deemed necessary by the notified body, the examinations and tests may be carried out after installation of the appliance.

6.5. The manufacturer or his authorised representative must ensure that he is able to supply the notified body's certificates of conformity on request.

ANNEX III

CE MARKING AND INSCRIPTIONS

1. The CE marking consists of the initials 'CE' as shown below:



The CE marking must be followed by the identification number of the notified body involved in the production control phase.

2. The appliance or its data plate must bear the CE marking together with the following inscriptions:

— the manufacturer's name or identification symbol,

— the trade name of the appliance,

— the type of electrical supply used, if applicable,

— the appliance category,

— the last two digits of the year in which the CE marking was affixed.

Information needed for installation purposes may be added according to the nature of the appliance.

3. If the CE marking is reduced or enlarged the proportions given in the above graduated drawing must be respected.

The various components of the CE marking must have substantially the same vertical dimension, which may not be less than 5 mm.

ANNEX IV

DESIGN DOCUMENTATION

The design documentation must contain the following information, in so far as is required by the notified body for assessment:

— a general description of the appliance,

— conceptual designs and manufacturing drawings and diagrams of components, sub-assemblies, circuits, etc.,

— descriptions and explanations necessary for the understanding of the above, including the operation of the appliances,

— a list of the standards referred to in Article 5, applied in full or in part, and descriptions of the solutions adopted to meet the essential requirements where the standards referred to in Article 5 have not been applied,

— test reports,

— manuals for installation and use.

Where appropriate, the design documentation must contain the following elements:

— attestations relating to the equipment incorporated in the appliance,

— attestations and certificates relating to the methods of manufacture and/or inspection and/or monitoring of the appliance,

— any other document making it possible for the notified body to improve its assessment.

ANNEX V

MINIMUM CRITERIA FOR ASSESSMENT OF NOTIFIED BODIES

The notified bodies designated by the Member States must fulfil the following minimum conditions:

— availability of personnel and of the necessary means and equipment,

— technical competence and professional integrity of personnel,

— independence in carrying out tests, preparing reports, issuing certificates and performing the surveillance provided for in this Directive, of management and technical staff in relation to all circles, groups or persons directly or indirectly involved in the field of the appliances,

— maintenance of professional secrecy by staff,

— possession of civil liability insurance unless that liability is covered by the State under national law.

Fulfilment of the conditions in the first two indents must be periodically verified by the competent authorities of the Member States or by bodies designated by the Member States.

ANNEX VI

PART A

Repealed Directive with its amendment

(referred to in Article 14)

Council Directive 90/396/EEC
(OJ L 196, 26.7.1990, p. 15)

Council Directive 93/68/EEC — only Article 10
(OJ L 220, 30.8.1993, p. 1)

PART B

List of time-limits for transposition into national law and application

(referred to in Article 14)

Directive	Time-limit for transposition	Date of application
90/396/EEC	30 June 1991	1 January 1992
93/68/EEC	30 June 1994	1 January 1995

ANNEX VII

Correlation table

Directive 90/396/EEC	This Directive
Article 1(1), introductory wording	Article 1(1), first subparagraph
Article 1(1), first and second indents	Article 1(2)(a) and (b)
Article 1(2)	Article 1(1), second subparagraph
Article 1(3)	Article 1(2)(d)
Article 1(4)	Article 1(3)
Article 2(1)	Article 2(1)
Article 2(2), first and second sentences	Article 2(2), first subparagraph
Article 2(2), third sentence	Article 2(2), second subparagraph
Articles 3 and 4	Articles 3 and 4
Article 5(1)(a), first subparagraph	Article 5(1)(a)
Article 5(1)(a), second subparagraph	Article 5(2), first subparagraph
Article 5(1)(b)	Article 5(1)(b)
Article 5(2), first sentence	Article 5(2), second subparagraph
Article 5(2), third sentence	Article 5(2), third subparagraph
Article 6(1), first subparagraph, first sentence	Article 6(1), first subparagraph
Article 6(1), first subparagraph, second sentence	Article 6(1), second subparagraph
Article 6(1), second subparagraph	Article 6(1), third subparagraph
Article 6(2), first sentence	Article 6(2), first subparagraph
Article 6(2), second sentence	Article 6(2), second subparagraph
Article 6(2), third sentence	Article 6(2), third subparagraph
Article 7	Article 7
Article 8(1)(a)	Article 8(1)(a)
Article 8(1)(b), introductory wording	Article 8(1)(b), introductory wording
Article 8(1)(b), first to fourth indents	Article 8(1)(b)(i) to (iv)
Article 8(2) and (3)	Article 8(2) and (3)
Article 8(4), first subparagraph, first sentence	Article 8(4), first subparagraph
Article 8(4), first subparagraph, second sentence	Article 8(4), second subparagraph
Article 8(4), second subparagraph	Article 8(4), third subparagraph
Article 8(5)(a)	Article 8(5), first subparagraph
Article 8(5)(b)	Article 8(5), second subparagraph
Article 8(6)	Article 8(6)
Articles 9 to12	Articles 9 to 12
Article 13	—
Article 14(1) and (2)	—
Article 14(3)	Article 13
—	Article 14
—	Article 15
Article 15	Article 16
Annexes I to V	Annexes I to V
—	Annex VI
—	Annex VII

DIRECTIVE 2009/148/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 30 November 2009

on the protection of workers from the risks related to exposure to asbestos at work

(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 137(2) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee [1],

After consulting the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty [2],

Whereas:

(1) Council Directive 83/477/EEC of 19 September 1983 on the protection of workers from the risks related to exposure to asbestos at work (second individual Directive within the meaning of Article 8 of Directive 80/1107/EEC) [3] has been substantially amended several times [4]. In the interests of clarity and rationality the said Directive should be codified.

(2) Asbestos is a particularly dangerous agent which may cause serious diseases and which is found in a large number of circumstances at work. Many workers are therefore exposed to a potential health risk. Crocidolite is considered to be a particularly dangerous type of asbestos.

(3) Although current scientific knowledge is not such that a level can be established below which risks to health cease to exist, a reduction in exposure to asbestos will nonetheless reduce the risk of developing asbestos-related disease. It is accordingly necessary to provide for the establishment of specific harmonised procedures regarding the protection of workers with respect to asbestos. This Directive includes minimum requirements which will be reviewed on the basis of experience acquired and of developments in technology in this area.

(4) Optical microscopy, although it does not allow a counting of the smallest fibres detrimental to health, is the most currently used method for the regular measuring of asbestos.

(5) Preventive measures for the protection of the health of workers exposed to asbestos and the commitment envisaged for Member States with regard to the surveillance of their health are important.

(6) In order to ensure clarity in the definition of the fibres, they should be defined either in mineralogical terms or by reference to their Chemical Abstract Service (CAS) number.

(7) Without prejudice to other Community provisions concerning the marketing and use of asbestos, limiting the activities involving exposure to asbestos should play a very important role in preventing the diseases associated with such exposure.

(8) The notification system for activities involving exposure to asbestos should be adapted to new work situations.

(9) The prohibition on the application of asbestos by means of the spraying process is not sufficient to prevent the release of asbestos fibres into the air. It is also important to prohibit activities which expose workers to asbestos fibres during the extraction of asbestos or the manufacture and processing of asbestos products or the manufacture and processing of products containing intentionally added asbestos fibres, in view of their high and unpredictable level of exposure.

(10) Taking account of the latest technical expertise, it is necessary to specify the sampling methodology to be used to measure the asbestos level in air and the method of counting fibres.

(11) Even though it has not yet been possible to identify the exposure threshold below which asbestos does not involve a cancer risk, occupational exposure of workers to asbestos should be reduced to a minimum.

(12) Employers should be required to record, before the start of any asbestos removal project, the presence or presumed presence of asbestos in buildings or installations and communicate this information to others who may be exposed to asbestos as a result of its use, of maintenance or of other activities in or on buildings.

(13) It should be ensured that demolition or asbestos removal work is carried out by undertakings which are familiar with all the precautions to be taken in order to protect workers.

(14) Special training for workers exposed or likely to be exposed to asbestos should be provided in order significantly to contribute to reducing the risks related to such exposure.

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[1] Opinion of 10 June 2009 (not yet published in the Official Journal).
[2] Opinion of the European Parliament of 20 October 2009 (not yet published in the Official Journal) and Council Decision of 26 November 2009.
[3] OJ L 263, 24.9.1983, p. 25.
[4] See Annex II, Part A.

(15) Practical recommendations on the clinical surveillance of exposed workers should be laid down in the light of the latest medical expertise with a view to the early detection of pathologies linked to asbestos.

(16) Since the objective of the proposed action, namely improvement in the protection of workers from the risks related to exposure to asbestos at work, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of the action, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.

(17) The provisions contained in this Directive constitute a concrete contribution towards creating the social dimension of the internal market. These provisions are limited to the minimum in order not to impose an unnecessary burden on the creation and development of small and medium-sized enterprises.

(18) This Directive is without prejudice to the obligations of the Member States concerning 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

1. This Directive has as its aim the protection of workers against risks to their health, including the prevention of such risks, arising or likely to arise from exposure to asbestos at work.

It lays down the limit values for this exposure, as well as other specific requirements.

2. This Directive shall not prejudice the right of Member States to apply or introduce laws, regulations or administrative provisions ensuring greater protection for workers, in particular as regards the replacement of asbestos by less dangerous substitutes.

Article 2

For the purposes of this Directive, 'asbestos' means the following fibrous silicates:

(a) asbestos actinolite, CAS No 77536-66-4 [1];

(b) asbestos grunerite (amosite), CAS No 12172-73-5 [1];

(c) asbestos anthophyllite, CAS No 77536-67-5 [1];

(d) chrysotile, CAS No 12001-29-5 [1];

(e) crocidolite, CAS No 12001-28-4 [1];

(f) asbestos tremolite, CAS No 77536-68-6 [1].

[1] Number in the register of the Chemical Abstract Service (CAS).

Article 3

1. This Directive shall apply to activities in which workers are or may be exposed in the course of their work to dust arising from asbestos or materials containing asbestos.

2. In the case of any activity likely to involve a risk of exposure to dust arising from asbestos or materials containing asbestos, this risk must be assessed in such a way as to determine the nature and degree of the workers' exposure to dust arising from asbestos or materials containing asbestos.

3. Provided that worker exposure is sporadic and of low intensity, and if it is clear from the results of the risk assessment referred to in paragraph 2 that the exposure limit for asbestos will not be exceeded in the air of the working area, Articles 4, 18 and 19 may be waived where the work involves:

(a) short, non-continuous maintenance activities in which only non-friable materials are handled;

(b) removal without deterioration of non-degraded materials in which the asbestos fibres are firmly linked in a matrix;

(c) encapsulation or sealing of asbestos-containing materials which are in good condition;

(d) air monitoring and control, and the collection of samples to ascertain whether a specific material contains asbestos.

4. Member States shall, following consultation with representatives from both sides of industry, in accordance with national law and practice, lay down practical guidelines for the determination of sporadic and low-intensity exposure, as provided for in paragraph 3.

5. The assessment referred to in paragraph 2 shall be the subject of consultation with the workers and/or their representatives within the undertaking or establishment and shall be revised where there is reason to believe that it is incorrect or there is a material change in the work.

Article 4

1. Subject to Article 3(3), the measures referred to in paragraphs 2 to 5 shall be taken.

2. The activities referred to in Article 3(1) must be covered by a notification system administered by the responsible authority of the Member State.

3. The notification referred to in paragraph 2 shall be submitted by the employer to the responsible authority of the Member State, before the work commences, in accordance with national laws, regulations and administrative provisions.

The notification must include at least a brief description of:

(a) the location of the worksite;

(b) the type and quantities of asbestos used or handled;

(c) the activities and processes involved;

(d) the number of workers involved;

(e) the starting date and duration of the work;

(f) measures taken to limit the exposure of workers to asbestos.

4. Workers and/or their representatives in undertakings or establishments shall have access to the documents which are the subject of the notification referred to in paragraph 2 concerning their own undertaking or establishment in accordance with national laws.

5. Each time a change in working conditions is likely to result in a significant increase in exposure to dust from asbestos or materials containing asbestos, a new notification must be submitted.

Article 5

The application of asbestos by means of the spraying process and working procedures that involve using low-density (less than 1 g/cm^3) insulating or soundproofing materials which contain asbestos shall be prohibited.

Without prejudice to the application of other Community provisions on the marketing and use of asbestos, activities which expose workers to asbestos fibres during the extraction of asbestos or the manufacture and processing of asbestos products or the manufacture and processing of products containing intentionally added asbestos shall be prohibited, with the exception of the treatment and disposal of products resulting from demolition and asbestos removal.

Article 6

For all activities referred to in Article 3(1), the exposure of workers to dust arising from asbestos or materials containing asbestos at the place of work must be reduced to a minimum and in any case below the limit value laid down in Article 8, in particular through the following measures:

(a) the number of workers exposed or likely to be exposed to dust arising from asbestos or materials containing asbestos must be limited to the lowest possible figure;

(b) work processes must be designed so as not to produce asbestos dust or, if that proves impossible, to avoid the release of asbestos dust into the air;

(c) all premises and equipment involved in the treatment of asbestos must be capable of being regularly and effectively cleaned and maintained;

(d) asbestos or dust-generating asbestos-containing material must be stored and transported in suitable sealed packing;

(e) waste must be collected and removed from the place of work as soon as possible in suitable sealed packing with labels indicating that it contains asbestos; this measure shall not apply to mining activities; such waste shall then be dealt with in accordance with Council Directive 91/689/EEC of 12 December 1991 on hazardous waste [1].

Article 7

1. Depending on the results of the initial risk assessment, and in order to ensure compliance with the limit value laid down in Article 8, measurement of asbestos fibres in the air at the workplace shall be carried out regularly.

2. Sampling must be representative of the personal exposure of the worker to dust arising from asbestos or materials containing asbestos.

3. Sampling shall be carried out after consultation of the workers and/or their representatives within the undertaking or establishment.

4. Sampling shall be carried out by suitably qualified personnel. The samples taken shall be subsequently analysed, in accordance with paragraph 6, in laboratories equipped for fibre counting.

5. The duration of sampling must be such that representative exposure can be established for an 8-hour reference period (one shift) by means of measurements or time-weighted calculations.

6. Fibre counting shall be carried out wherever possible by phase-contrast microscope (PCM) in accordance with the method recommended in 1997 by the World Health Organization (WHO) [2] or any other method giving equivalent results.

For the purpose of measuring asbestos in the air, as referred to in paragraph 1, only fibres with a length of more than 5 micrometres, a breadth of less than 3 micrometres and a length/breadth ratio greater than 3:1 shall be taken into consideration.

Article 8

Employers shall ensure that no worker is exposed to an airborne concentration of asbestos in excess of 0,1 fibres per cm^3 as an 8-hour time-weighted average (TWA).

Article 9

The amendments necessary to adapt Annex I to this Directive to technical progress shall be adopted in accordance with the procedure referred to in Article 17 of Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work [3].

Article 10

1. Where the limit value laid down in Article 8 is exceeded, the reasons for the limit being exceeded must be identified and appropriate measures to remedy the situation must be taken as soon as possible.

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[1] OJ L 377, 31.12.1991, p. 20.

[2] Determination of airborne fibre concentrations. A recommended method, by phase-contrast optical microscopy (membrane filter method), WHO, Geneva 1997 (ISBN 92 4 154496 1).

[3] OJ L 183, 29.6.1989, p. 1.

Work may not be continued in the affected area until adequate measures have been taken for the protection of the workers concerned.

2. In order to check the effectiveness of the measures mentioned in the first subparagraph of paragraph 1, a further determination of the asbestos-in-air concentrations shall be carried out immediately.

3. Where exposure cannot be reduced by other means and where compliance with the limit value makes necessary the wearing of individual protective breathing equipment, this may not be permanent and shall be kept to the strict minimum necessary for each worker. During periods of work which require the use of such equipment, provision shall be made for breaks appropriate to the physical and climatological conditions and, where relevant, in consultation with the workers and/or their representatives within the undertaking or establishment, in accordance with national laws and practice.

Article 11

Before beginning demolition or maintenance work, employers shall take, if appropriate by obtaining information from the owners of the premises, all necessary steps to identify presumed asbestos-containing materials.

If there is any doubt about the presence of asbestos in a material or construction, the applicable provisions of this Directive shall be observed.

Article 12

In the case of certain activities such as demolition, asbestos removal work, repairing and maintenance, in respect of which it is foreseeable that the limit value set out in Article 8 will be exceeded despite the use of technical preventive measures for limiting asbestos in air concentrations, the employer shall determine the measures intended to ensure protection of the workers while they are engaged in such activities, in particular the following:

(a) workers shall be issued with suitable respiratory and other personal protective equipment, which must be worn;

(b) warning signs shall be put up indicating that it is foreseeable that the limit value laid down in Article 8 will be exceeded; and

(c) the spread of dust arising from asbestos or materials containing asbestos outside the premises or site of action shall be prevented.

The workers and/or their representatives in the undertaking or establishment shall be consulted on these measures before the activities concerned are carried out.

Article 13

1. A plan of work shall be drawn up before demolition work or work on removing asbestos and/or asbestos-containing products from buildings, structures, plant or installations or from ships is started.

2. The plan referred to in paragraph 1 must prescribe the measures necessary to ensure the safety and health of workers at the place of work.

The plan must in particular specify that:

(a) asbestos and/or asbestos-containing products are to be removed before demolition techniques are applied, except where this would cause a greater risk to workers than if the asbestos and/or asbestos-containing products had been left in place;

(b) the personal protective equipment referred to in point (a) of the first paragraph of Article 12 shall be provided, where necessary;

(c) when the asbestos demolition or removal work has been completed, the absence of asbestos exposure risks in the workplace shall be verified in compliance with national laws and practice.

At the request of the competent authorities, the plan shall include information on the following:

(a) the nature and probable duration of the work;

(b) the place where the work is carried out;

(c) the methods applied where the work involves the handling of asbestos or of materials containing asbestos;

(d) the characteristics of the equipment used for:

(i) protection and decontamination of those carrying out the work;

(ii) protection of other persons present on or near the worksite.

3. At the request of the competent authorities, the plan referred to in paragraph 1 must be notified to them before the start of the projected work.

Article 14

1. Employers shall provide appropriate training for all workers who are, or are likely to be, exposed to dust from asbestos or materials containing asbestos. Such training must be provided at regular intervals and at no cost to the workers.

2. The content of the training must be easily understandable for workers. It must enable them to acquire the necessary knowledge and skills in terms of prevention and safety, particularly as regards:

(a) the properties of asbestos and its effects on health, including the synergistic effect of smoking;

(b) the types of products or materials likely to contain asbestos;

(c) the operations that could result in asbestos exposure and the importance of preventive controls to minimise exposure;

(d) safe work practices, controls and protective equipment;

(e) the appropriate role, choice, selection, limitations and proper use of respiratory equipment;

(f) emergency procedures;

(g) decontamination procedures;

(h) waste disposal;

(i) medical surveillance requirements.

3. Practical guidelines for the training of asbestos removal workers shall be developed at Community level.

Article 15

Before carrying out demolition or asbestos removal work, firms must provide evidence of their ability in this field. The evidence shall be established in accordance with national laws and/or practice.

Article 16

1. In the case of all activities referred to in Article 3(1), and subject to Article 3(3), appropriate measures shall be taken to ensure that:

(a) the places in which the above activities take place:

(i) are clearly demarcated and indicated by warning signs;

(ii) are not accessible to workers other than those who by reason of their work or duties are required to enter them;

(iii) constitute areas where there should be no smoking;

(b) areas are set aside where workers can eat and drink without risking contamination by asbestos dust;

(c) workers are provided with appropriate working or protective clothing; this working or protective clothing remains within the undertaking; it may, however, be laundered in establishments outside the undertaking which are equipped for this sort of work if the undertaking does not carry out the cleaning itself; in that event the clothing shall be transported in closed containers;

(d) separate storage places are provided for working or protective clothing and for street clothes;

(e) workers are provided with appropriate and adequate washing and toilet facilities, including showers in the case of dusty operations;

(f) protective equipment is placed in a well-defined place and checked and cleaned after each use, and appropriate measures are taken to repair or replace defective equipment before further use.

2. Workers may not be charged with the cost of measures taken pursuant to paragraph 1.

Article 17

1. In the case of all activities referred to in Article 3(1), appropriate measures shall be taken to ensure that workers and their representatives in the undertaking or establishment receive adequate information concerning:

(a) the potential risks to health from exposure to dust arising from asbestos or materials containing asbestos;

(b) the existence of statutory limit values and the need for the atmosphere to be monitored;

(c) hygiene requirements, including the need to refrain from smoking;

(d) the precautions to be taken as regards the wearing and use of protective equipment and clothing;

(e) special precautions designed to minimise exposure to asbestos.

2. In addition to the measures referred to in paragraph 1, and subject to Article 3(3), appropriate measures shall be taken to ensure that:

(a) workers and/or their representatives in the undertaking or establishment have access to the results of asbestos-in-air concentration measurements and can be given explanations of the significance of those results;

(b) if the results exceed the limit value laid down in Article 8, the workers concerned and their representatives in the undertaking or establishment are informed as quickly as possible of the fact and the reasons for it and the workers and/or their representatives in the undertaking or establishment are consulted on the measures to be taken or, in an emergency, are informed of the measures which have been taken.

Article 18

1. Subject to Article 3(3), the measures referred to in paragraphs 2 to 5 shall be taken.

2. An assessment of each worker's state of health must be available prior to the beginning of exposure to dust arising from asbestos or materials containing asbestos at the place of work.

This assessment must include a specific examination of the chest. Annex I gives practical recommendations to which the Member States may refer for the clinical surveillance of workers; these recommendations shall be adapted to technical progress in accordance with the procedure referred to in Article 17 of Directive 89/391/EEC.

A new assessment must be available at least once every 3 years for as long as exposure continues.

An individual health record shall be established in accordance with national laws and/or practices for each worker referred to in the first subparagraph.

3. Following the clinical surveillance referred to in the second subparagraph of paragraph 2, the doctor or authority responsible for the medical surveillance of the workers shall, in accordance with national laws, advise on any individual protective or preventive measures to be taken or determine such measures.

Those measures may include, where appropriate, the withdrawal of the worker concerned from all exposure to asbestos.

4. Information and advice must be given to workers regarding any assessment of their health which they may undergo following the end of exposure.

The doctor or authority responsible for the medical surveillance of workers may indicate that medical surveillance must continue after the end of exposure for as long as they consider it necessary to safeguard the health of the person concerned.

Such continuing surveillance shall be carried out in accordance with national laws and/or practice.

5. The worker concerned or the employer may request a review of the assessments referred to in paragraph 3, in accordance with national laws.

Article 19

1. Subject to Article 3(3), the measures referred to in paragraphs 2, 3 and 4 shall be taken.

2. The employer must enter the workers responsible for carrying out the activities referred to in Article 3(1) in a register, indicating the nature and duration of the activity and the exposure to which they have been subjected. The doctor and/or the authority responsible for medical surveillance shall have access to this register. Each worker shall have access to the results in the register which relate to him personally. The workers and/or their representatives shall have access to anonymous, collective information in the register.

3. The register referred to in paragraph 2 and the medical records referred to in the fourth subparagraph of Article 18(2) shall be kept for at least 40 years following the end of exposure, in accordance with national laws and/or practice.

4. The documents referred to in paragraph 3 shall be made available to the responsible authority in cases where the undertaking ceases trading, in accordance with national laws and/or practice.

Article 20

Member States shall provide for adequate penalties to be applicable in the event of infringement of national legislation adopted pursuant to this Directive. These penalties must be effective, proportionate and dissuasive.

Article 21

Member States shall keep a register of recognised cases of asbestosis and mesothelioma.

Article 22

Every 5 years, Member States shall submit to the Commission a report on the practical implementation of this Directive in the form of a specific chapter in the single report provided for in Article 17a(1), (2) and (3) of Directive 89/391/EEC, which serves as a basis for the evaluation carried out by the Commission under Article 17a(4) of that Directive.

Article 23

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

Article 24

Directive 83/477/EEC, as amended by the Directives listed in Annex II, is repealed, without prejudice to the obligations of the Member States relating to the time limits for transposition into national law 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 in Annex III.

Article 25

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

Article 26

This Directive is addressed to the Member States.

Done at Brussels, 30 November 2009.

For the European Parliament	*For the Council*
The President	*The President*
J. BUZEK	B. ASK

ANNEX I

Practical recommendations for the clinical assessment of workers, as referred to in Article 18(2), second subparagraph

1. Current knowledge indicates that exposure to free asbestos fibres can give rise to the following diseases:
   — asbestosis,
   — mesothelioma,
   — bronchial carcinoma,
   — gastro-intestinal carcinoma.
2. The doctor and/or authority responsible for the medical surveillance of workers exposed to asbestos must be familiar with the exposure conditions or circumstances of each worker.
3. Health examination of workers should be carried out in accordance with the principles and practices of occupational medicine. It should include at least the following measures:
   — keeping records of a worker's medical and occupational history,
   — a personal interview,
   — a general clinical examination, with particular reference to the chest,
   — lung function tests (respiratory flow volumes and rates).

   The doctor and/or authority responsible for health surveillance should decide on further examinations, such as sputum cytology tests or a chest X-ray or a tomodensitometry, in the light of the latest occupational health knowledge available.

ANNEX II

PART A

Repealed Directive with list of its successive amendments

(referred to in Article 24)

Council Directive 83/477/EEC (OJ L 263, 24.9.1983, p. 25)	
Council Directive 91/382/EEC (OJ L 206, 29.7.1991, p. 16)	
Council Directive 98/24/EC (OJ L 131, 5.5.1998, p. 11)	only Article 13(2)
Directive 2003/18/EC of the European Parliament and of the Council (OJ L 97, 15.4.2003, p. 48)	
Directive 2007/30/EC of the European Parliament and of the Council (OJ L 165, 27.6.2007, p. 21)	only Article 2(1)

PART B

List of time limits for transposition into national law

(referred to in Article 24)

Directive	Time limit for transposition
83/477/EEC	31 December 1986 [1]
91/382/EEC	1 January 1993 [2]
98/24/EC	5 May 2001
2003/18/EC	14 April 2006
2007/30/EC	31 December 2012

[1] This date is replaced by 31 December 1989 in the case of asbestos-mining activities.
[2] As regards the Hellenic Republic, the time limit for transposition of the Directive shall be 1 January 1996. However, the date of transposition of the provisions concerning asbestos-mining activities shall be 1 January 1996 for all the Member States and 1 January 1999 for the Hellenic Republic.

ANNEX III

Correlation Table

Directive 83/477/EEC	This Directive
Article 1(1)	Article 1(1)
Article 1(2)	—
Article 1(3)	Article 1(2)
Article 2, first to sixth indents	Article 2, points (a) to (f)
Article 3(1) to (3)	Article 3(1) to (3)
Article 3(3a)	Article 3(4)
Article 3(4)	Article 3(5)
Article 4, introductory wording	Article 4(1)
Article 4, point (1)	Article 4(2)
Article 4, point (2)	Article 4(3)
Article 4, point (3)	Article 4(4)
Article 4, point (4)	Article 4(5)
Article 5	Article 5
Article 6, points (1) to (5)	Article 6, points (a) to (e)
Articles 7 and 8	Articles 7 and 8
Article 9(2)	Article 9
Article 10	Article 10
Article 10a	Article 11
Article 11(1) and (2)	Article 12, first and second subparagraphs
Article 12(1)	Article 13(1)
Article 12(2), first subparagraph	Article 13(2), first subparagraph
Article 12(2), second subparagraph, first indent	Article 13(2), second subparagraph, point (a)
Article 12(2), second subparagraph, second indent	Article 13(2), second subparagraph, point (b)
Article 12(2), second subparagraph, third indent	Article 13(2), second subparagraph, point (c)
Article 12(2), third subparagraph, first indent	Article 13(2), third subparagraph, point (a)
Article 12(2), third subparagraph, second indent	Article 13(2), third subparagraph, point (b)
Article 12(2), third subparagraph, third indent	Article 13(2), third subparagraph, point (c)
Article 12(2), third subparagraph, fourth indent	Article 13(2), third subparagraph, point (d)
Article 12(2), third subparagraph, fourth indent, first sub-indent	Article 13(2), third subparagraph, point (d)(i)
Article 12(2), third subparagraph, fourth indent, second sub-indent	Article 13(2), third subparagraph, point (d)(ii)
Article 12(3)	Article 13(3)
Article 12a	Article 14
Article 12b	Article 15
Article 13(1)(a)	Article 16(1)(a)
Article 13(1)(b)	Article 16(1)(b)

Directive 83/477/EEC	This Directive
Article 13(1)(c)(i) and (ii)	Article 16(1)(c)
Article 13(1)(c)(iii)	Article 16(1)(d)
Article 13(1)(c)(iv)	Article 16(1)(e)
Article 13(1)(c)(v)	Article 16(1)(f)
Article 13(2)	Article 16(2)
Article 14(1), introductory wording	Article 17(1), introductory wording
Article 14(1), first to fifth indents	Article 17(1)(a) to (e)
Article 14(2)	Article 17(2)
Article 15, introductory wording	Article 18(1)
Article 15, points (1) to (4)	Article 18(2) to (5)
Article 16, introductory wording	Article 19(1)
Article 16, points (1) to (3)	Article 19(2) to (4)
Article 16a	Article 20
Article 17	Article 21
Article 17a	Article 22
Article 18(1)	—
Article 18(2)	Article 23
—	Article 24
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Article 19	Article 26
Annex II	Annex I
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—	Annex III

II

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

DECISIONS

COUNCIL

COUNCIL DECISION

of 30 November 2009

on the signing and conclusion of the 'Terms of Reference for the International Partnership for Energy Efficiency Cooperation' (IPEEC) and the 'Memorandum concerning the hosting by the International Energy Agency of the Secretariat to the International Partnership for Energy Efficiency Cooperation' by the European Community

(2009/954/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 175 paragraph 1 and Article 300 paragraph 2, first subparagraph, and paragraph 3, first subparagraph,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament [1],

Whereas

(1) At the initiative of the European Commission, in June 2008, members of the G8, China, India and South Korea and the Commission decided to establish an International Partnership for Energy Efficiency Cooperation (IPEEC) which is to facilitate those actions that yield high energy efficiency gains. IPEEC will provide a forum for discussion, consultation and exchange of information. IPEEC is open to other countries and intergovernmental organisations.

(2) On 24 May 2009, the Terms of Reference for the International Partnership for Energy Efficiency Cooperation (the Terms of Reference) were signed in Rome by twelve States, including four Member States of the European Community.

(3) The Terms of Reference describe the cooperative activities of the IPEEC, establish its organisation, define the criteria for potential new members and contain general provisions regarding i.a. the funding of the Partnership and intellectual property rights.

(4) Article 4.2 of the Terms of Reference foresees that IPEEC is open to intergovernmental organisations and that their membership is contingent upon the signature of the Terms of Reference.

(5) IPEEC's administrative functions would best be managed through the establishment of a secretariat. On 24 May and 22 June 2009 respectively, a Memorandum concerning the hosting by the International Energy Agency of the Secretariat to the IPEEC (the Memorandum) was signed in Rome by twelve States, including four Member States of the European Community. The IEA signed on 18 June 2009.

(6) The Memorandum describes the general principles regarding the organisation of the Secretariat, and contains provisions regarding the staffing of the Secretariat and recruitment, as well as regarding the issues of funding and budgetary procedures.

(7) Point 16 of the Memorandum foresees that any intergovernmental organisation wishing to become a member of IPEEC will be asked to sign the Memorandum.

[1] EP opinion adopted on 26 November 2009, not published in the Official Journal

(8) It is appropriate for the European Community to sign the Terms of Reference and the Memorandum.

(9) The European Community should pay a contribution to IPEEC for its administrative expenses.,

HAS DECIDED AS FOLLOWS:

Article 1

1. The Terms of Reference for the International Partnership for Energy Efficiency Cooperation (IPEEC), annexed to this Decision as Annex I, are hereby approved on behalf of the European Community.

2. The Memorandum concerning the hosting by the International Energy Agency of the Secretariat to the International Partnership for Energy Efficiency Cooperation, annexed to this Decision as Annex II, is hereby approved on behalf of the European Community.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign on behalf of the European Community in order to express the consent of the Community to be bound by:

— the Terms of Reference for the International Partnership for Energy Efficiency Cooperation (IPEEC), and,

— the Memorandum concerning the hosting by the International Energy Agency of the Secretariat to the International Partnership for Energy Efficiency Cooperation,

Done at Brussels, 30 November 2009.

For the Council

The President

S. O. LITTORIN

ANNEX I

TERMS OF REFERENCE FOR THE INTERNATIONAL PARTNERSHIP FOR ENERGY EFFICIENCY COOPERATION

The undersigned national governmental entities (collectively the 'Members') set forth the following terms of reference of the International Partnership for Energy Efficiency Cooperation (IPEEC), a framework for international cooperation in energy efficiency to support agile, productive international cooperation in promoting energy efficiency and energy savings. The IPEEC will exchange views and seek collaboration with other international organizations and bodies, to achieve synergies and avoid duplication of efforts.

1. Purpose of the IPEEC

The purpose of the IPEEC is to facilitate those actions that yield high energy efficiency gains. Members may choose to take such action on a voluntary basis where they see an added value for themselves taking into consideration their economic, technological and other circumstances. The IPEEC promotes energy efficiency worldwide by providing a high-level forum for discussion, consultation and exchange of information. It does not develop or adopt standards or efficiency goals for its Members.

2. Cooperative Activities of the IPEEC

2.1. The IPEEC may conduct cooperative activities among the Members in the following areas:

2.1.1. supporting the on-going work of the Members to promote energy efficiency, including development of nationally-determined energy efficiency indicators, compiling best practices, and strengthening national efforts to collect data;

2.1.2. exchanging information about measures that could significantly improve energy efficiency on sectoral and cross-sectoral bases such as, but not limited to: standards/codes/norms and labels for buildings, energy-using products and services with a view to accelerating the market penetration of best practices taking into account the circumstances of individual Members; methodologies for energy measurement, auditing and verification procedures, certification protocols and other tools to achieve optimal energy efficiency performance over the lifetime of buildings, industrial processes, relevant products, appliances and equipment; enabling environment and tools for the financing of energy efficiency measures, and establishing principles for encouraging investments in energy efficiency; public procurement policies for encouraging uptake of energy efficient products, services and technologies; programs that help public institutions to become more efficient in building, vehicle, product and service purchasing and operations; activities to increase the awareness of consumers and stakeholders through dissemination of clear, credible and accessible information on energy efficiency with a view to enabling well-informed decisions; best practice guidelines for evaluating the effectiveness of energy efficiency policies and measures; public-private cooperation to advance energy efficient technology research development, commercialization and deployment to accelerate deployment, diffusion and transfer of such technologies; and actions to accelerate dissemination and transfer of best practices and efficient technologies and capacity building in developing countries;

2.1.3. developing public-private partnerships for improving energy efficiency in and across key energy consuming sectors, building on relevant initiatives;

2.1.4. enabling joint research and development into key energy efficient technologies, especially for application by the Members;

2.1.5. facilitating the dissemination of energy-related products and services that contribute to improving energy efficiency; and

2.1.6. other activities which advance achievement of the IPEEC's purpose as mutually determined by the Members.

3. Organization of the IPEEC

3.1. The Members hereby establish a Policy Committee, composed of a high level representative of each Member, and an Executive Committee, composed of a mid-level representative of each Member.

3.2. The Policy Committee is to govern the overall framework and policies of the IPEEC including financial arrangements, review the progress of the Task Groups as well as the work of the Executive Committee and the Secretariat, and provide direction to the Executive Committee. The Policy Committee should meet at least once a year, at times and places to be determined by its Members.

3.3. The Executive Committee is to oversee the organization of the annual meetings of the Policy Committee, examine and adopt the programme of work and the budget for each year, examine the membership requests, provide guidance to and oversee the work of the Secretariat, and develop proposals for and review the work of the Task Groups. The Executive Committee should meet at least twice a year, at times and places to be determined by the Executive Committee.

3.4. The Policy Committee and the Executive Committee should make decisions on the basis of consensus, except as otherwise provided.

3.5. The Executive Committee may approve the creation of Task Groups, composed of representatives of some or all Members, to work on individual projects, as needed.

3.6. A representative from each Task Group, as selected by the group, should report, in writing or in person, on the progress of the project to the Executive Committee upon request. The Task Groups should meet as often as necessary to review the progress of their respective activities, identify promising directions for their future work, and make recommendations to the Executive Committee and Policy Committee on needed actions.

3.7. The Policy Committee and the Executive Committee should each elect among the Members a Chair and one or more Vice Chairs for a period of two years.

3.8. The IPEEC may hold Ministerial meetings when required. Ministerial meetings will review the progress of IPEEC collaboration and provide overall direction on priorities for future work.

3.9. The principal coordinator of the IPEEC's communications and activities is the IPEEC Secretariat. The functions of the Secretariat are: (1) organize the meetings of the Policy Committee and the Executive Committee; (2) arrange special activities such as teleconferences and workshops; (3) receive and forward new membership requests to the Executive Committee; (4) coordinate communications with regard to IPEEC activities and their status, including the establishment and maintenance of an IPEEC website; (5) act as a clearinghouse of information for the IPEEC; (6) maintain archival records for the Policy Committee and the Executive Committee; (7) prepare an annual report with oversight from the Executive Committee; and (8) perform such other tasks as the Executive Committee directs. The functions of the Secretariat are administrative.

3.10. In order to ensure the sustainability and consistency of the IPEEC activities, a dedicated secretariat will be established. The IPEEC Secretariat will be hosted at the International Energy Agency (IEA), so that the IPEEC can make full use of the knowledge, experiences and capacity of the IEA. The Secretariat will be open for participation to all the Members of the IPEEC. It will report to, and receive its guidance from, the Executive Committee. The Secretariat will be supported by the voluntary contributions (financial or in-kind) of all Members.

3,11. Additional to staff employed by the Secretariat, the Secretariat may, as decided by the Executive Committee, use the services of personnel employed by the Members and made available by them to the Secretariat. Such personnel are to be remunerated by their respective employers and remain subject to their employers' conditions of employment.

3.12. Each Member should individually determine the nature of its participation in the IPEEC activities.

4. **Membership**

4.1. These Terms of Reference, which are administrative in nature, do not create any legally binding obligations between or among its Members. Each Member should conduct the activities contemplated by these Terms of Reference in accordance with the laws and regulations to which it is subject and international agreements to which it or its government is a party, and within the respective budgetary appropriations.

4.2. The IPEEC is open to other national governmental entities and intergovernmental organizations. Their membership will be determined by the Policy Committee acting by consensus. Membership in the IPEEC is contingent upon the signature of the IPEEC Terms of Reference. Countries of the Members are listed in Appendix A. Appendix A may be modified by consensus of the Policy Committee.

4.3. At the invitation of the Executive Committee, technical and other experts from within and outside of Members may participate in Task Groups.

5. **Funding**

5.1. Subject to 3.11, each Member may contribute funds and other resources to the IPEEC subject to the laws, regulations and policies applicable to the Member. Each Task Group is funded by the Members participating in that Task Group in accordance with the laws, regulations and policies applicable to each Member thereof.

5.2. Each Member is to bear the following expenses incurred in connection with the meetings of the Policy Committee, the Executive Committee and its Task Groups:

— Travelling and living expenses of the Members representatives,

— Accommodation expenses of the Members representatives; and,

— Other related expenses,

5.3. Prior to adoption of the programme of work and the budget for each year, each Member is encouraged to indicate its contribution to the IPEEC.

5.4. These Terms of Reference do not create any right or benefit, substantive or procedural, enforceable by law or equity against the Members, their officers or employees, or any other person. No Member should submit a claim for compensation to another Member for activities it carries out under these Terms of Reference. These Terms of Reference do not direct or apply to any person outside of the Members.

6. **Open Research and Intellectual Property**

6.1. The intellectual property created by the IPEEC, other than by the Task Groups, should be open and non-proprietary unless the Executive Committee determines otherwise.

6.2. Intellectual property created or furnished in the course of implementing projects under the Task Groups should receive adequate and effective protection. The allocation of rights to such intellectual property and the treatment of proprietary information should be defined by specific implementing arrangements between or among the Members concerned.

7. **Commencement, Extension, Modification, Withdrawal, and Discontinuation**

7.1. These Terms of Reference will commence on 24 May 2009 and will continue for 10 years unless extended or discontinued by the Members.

7.2. These Terms of Reference may be modified in writing at any time by consensus of the Members.

7.3. A Member may withdraw from the IPEEC. A Member should endeavour to give written notice to the other Members no less than 90 days prior to its anticipated withdrawal.

Appendix A: Federative Republic of Brazil, Canada, People's Republic of China, France, Germany, Italy, Japan, Republic of Korea, Mexico, Russian Federation, United Kingdom, United States of America

TERMS OF REFERENCE FOR THE INTERNATIONAL PARTNERSHIP FOR ENERGY EFFICIENCY COOPERATION

(signed)

Edison LOBAO

Minister of Mines and Energy of the Federative Republic of Brazil

Date: May 24, 2009

TERMS OF REFERENCE FOR THE INTERNATIONAL PARTNERSHIP FOR ENERGY EFFICIENCY COOPERATION

(signed)

Cassie DOYLE

Deputy Minister of Natural Resources Canada

Date: May 24, 2009

TERMS OF REFERENCE FOR THE INTERNATIONAL PARTNERSHIP FOR ENERGY EFFICIENCY COOPERATION

(signed)

XIE Ji

Representative for the National Development and Reform Commission of the People's Republic of China

Date: May 24, 2009

TERMS OF REFERENCE FOR THE INTERNATIONAL PARTNERSHIP FOR ENERGY EFFICIENCY COOPERATION

(signed)
Jean-Louis BORLOO
Minister of State, Minister of Ecology, Energy, Sustainable Development and Town and Country Planning of France
Date: May 24, 2009

TERMS OF REFERENCE FOR THE INTERNATIONAL PARTNERSHIP FOR ENERGY EFFICIENCY COOPERATION

(signed)
Bernd PFAFFENBACH
State Secretary of Federal Minister of Economics and Technology of Germany
Date: May 24, 2009

TERMS OF REFERENCE FOR THE INTERNATIONAL PARTNERSHIP FOR ENERGY EFFICIENCY COOPERATION

(signed)
Claudio SCAJOLA
Minister of Economic Development of Italy
Date: May 24, 2009

TERMS OF REFERENCE FOR THE INTERNATIONAL PARTNERSHIP FOR ENERGY EFFICIENCY COOPERATION

(signed)
Toshihiro NIKAI
Minister of Economy, Trade and Industry of Japan
Date: May 24, 2009

TERMS OF REFERENCE FOR THE INTERNATIONAL PARTNERSHIP FOR ENERGY EFFICIENCY COOPERATION

(signed)
Young Hak KIM
Representative for the Ministry of Knowledge Economy of Korea
Date: May 24, 2009

TERMS OF REFERENCE FOR THE INTERNATIONAL PARTNERSHIP FOR ENERGY EFFICIENCY COOPERATION

(signed)
Georgina KESSEL MARTINEZ
Secretary of Energy of Mexico
Date: May 24, 2009

TERMS OF REFERENCE FOR THE INTERNATIONAL PARTNERSHIP FOR ENERGY EFFICIENCY COOPERATION

(signed)
Sergey SHMATKO
Minister of Energy of the Russian Federation
Date: May 24, 2009

TERMS OF REFERENCE FOR THE INTERNATIONAL PARTNERSHIP FOR ENERGY EFFICIENCY COOPERATION

(signed)
Ed MILIBAND
Secretary of State for Energy and Climate Change of the United Kingdom of Great Britain and Northern Ireland
Date: May 24, 2009

TERMS OF REFERENCE FOR THE INTERNATIONAL PARTNERSHIP FOR ENERGY EFFICIENCY COOPERATION

(signed)
Steven CHU
Secretary of Energy of the United States of America
Date: May 24, 2009

TERMS OF REFERENCE FOR THE INTERNATIONAL PARTNERSHIP FOR ENERGY EFFICIENCY COOPERATION

[Observer]
(signed)
Andris PIEBALGS
Commissioner for Energy of European Commission
Date: May 24, 2009

ANNEX II

MEMORANDUM CONCERNING THE HOSTING BY THE IEA OF THE SECRETARIAT TO THE INTERNATIONAL PARTNERSHIP FOR ENERGY EFFICIENCY COOPERATION (IPEEC)

The Secretariat of the International Energy Agency (the 'IEA') and the national governmental entities and intergovernmental entities that have signed this Memorandum (collectively the 'IPEEC Members'); Acknowledging that the IPEEC Members signed the Terms of Reference for IPEEC on 24 May 2009 (the 'Terms of Reference'); Noting that IPEEC is independent in terms of financing and its work programme; Recognising that IPEEC's administrative functions would be best managed through the establishment of a secretariat (the 'IPEEC Secretariat') as well as possible dedicated units for specific Task Groups; Considering that both IPEEC and the lEA's objectives would be furthered by the opportunities for mutually beneficial networking between the IEA and the IPEEC Secretariat; and Considering, in this context, the need to precisely define how the IPEEC Secretariat will be hosted by the IEA;

Have decided as follows:

General Principles

1. The IPEEC Secretariat will function under the substantive guidance of the Executive Committee (as the term is defined in the Terms of Reference). The IPEEC Secretariat's work programme will be decided by the Executive Committee.

2. The IPEEC Members understand that the IEA will assume no financial responsibility with respect to IPEEC and the IPEEC Secretariat. Except as otherwise decided by the IPEEC Members, all costs related to the functioning and to the staff of the IPEEC Secretariat, including costs linked to the discontinuance of appointments, will be borne by the voluntary contributions of the IPEEC Members and/or other entities approved by the Executive Committee.

3. Subject to availability of sufficient voluntary contributions, the IPEEC Secretariat is intended to undertake the functions outlined for the IPEEC Secretariat in the Terms of Reference.

4. The IPEEC Secretariat, or a unit within it, may also provide similar functions for a given Task Group (as that term is defined in the Terms of Reference), subject to sufficient dedicated voluntary contributions from the IPEEC Members participating in that Task Group.

Recruitment and Staffing of the IPEEC Secretariat

5. Upon the request of, and in consultation with, the Executive Committee, the IEA is expected to conduct the recruitment of personnel for the IPEEC Secretariat in accordance with the then-existing IEA rules and procedures, and in a manner that treats candidates from the countries of the IPEEC Members equally.

6. Upon the request of the Executive Committee, in accordance with the laws of the IEA's host country and then-existing IEA rules and procedures, the IPEEC Secretariat may accept individuals on loan from the IPEEC Members. Each IPEEC Member that loans an individual to the IPEEC Secretariat is to remain responsible for that individual's salary and benefits, including but not necessarily limited to travel and relocation to and from the IEA for the individual to begin and end duty at the IPEEC Secretariat. The IEA and the other IPEEC Members do not bear any financial responsibility for any such costs.

7. All IPEEC staff and individuals on loan from the IPEEC Members will only work within the IPEEC Secretariat. They will not do any work for the IEA.

8. Subject to the terms of this Memorandum, the IEA should ensure that the IPEEC Secretarial is provided with office space equipped to IEA standards. IPEEC Secretariat personnel should have access to support services that the IEA provides to IEA personnel, including but not necessarily limited to legal, personnel and finance, publications and media, information technology, security, cleaning and maintenance, mission travel services and use of meeting space.

Funding and Budgetary Procedures

9. The IPEEC Secretariat and its hosting by the IEA is intended to be fully funded through voluntary contributions by the IPEEC Members and/or other entities as approved by the Executive Committee. Staffing levels and the budget of the IPEEC Secretariat are to be adopted by the Executive Committee in consultation with the IEA Secretariat.

10. The IPEEC Members intend to determine amongst themselves the amount and timing of their respective financial contributions, if any. They note that contributions for the support of the IPEEC Secretariat's hosting by the IEA must be made to the IEA in accordance with the IEA's financial rules and procedures regarding voluntary contributions. The IPEEC Members are encouraged to use a model letter provided by the IEA to facilitate the provision of voluntary contributions.

11. To the extent that the IEA anticipates that IPEEC expenses may exceed the IPEEC Members' contributions there to, the IEA should alert the Executive Committee that contributions appear insufficient for the IPEEC Secretariat to continue planned operations. The Executive Committee should provide guidance to the IEA so as to reduce IPEEC Secretariat expenditures and/or provide additional funds to the IEA so that the IPEEC Secretariat has sufficient funds to continue operations within the IEA. To the extent that the necessary guidance and/or sufficient additional funds are not forthcoming from the IPEEC Members, or the IEA considers such guidance to be insufficient, the IEA may decide to cease to host the IPEEC Secretariat.

12. To the extent that voluntary contributions remain unexpended for the IPEEC Secretariat on 31 December of a given year, they are to be automatically carried forward to the next year in accordance with the IEA's standard procedures, provided, however, that the IEA continues to host the IPEEC Secretariat the next year.

Commencement date, operation, modification, continuation and end

13. Activities under this Memorandum should commence on [date]. Notwithstanding the foregoing, the IPEEC Members acknowledge that the IPEEC Secretariat is not expected to commence its functions until such time as voluntary contributions from the IPEEC Members have been secured to fund the IPEEC Secretariat up to December 31 2010, which the IEA has estimated to be 1,3 million Euro.

14. The IEA Secretariat and the Executive Committee should meet as necessary to discuss matters involving the practical implementation and operation of this Memorandum.

15. The Memorandum may be modified in writing by consensus between the IEA and the Executive Committee.

16. To the extent that, after activities commence, any national governmental entity or inter-governmental organisation wishes to become an IPEEC Member, it will be asked to sign this Memorandum and be defined as an IPEEC Member for the purposes of this Memorandum. Any new IPEEC Member is to be eligible to have individuals serve in the IPEEC Secretariat, subject to paragraphs 5 to 8 above.

17. This Memorandum may be ended by the IEA or the Executive Committee at any time. They should endeavour to provide no less than twelve months' prior written notice to each other in this event.

18. When an IPEEC Member withdraws from IPEEC in accordance with the Terms of Reference, the withdrawal notice provided thereunder by that IPEEC Member constitutes notice of withdrawal under this Memorandum. Notwithstanding the foregoing, the IPEEC Members should ensure that the IPEEC Secretariat informs the IEA in writing immediately upon notice of such withdrawal. An IPEEC Participant that withdraws from IPEEC is not to receive from the IEA any reimbursement for voluntary contributions that it has previously made.

19. To the extent that the Executive Committee and the IEA have not decided to end the activities under this Memorandum prior to 30 June of any given year, the IEA will, if necessary, initiate a call for funds through the Executive Committee to all IPEEC Members so as to help ensure that the IPEEC Secretariat will have sufficient funds for the following calendar year. To the extent that the IEA does not receive sufficient funds by 30 September of that given year, the IEA may decide to cease to host the IPEEC Secretariat.

20. If this Memorandum is modified or ended such that the IPEEC Secretariat is no longer hosted by the IEA, the costs of separation of the paid staff of the IPEEC Secretariat from the IEA, as well as all other direct costs linked to the orderly winding-up of this arrangement, are to be borne entirely by the IPEEC Members and/or other entities as approved by the Executive Committee, and they will provide to the budget of the IPEEC Secretariat voluntary contributions to the amount necessary for this purpose as mutually determined between the IEA and the Executive Committee; such contributions are to be made according to the laws and regulations of the respective IPEEC Members. To the extent that there is a surplus with respect to voluntary contributions at the time the IPEEC Secretariat is no longer hosted by the IEA, any unused monies are to be allocated to the IPEEC Members by the IEA in proportion to their respective contributions to the then-current budget. This paragraph is to survive the end of this Memorandum.

21. This Memorandum does not impose, nor is it intended to impose, any legally binding commitments or obligations on the IPEEC Members or the IEA.

MEMORANDUM CONCERNING THE HOSTING BY THE IEA OF THE SECRETARIAT TO THE INTERNATIONAL PARTNERSHIP FOR ENERGY EFFICIENCY COOPERATION

(signed)

Ambassador, Richard H. JONES

Representative for International Energy Agency

Date: 18 June 2009

MEMORANDUM CONCERNING THE HOSTING BY THE IEA OF THE SECRETARIAT TO THE INTERNATIONAL PARTNERSHIP FOR ENERGY EFFICIENCY COOPERATION

(signed)

Andre CORREA DO LAGO

Representative for the Ministry of External Relations of the Federative Republic of Brazil

Date: May 24, 2009

MEMORANDUM CONCERNING THE HOSTING BY THE IEA OF THE SECRETARIAT TO THE INTERNATIONAL PARTNERSHIP FOR ENERGY EFFICIENCY

(signed)

Kevin STRINGER

Representative for the Natural Resources Canada

Date: May 24, 2009

MEMORANDUM CONCERNING THE HOSTING BY THE IEA OF THE SECRETARIAT TO THE INTERNATIONAL PARTNERSHIP FOR ENERGY EFFICIENCY COOPERATION

(signed)

XIE Ji

Representative for the National Development and Reform Commission of the People's Republic of China

Date: May 24, 2009

MEMORANDUM CONCERNING THE HOSTING BY THE IEA OF THE SECRETARIAT TO THE INTERNATIONAL PARTNERSHIP FOR ENERGY EFFICIENCY COOPERATION

(signed)

Pierre-Marie ABADIE

Representative for the Ministry of Ecology, Energy, Sustainable Development and Town and Country Planning of France

Date: 22.6.2009

MEMORANDUM CONCERNING THE HOSTING BY THE IEA OF THE SECRETARIAT TO THE INTERNATIONAL PARTNERSHIP FOR ENERGY EFFICIENCY COOPERATION

(signed)

Detlef DAUKE

Representative for the Federal Ministry of Economics and Technology of Germany

Date: May 24, 2009

MEMORANDUM CONCERNING THE HOSTING BY THE IEA OF THE SECRETARIAT TO THE INTERNATIONAL PARTNERSHIP FOR ENERGY EFFICIENCY COOPERATION

(signed)

Daniele MANCINI

Representative for the Ministry of Economic Development of Italy

Date: May 24, 2009

MEMORANDUM CONCERNING THE HOSTING BY THE IEA OF THE SECRETARIAT TO THE INTERNATIONAL PARTNERSHIP FOR ENERGY EFFICIENCY COOPERATION

(signed)

Toru ISHIDA

Representative for the Ministry of Economy, Trade and Industry of Japan

Date: May 24, 2009

MEMORANDUM CONCERNING THE HOSTING BY THE IEA OF THE SECRETARIAT TO THE INTERNATIONAL PARTNERSHIP FOR ENERGY EFFICIENCY COOPERATION

(signed)
Tae Hyun CHOI
Representative for the Ministry of Knowledge Economy of Korea
Date: May 24, 2009

MEMORANDUM CONCERNING THE HOSTING 8Y THE IEA OF THE SECRETARIAT TO THE INTERNATIONAL PARTNERSHIP FOR ENERGY EFFICIENCY COOPERATION

(signed)
Aldo FLORES
Representative for the Secretariat of Energy of Mexico
Date: May 24, 2009

MEMORANDUM CONCERNING THE HOSTING BY THE IEA OF THE SECRETARIAT TO THE INTERNATIONAL PARTNERSHIP FOR ENERGY EFFICIENCY COOPERATION

(signed)
Sergey MIKHAYLOV
Representative for the Ministry of Energy of the Russian Federation
Date: May 24, 2009

MEMORANDUM CONCERNING THE HOSTING BY THE IEA OF THE SECRETARIAT TO THE INTERNATIONAL PARTNERSHIP FOR ENERGY EFFICIENCY COOPERATION

(signed)
Graham WHITE
Representative for the Department of Energy and Climate Change of the United Kingdom of Great Britain and Northern Ireland
Date: May 24, 2009

MEMORANDUM CONCERNING THE HOSTING BY THE IEA OF THE SECRETARIAT TO THE INTERNATIONAL PARTNERSHIP FOR ENERGY EFFICIENCY COOPERATION

(signed)
David SANDALOW
Representative for the U.S. Department of Energy
Date: May 24, 2009

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

COUNCIL REGULATION (EU) No 1227/2009

of 15 December 2009

repealing Regulation (EC) No 1859/2005 imposing certain restrictive measures in respect of Uzbekistan

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 215(1) thereof,

Having regard to Council Common Position 2007/734/CFSP of 13 November 2007 concerning restrictive measures against Uzbekistan [1] as amended and extended by Council Common Position 2008/843/CFSP [2],

Having regard to the joint proposal from the High Representative of the Union for Foreign Affairs and Security Policy and the Commission,

Whereas:

(1) Council Regulation (EC) No 1859/2005 of 14 November 2005 imposing certain restrictive measures in respect of Uzbekistan [3] prohibits the sale, supply, transfer or export to Uzbekistan of equipment which might be used for internal repression and the provision of certain financing, financial assistance or technical assistance to any natural or legal person, entity or body in, or for use in, Uzbekistan.

(2) On 27 October 2009, the Council concluded that the restrictive measures against Uzbekistan, as provided for in Common Position 2007/734/CFSP as amended and extended by Common Position 2008/843/CFSP, should not be extended beyond the expiration date of 13 November 2009.

(3) It is therefore appropriate to repeal Regulation (EC) No 1859/2005 with effect from the expiry of the restrictive measures set out in Common Position 2007/734/CFSP,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1859/2005 is hereby repealed.

Article 2

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

It shall apply from 14 November 2009.

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

Done at Brussels, 15 December 2009.

For the Council
The President
E. ERLANDSSON

[1] OJ L 295, 14.11.2007, p. 34.
[2] OJ L 300, 11.11.2008, p. 55.
[3] OJ L 299, 16.11.2005, p. 23.

COUNCIL REGULATION (EU) No 1228/2009

of 15 December 2009

amending Regulation (EC) No 423/2007 concerning restrictive measures against Iran

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 215 (1) and (2) thereof,

Having regard to Council Common Position 2007/140/CFSP of 27 February 2007 concerning restrictive measures against Iran [1],

Having regard to the joint proposal from the High Representative of the Union for Foreign Affairs and Security Policy and the Commission,

Whereas:

(1) In line with Common Position 2007/140/CFSP, Regulation (EC) No 423/2007 [2] in particular prohibits the supply, sale or transfer to Iran of goods and technology, in addition to those determined by the United Nations Security Council or the Sanctions Committee, that could contribute to Iran's enrichment-related, reprocessing or heavy water-related activities, to the development of nuclear weapon delivery systems or to the pursuit of activities related to other topics about which the International Atomic Energy Agency (IAEA) has expressed concerns or identified as outstanding.

(2) These items are listed in Annex IA to Regulation (EC) No 423/2007. Certain references in that Annex need to be corrected.

(3) Regulation (EC) No 423/2007 also restricts the export of certain other goods and technology listed in its Annex II. The list needs to be revised in order to maintain its effectiveness.

(4) For reasons of expediency, the Commission should be empowered to maintain the lists of prohibited and controlled goods and technology and to amend them on the basis of information provided by either the United Nations Security Council or the Sanctions Committee, or by Member States.

(5) Regulation (EC) No 423/2007 should therefore be amended accordingly,

[1] OJ L 61, 28.2.2007, p. 49.
[2] OJ L 103, 20.4.2007, p. 1.

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 423/2007 is hereby amended as follows:

(1) in Article 3, paragraph 1a shall be replaced by the following:

'1a. For all exports for which an authorisation is required under this Regulation, such authorisation shall be granted by the competent authorities of the Member State where the exporter is established and shall be in accordance with the detailed rules laid down in Article 11 of Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items (*). The authorisation shall be valid throughout the Union.

(*) OJ L 134, 29.5.2009, p. 1.';

(2) in Article 15, paragraph 1 shall be replaced by the following:

'1. The Commission shall:

(a) amend Annex I on the basis of determinations made by either the United Nations Security Council or the Sanctions Committee;

(b) amend Annex IA and Annex II on the basis of information supplied by Member States;

(c) amend Annex III on the basis of information supplied by Member States;

(d) amend Annex IV on the basis of determinations made by either the United Nations Security Council or the Sanctions Committee;

(e) amend Annex VI on the basis of decisions taken in respect of Annexes III and IV to Council Common Position 2007/140/CFSP.';

(3) Annex IA shall be amended as set out in Annex I to this Regulation;

(4) Annex II shall be replaced by the text in Annex II to this Regulation.

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, 15 December 2009.

For the Council
The President
E. ERLANDSSON

ANNEX I

Annex IA to Regulation (EC) No 423/2007 is amended as follows:

1) The description in entry IA.A1.009 is replaced by the following:

‘ “Fibrous or filamentary materials” or prepregs, as follows:

a. Carbon or aramid “fibrous or filamentary materials” having either of the following characteristics:

1. A “specific modulus” exceeding 10×10^6 m; or

2. A “specific tensile strength” exceeding 17×10^4 m;

b. Glass “fibrous or filamentary materials” having either of the following characteristics:

1. A “specific modulus” exceeding $3{,}18 \times 10^6$ m; or

2. A “specific tensile strength” exceeding $76{,}2 \times 10^3$ m;

c. Thermoset resin-impregnated continuous “yarns”, “rovings”, “tows” or “tapes” with a width of 15 mm or less (once prepregs), made from carbon or glass “fibrous or filamentary materials” other than those specified in IA.A1.010.a. or b.

Note: This item does not cover “fibrous or filamentary materials” defined in items 1C010.a, 1C010.b, 1C210.a and 1C210.b.’

2) The description in entry IA.A1.010 is replaced by the following:

‘Resin-impregnated or pitch-impregnated fibres (prepregs), metal or carboncoated fibres (preforms) or “carbon fibre preforms”, as follows:

a. Made from “fibrous or filamentary materials” specified in IA.A1.009 above;

b. Epoxy resin “matrix” impregnated carbon “fibrous or filamentary materials” (prepregs), specified in 1C010.a, 1C010.b or 1C010.c, for the repair of aircraft structures or laminates, of which the size of individual sheets does not exceed 50 cm × 90 cm;

c. Prepregs specified in 1C010.a, 1C010.b or 1C010.c, when impregnated with phenolic or epoxy resins having a glass transition temperature (Tg) less than 433 K (160 °C) and a cure temperature lower than the glass transition temperature.

Note: This item does not cover “fibrous or filamentary materials” defined in item 1C010.e.’

ANNEX II

'*ANNEX II*

Goods and technology referred to in Article 3

INTRODUCTORY NOTES

1. Unless otherwise stated, reference numbers used in the column below entitled "Description" refer to the descriptions of dual use items and technology set out in Annex I to Regulation (EC) No 428/2009.

2. A reference number in the column below entitled "Related item from Annex I to Regulation (EC) No 428/2009" means that the characteristics of the item described in the "Description" column lie outside the parameters set out in the description of the dual use entry referred to.

3. Definitions of terms between "single quotation marks" are given in a technical note to the relevant item.

4. Definitions of terms between "double quotation marks" can be found in Annex I to Regulation (EC) No 428/2009.

GENERAL NOTES

1. The object of the controls contained in this Annex should not be defeated by the export of any non-controlled goods (including plant) containing one or more controlled components when the controlled component or components is/are the principal element of the goods and can feasibly be removed or used for other purposes.

   N.B.: In judging whether the controlled component or components is/are to be considered the principal element, it is necessary to weigh the factors of quantity, value and technological know-how involved and other special circumstances which might establish the controlled component or components as the principal element of the goods being procured.

2. Goods specified in this Annex include both new and used goods.

GENERAL TECHNOLOGY NOTE (GTN)

(To be read in conjunction with Section II.B)

1. The sale, supply, transfer or export of "technology" which is "required" for the "development", "production" or "use" of goods the sale, supply, transfer or export of which is controlled in Part A (Goods) below, is controlled in accordance with the provisions of Section II.B.

2. The "technology" "required" for the "development", "production" or "use" of goods under control remains under control even when it is applicable to non-controlled goods.

3. Controls do not apply to that "technology" which is the minimum necessary for the installation, operation, maintenance (checking) and repair of those goods which are not controlled or the export of which has been authorised in accordance with Regulation (EC) No 423/2007.

4. Controls on "technology" transfer do not apply to information "in the public domain", to "basic scientific research" or to the minimum necessary information for patent applications.

II.A. **GOODS**

A0. **Nuclear Materials, Facilities, and Equipment**

No	Description	Related item from Annex I to Regulation (EC) No 428/2009
II.A0.002	Faraday isolators in the wavelength range 500 nm – 650 nm	—
II.A0.003	Optical gratings in the wavelength range 500 nm – 650 nm	—

No	Description	Related item from Annex I to Regulation (EC) No 428/2009
II.A0.004	Optical fibres in the wavelength range 500 nm – 650 nm coated with anti-reflecting layers in the wavelength range 500 nm – 650 nm and having a core diameter greater than 0,4 mm but not exceeding 2 mm	—
II.A0.008	Laser mirrors, other than those specified in 6A005.e, consisting of substrates having a thermal expansion coefficient of $10^{-6}K^{-1}$ or less at 20°C (e.g. fused silica or sapphire). *Note: This item does not cover optical systems specially designed for astronomical applications, except if the mirrors contain fused silica.*	0B001.g.5, 6A005.e
II.A0.009	Laser lenses, other than those specified in 6A005.e.2, consisting of substrates having a thermal expansion coefficient of $10-^{6}K^{-1}$ or less at 20°C (e.g. fused silica).	0B001.g, 6A005.e.2
II.A0.010	Pipes, piping, flanges, fittings made of, or lined with, nickel or nickel alloy containing more than 40 % nickel by weight, other than those specified in 2B350.h.1.	2B350
II.A0.011	Vacuum pumps other than those specified in 0B002.f.2., or 2B231, as follows: Turbomolecular pumps having a flowrate equal to or greater than 400 l/s, Roots type vacuum roughing pumps having a volumetric aspiration flowrate greater than $200m^3/h$. Bellows-sealed, scroll, dry compressor, and bellows-sealed, scroll, dry vacuum pumps.	0B002.f.2, 2B231
II.A0.014	Detonation chambers having a capacity of explosion absorption of more than 2.5kg TNT equivalent.	

A1. **Materials, Chemicals, "Micro-organisms" and "Toxins"**

No	Description	Related item from Annex I to Regulation (EC) No 428/2009
II.A1.003	Ring-shaped seals and gaskets, having an inner diameter of 400mm or less, made of any of the following materials: a. Copolymers of vinylidene fluoride having 75 % or more beta crystalline structure without stretching; b. Fluorinated polyimides containing 10 % by weight or more of combined fluorine; c. Fluorinated phosphazene elastomers containing 30 % by weight or more of combined fluorine; d. Polychlorotrifluoroethylene (PCTFE, e.g. Kel-F ®); e. Fluoro-elastomers (e.g., Viton ®, Tecnoflon ®); f. Polytetrafluoroethylene (PTFE).	
II.A1.004	Personal equipment for detecting radiation of nuclear origin, including personal dosimeters. *Note: This item does not cover nuclear detection systems defined in item 1A004.c.*	1A004.c
II.A1.006	Catalysts, other than those prohibited by I.1A.003, containing platinum, palladium or rhodium, usable for promoting the hydrogen isotope exchange reaction between hydrogen and water for the recovery of tritium from heavy water or for the production of heavy water.	1B231, 1A225

No	Description	Related item from Annex I to Regulation (EC) No 428/2009
II.A1.007	Aluminium and its alloys, other than those specified in 1C002.b.4 or 1C202.a, in crude or semi-fabricated form having either of the following characteristics: a. Capable of an ultimate tensile strength of 460 MPa or more at 293 K (20 °C); or b. Having a tensile strength of 415 MPa or more at 298 K (25 °C).	1C002.b.4, 1C202.a
II.A1.014	Elemental powders of cobalt, neodymium or samarium or alloys or mixtures thereof containing at least 20 % by weight of cobalt, neodymium or samarium, with a particle size less than 200 μm.	
II.A1.015	Pure tributyl phosphate (TBP) [CAS No 126-73-8] or any mixture having a TBP content of more than 5 % by weight.	
II.A1.016	Maraging steel, other than those prohibited by I.1A.030, I.1A.035 or IA.A1.012 Technical Note: *Maraging steels are iron alloys generally characterised by high nickel, very low carbon content and the use of substitutional elements or precipitates to produce strengthening and age-hardening of the alloy.*	
II.A1.017	Metals, metal powders and material as follows: a. Tungsten and tungsten alloys, other than those prohibited by I.1A.031, in the form of uniform spherical or atomized particles of 500μm diameter or less with a tungsten content of 97 % by weight or more; b. Molybdenum and molybdenum alloys, other than those prohibited by I.1A.031, in the form of uniform spherical or atomized particles of 500 μm diameter or less with a molybdenum content of 97 % by weight or more; c. Tungsten materials in the solid form, other than those prohibited by I.1A.037, or IA.A1.013 having material compositions as follows: 1. Tungsten and alloys containing 97 % by weight or more of tungsten; 2. Copper infiltrated tungsten containing 80 % by weight or more of tungsten; or 3. Silver infiltrated tungsten containing 80 % by weight or more of tungsten.	
II.A1.018	Soft magnetic alloys having a chemical composition as follows: a) Iron content between 30 % and 60 %, and b) Cobalt content between 40 % and 60 %.	
II.A1.019	"Fibrous or filamentary materials" or prepregs, not prohibited by Annex I or by Annex IA (under IA.A1.009, IA.A1.010) of this Regulation, or not specified by Annex I of Regulation (EC) No 428/2009, as follows: a) Carbon "fibrous or filamentary materials"; *Note: II.A1.019a. does not cover fabrics.* b) Thermoset resin-impregnated continuous "yarns", "rovings", "tows", or "tapes", made from carbon "fibrous or filamentary materials"; c) Polyacrylonitrile (PAN) continuous "yarns", "rovings", "tows" or "tapes"	

A2. **Materials Processing**

No	Description	Related item from Annex I to Regulation (EC) No 428/2009
II.A2.002	Machine tools for grinding having positioning accuracies with "all compensations available" equal to or less (better) than 15 μm according to ISO 230/2 (1988) (1) or national equivalents along any linear axis. *Note: This item does not cover machine tools for grinding defined in items 2B201.b and 2B001.c.*	2B201.b, 2B001.c
II.A2.002a	Components and numerical controls, specially designed for machine tools specified in 2B001, 2B201, or II.A2.002 above.	
II.A2.003	Balancing machines and related equipment as follows: a. Balancing machines, designed or modified for dental or other medical equipment, having all the following characteristics: 1. Not capable of balancing rotors/assemblies having a mass greater than 3 kg; 2. Capable of balancing rotors/assemblies at speeds greater than 12 500 rpm; 3. Capable of correcting imbalance in two planes or more; and 4. Capable of balancing to a residual specific imbalance of 0,2 g × mm per kg of rotor mass; b. Indicator heads designed or modified for use with machines specified in a. above. *Technical Note:* *Indicator heads are sometimes known as balancing instrumentation.*	2B119
II.A2.005	Controlled atmosphere heat treatment furnaces, as follows: Furnaces capable of operation at temperatures above 400 °C.	2B226, 2B227
II.A2.006	Oxidation furnaces capable of operation at temperatures above 400 °C *Note: This item does not cover tunnel kilns with roller or car conveyance, tunnel kilns with conveyor belt, pusher type kilns or shuttle kilns, specially designed for the production of glass, tableware ceramics or structural ceramics.*	2B226, 2B227
II.A2.007	"Pressure transducers", other than those defined in 2B230, capable of measuring absolute pressures at any point in the range 0 to 200 kPa and having both of the following characteristics: a. Pressure sensing elements made of or protected by "Materials resistant to corrosion by uranium hexafluoride (UF_6)", and b. Having either of the following characteristics: 1. A full scale of less than 200 kPa and an "accuracy" of better than ± 1 % of full scale; or 2. A full scale of 200 kPa or greater and an "accuracy" of better than 2 kPa. *Technical Note:* *For the purposes of 2B230, "accuracy" includes non-linearity, hysteresis and repeatability at ambient temperature.*	2B230

No	Description	Related item from Annex I to Regulation (EC) No 428/2009
II.A2.008	Liquid-liquid contacting equipment (mixer-settlers, pulsed columns, centrifugal contactors); and liquid distributors, vapour distributors or liquid collectors designed for such equipment, where all surfaces that come in direct contact with the chemical(s) being processed are made from any of the following materials: 1. Alloys with more than 25 % nickel and 20 % chromium by weight; 2. Fluoropolymers; 3. Glass (including vitrified or enamelled coating or glass lining); 4. Graphite or "carbon graphite"; 5. Nickel or alloys with more than 40 % nickel by weight; 6. Tantalum or tantalum alloys; 7. Titanium or titanium alloys; 8. Zirconium or zirconium alloys; or 9. Stainless steel. *Technical Note:* *"Carbon graphite" is a composition consisting of amorphous carbon and graphite, in which the graphite content is 8 % or more by weight.*	2B350.e
II.A2.009	Industrial equipment and components, other than those specified in 2B350.d, as follows: Heat exchangers or condensers with a heat transfer surface area greater than 0,05 m^2, and less than 30 m^2; and tubes, plates, coils or blocks (cores) designed for such heat exchangers or condensers, where all surfaces that come in direct contact with the fluid(s) are made from any of the following materials: 1. Alloys with more than 25 % nickel and 20 % chromium by weight; 2. Fluoropolymers; 3. Glass (including vitrified or enamelled coating or glass lining); 4. Graphite or "carbon graphite"; 5. Nickel or alloys with more than 40 % nickel by weight; 6. Tantalum or tantalum alloys; 7. Titanium or titanium alloys; 8. Zirconium or zirconium alloys; 9. Silicon carbide; 10. Titanium carbide; or 11. Stainless steel. Note: This item does not cover vehicle radiators. *Technical Note:* The materials used for gaskets and seals and other implementation of sealing functions do not determine the status of control of the heat exchanger.	2B350.d

No	Description	Related item from Annex I to Regulation (EC) No 428/2009
II.A2.010	Multiple-seal, and seal-less pumps, other than those specified in 2B350.i, suitable for corrosive fluids, with manufacturer's specified maximum flow-rate greater than 0,6 m^3/hour, or vacuum pumps with manufacturer's specified maximum flow-rate greater than 5 m^3/hour [measured under standard temperature (273 K or 0 °C) and pressure (101,3kPa) conditions]; and casings (pump bodies), preformed casing liners, impellers, rotors or jet pump nozzles designed for such pumps, in which all surfaces that come in direct contact with the chemical(s) being processed are made from any of the following materials: 1. Alloys with more than 25 % nickel and 20 % chromium by weight; 2. Ceramics; 3. Ferrosilicon; 4. Fluoropolymers; 5. Glass (including vitrified or enamelled coatings or glass lining); 6. Graphite or "carbon graphite"; 7. Nickel or alloys with more than 40 % nickel by weight; 8. Tantalum or tantalum alloys; 9. Titanium or titanium alloys; 10. Zirconium or zirconium alloys; 11. Niobium (columbium) or niobium alloys; 12. Stainless steel; or 13. Aluminium alloys. *Technical Note:* The materials used for gaskets and seals and other implementation of sealing functions do not determine the status of control of the pump.	2B350.d
II.A2.013	Spin-forming machines and flow-forming machines, other than those controlled by 2B009, or prohibited by I.2A.009 or I.2A.020, having a roller force of more than 60 kN and specially designed components therefor. *Technical Note:* *For the purpose of II.A2.013, machines combining the functions of spin-forming and flow-forming are regarded as flow-forming machines.*	

A3. **Electronics**

No	Description	Related item from Annex I to Regulation (EC) No 428/2009
II.A3.003	Frequency changers or generators, other than those prohibited by I.0A.002.b.13 or I.3A.004, having all of the following characteristics, and specially designed components and software therefor: a. Multiphase output capable of providing a power of 40 W or greater; b. Capable of operating in the frequency range between 600 and 2 000 Hz; and c. Frequency control better (less) than 0,1 %. *Technical Note:* *Frequency changers in II.A3.003 are also known as converters or inverters.*	

No	Description	Related item from Annex I to Regulation (EC) No 428/2009
II.A3.004	Spectrometers and diffractometers, designed for the indicative test or quantitative analysis of the elemental composition of metals or alloys without chemical decomposition of the material.	

A6. **Sensors and Lasers**

No	Description	Related item from Annex I to Regulation (EC) No 428/2009
II.A6.002	Optical equipment and components, other than those specified in 6A002, 6A004.b as follows: Infrared optics in the wavelength range 9 000 nm – 17 000 nm and components thereof, including cadmium telluride (CdTe) components.	6A002, 6A004.b
II.A6.005	Semiconductor "lasers" and components thereof, as follows: a. Individual semiconductor "lasers" with an output power greater than 200 mW each, in quantities larger than 100; b. Semiconductor "laser" arrays having an output power greater than 20 W. *Notes:* *1. Semiconductor "lasers" are commonly called "laser" diodes.* *2. This item does not cover "lasers" defined in items 0B001.g.5, 0B001.h.6 and 6A005.b.* *3. This item does not cover "laser" diodes with a wavelength in the range 1 200 nm – 2 000 nm.*	6A005.b
II.A6.007	Solid state "tunable" "lasers" and specially designed components thereof as follows: a. Titanium-sapphire lasers, b. Alexandrite lasers. *Note: This item does not cover titanium-sapphire and alexandrite lasers defined in items 0B001.g.5, 0B001.h.6 and 6A005.c.1.*	6A005.c.1
II.A6.009	Components of acousto-optics, as follows: a. Framing tubes and solid-state imaging devices having a recurrence frequency equal to or exceeding 1kHz; b. Recurrence frequency supplies; c. Pockels cells.	6A203.b.4.c

A7. **Navigation and Avionics**

No	Description	Related item from Annex I to Regulation (EC) No 428/2009
II.A7.001	Inertial navigation systems and specially designed components thereof, as follows: I. Inertial navigation systems which are certified for use on "civil aircraft" by civil authorities of a State participating in the Wassenaar Arrangement, and specially designed components thereof, as follows: a. Inertial navigation systems (INS) (gimballed or strapdown) and inertial equipment designed for "aircraft", land vehicle, vessels (surface or underwater) or "spacecraft" for attitude, guidance or control, having any of the following characteristics, and specially designed components thereof:	7A003, 7A103

No	Description	Related item from Annex I to Regulation (EC) No 428/2009
	1. Navigation error (free inertial) subsequent to normal alignment of 0,8 nautical mile per hour (nm/hr) "Circular Error Probable" (CEP) or less (better); or 2. Specified to function at linear acceleration levels exceeding 10 g; b. Hybrid Inertial Navigation Systems embedded with Global Navigation Satellite Systems(s) (GNSS) or with "Data-Based Referenced Navigation" ("DBRN") System(s) for attitude, guidance or control, subsequent to normal alignment, having an INS navigation position accuracy, after loss of GNSS or "DBRN" for a period of up to four minutes, of less (better) than 10 metres "Circular Error Probable" (CEP); c. Inertial Equipment for Azimuth, Heading, or North Pointing having any of the following characteristics, and specially designed components thereof: 1. Designed to have an Azimuth, Heading, or North Pointing accuracy equal to, or less (better) than 6 arc/ minutes RMS at 45 degrees latitude; or 2. Designed to have a non-operating shock level of at least 900 g at a duration of at least 1 msec. *Note: The parameters of I.a. and I.b. are applicable with any of the following environmental conditions:* *1. Input random vibration with an overall magnitude of 7,7 g rms in the first half hour and a total test duration of one and a half hours per axis in each of the three perpendicular axes, when the random vibration meets the following:* *a. A constant power spectral density (PSD) value of 0,04 g^2/Hz over a frequency interval of 15 to 1000 Hz; and* *b. The PSD attenuates with a frequency from 0,04 g^2/Hz to 0,01 g^2/Hz over a frequency interval from 1000 to 2000 Hz;* *2. A roll and yaw rate equal to or greater than +2,62 radian/s (150 deg/s); or* *3. According to national standards equivalent to 1. or 2. above.* *Technical Notes:* *1. I.b. refers to systems in which an INS and other independent navigation aids are built into a single unit (embedded) in order to achieve improved performance.* *2. "Circular Error Probable" (CEP) – In a circular normal distribution, the radius of the circle containing 50 percent of the individual measurements being made, or the radius of the circle within which there is a 50 percent probability of being located.* II. Theodolite systems incorporating inertial equipment specially designed for civil surveying purposes and designed to have an Azimuth, Heading, or North Pointing accuracy equal to, or less (better) than 6 arc minutes RMS at 45 degrees latitude, and specially designed components thereof. III. Inertial or other equipment using accelerometers specified in 7A001 or 7A101, where such accelerometers are specially designed and developed as MWD (Measurement While Drilling) sensors for use in downhole well services operations.	

A9. **Aerospace and Propulsion**

II.A9.001	Explosive bolts.	

II.B. **TECHNOLOGY**

No	Description	Related item from Annex I to Regulation (EC) No 428/2009
II.B.001	Technology required for the development, production or use of the items in Part II A. (Goods) above. *Technical Note:* *Regulation (EC) No 423/2007, Article 1(d) the term "technology" includes software.'*	

COMMISSION REGULATION (EU) No 1229/2009

of 15 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 16 December 2009.

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

Done at Brussels, 15 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	48,0
	MA	78,7
	TN	111,3
	TR	71,6
	ZZ	77,4
0707 00 05	EG	155,5
	MA	59,4
	TR	94,2
	ZZ	103,0
0709 90 70	MA	46,5
	TR	119,6
	ZZ	83,1
0709 90 80	EG	175,4
	ZZ	175,4
0805 10 20	MA	52,0
	TR	69,6
	ZA	62,7
	ZZ	61,4
0805 20 10	MA	78,3
	TR	58,0
	ZZ	68,2
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	HR	38,7
	IL	65,1
	TR	85,2
	ZZ	63,0
0805 50 10	TR	72,1
	ZZ	72,1
0808 10 80	CA	76,2
	CN	85,4
	MK	24,5
	US	91,4
	ZZ	69,4
0808 20 50	CN	73,3
	TR	97,0
	US	163,3
	ZZ	111,2

(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 1230/2009

of 15 December 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 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 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 1214/2009 [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 16 December 2009.

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

Done at Brussels, 15 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 178, 1.7.2006, p. 24.
[3] OJ L 253, 25.9.2009, p. 3.
[4] OJ L 327, 12.12.2009, p. 38.

ANNEX

Amended representative prices and additional import duties applicable to white sugar, raw sugar and products covered by CN code 1702 90 95 from 16 December 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)	40,08	0,00
1701 11 90 (1)	40,08	2,88
1701 12 10 (1)	40,08	0,00
1701 12 90 (1)	40,08	2,58
1701 91 00 (2)	44,38	4,16
1701 99 10 (2)	44,38	1,02
1701 99 90 (2)	44,38	1,02
1702 90 95 (3)	0,44	0,25

(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.

COMMISSION REGULATION (EU) No 1231/2009

of 15 December 2009

fixing the import duties in the cereals sector applicable from 16 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) Article 136(1) of Regulation (EC) No 1234/2007 states that the import duty on products falling within CN codes 1001 10 00, 1001 90 91, ex 1001 90 99 (high quality common wheat), 1002, ex 1005 other than hybrid seed, and ex 1007 other than hybrids for sowing, is to be equal to the intervention price valid for such products on importation increased by 55 %, minus the cif import price applicable to the consignment in question. However, that duty may not exceed the rate of duty in the Common Customs Tariff.

(2) Article 136(2) of Regulation (EC) No 1234/2007 lays down that, for the purposes of calculating the import duty referred to in paragraph 1 of that Article, representative cif import prices are to be established on a regular basis for the products in question.

(3) Under Article 2(2) of Regulation (EC) No 1249/96, the price to be used for the calculation of the import duty on products of CN codes 1001 10 00, 1001 90 91, ex 1001 90 99 (high quality common wheat), 1002 00, 1005 10 90, 1005 90 00 and 1007 00 90 is the daily cif representative import price determined as specified in Article 4 of that Regulation.

(4) Import duties should be fixed for the period from 16 December 2009 and should apply until new import duties are fixed and enter into force,

HAS ADOPTED THIS REGULATION:

Article 1

From 16 December 2009, the import duties in the cereals sector referred to in Article 136(1) of Regulation (EC) No 1234/2007 shall be those fixed in Annex I to this Regulation on the basis of the information contained in Annex II.

Article 2

This Regulation shall enter into force on 16 December 2009.

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

Done at Brussels, 15 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.

ANNEX I

Import duties on the products referred to in Article 136(1) of Regulation (EC) No 1234/2007 applicable from 16 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	5,68
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	31,46
1005 10 90	Maize seed other than hybrid	22,02
1005 90 00	Maize, other than seed [2]	22,02
1007 00 90	Grain sorghum other than hybrids for sowing	31,46

[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

1.12.2009-14.12.2009

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	Minnéapolis	Chicago	—	—	—	—
Quotation	151,95	105,28	—	—	—	—
Fob price USA	—	—	134,05	124,05	104,05	79,70
Gulf of Mexico premium	—	8,14	—	—	—	—
Great Lakes premium	6,55	—	—	—	—	—

(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:	23,02 EUR/t
Freight costs: Great Lakes–Rotterdam:	47,30 EUR/t

COMMISSION REGULATION (EU) No 1232/2009

of 15 December 2009

entering a name in the register of protected designations of origin and protected geographical indications [Wiśnia nadwiślanka (PDO)]

THE EUROPEAN COMMISSION,

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

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) Pursuant to the first subparagraph of Article 6(2) of Regulation (EC) No 510/2006, Poland's application to register the name 'Wiśnia nadwiślanka' was published in the *Official Journal of the European Union* [2].

(2) As no statement of objection under Article 7 of Regulation (EC) No 510/2006 has been received by the Commission, that name should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name contained in the Annex to this Regulation is hereby entered in the register.

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, 15 December 2009.

For the Commission
The President
José Manuel BARROSO

[1] OJ L 93, 31.3.2006, p. 12.
[2] OJ C 104, 6.5.2009, p. 21.

ANNEX

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

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

POLAND

Wiśnia nadwiślanka (PDO)

COMMISSION REGULATION (EU) No 1233/2009

of 15 December 2009

laying down a specific market support measure in the dairy sector

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]), and in particular Articles 186 and 188(2), in conjunction with Article 4 thereof,

Whereas:

(1) World market prices for dairy products have collapsed notably due to a drop in demand in connection with the financial and economic crisis. Community market prices for dairy products have also fallen significantly due to the crisis and changes in supply.

(2) The fall of dairy product prices in the European Union have strongly affected the farm gate prices. A significant period is needed for a sustainable recovery. Therefore, it is appropriate to grant to the Member States a financial envelope in order to support the dairy farmers that are severely affected by the dairy crisis and encounter liquidity problems in these circumstances.

(3) The financial envelope to each Member State shall be calculated based on the 2008/2009 milk production within national quotas. Member States should distribute that national amount available on the basis of objective criteria and in a non-discriminatory way, while avoiding any market and competition distortions.

(4) The implementation of this Regulation should be carried out taking into account the institutional arrangements of each Member State.

(5) The support to the dairy farmers should be granted as an intervention measure to regulate agricultural markets in accordance with Article 3(1)(b) of Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy ([2]).

(6) For budgetary reasons, the Community will finance the expenditure incurred by Member States in relation to the financial support of dairy farmers only where such payments are made by a certain deadline.

(7) In order to ensure transparency and the monitoring and proper administration of the national envelopes, the Member States should inform the Commission of the objective criteria used to determine the methods for granting support and the provisions taken to avoid distortion of the market.

(8) In order to ensure that dairy farmers receive the support as soon as possible, the Member States should be enabled to implement this Regulation as quickly as possible. Therefore, it is necessary for it to enter into force without delay.

(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

Member States shall use the amounts set out in the Annex to provide support to dairy farmers severely affected by the dairy crisis on the basis of objective criteria and in a non-discriminatory way, provided that these payments do not cause distortion of competition.

([1]) OJ L 299, 16.11.2007, p. 1.

([2]) OJ L 209, 11.8.2005, p. 1.

Article 2

1. The measures provided for in Article 1 of this Regulation shall be deemed to be intervention measures intended to regulate agricultural markets within the meaning of Article 3(1)(b) of Regulation (EC) No 1290/2005.

2. Payments in relation to the support referred to in Article 1 shall be made by the Member States by 30 June 2010 at the latest.

Article 3

As regards the support provided for in Article 1, the Member States shall communicate to the Commission:

(a) without delay and no later than 31 March 2010, a description of the objective criteria used to determine the methods for granting support and the provisions taken to avoid distortion of the market;

(b) no later than 30 August 2010, the total amounts of aid paid and the number and type of beneficiaries.

Article 4

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, 15 December 2009.

For the Commission
The President
José Manuel BARROSO

ANNEX [1]

million EUR

BE	7,212824
BG	1,842622
CZ	5,792943
DK	9,859564
DE	61,203560
EE	1,302069
IE	11,502500
EL	1,581891
ES	12,792178
FR	51,127334
IT	23,031475
CY	0,316812
LV	1,445181
LT	3,099461
LU	0,597066
HU	3,565265
MT	0,084511
NL	24,586045
AT	6,052604
PL	20,211209
PT	4,084693
RO	5,010401
SI	1,143094
SK	2,034727
FI	4,831752
SE	6,427521
UK	29,260698
EU-27	300,000000

[1] Based on the 2008/2009 milk production within national quotas.

COMMISSION REGULATION (EU) No 1234/2009

of 15 December 2009

opening Community tariff quotas for 2010 for sheep, goats, sheepmeat and goatmeat

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 [1], and in particular Articles 144(1) and 148 in conjunction with Article 4 thereof,

Whereas:

(1) Community tariff quotas for sheepmeat and goatmeat should be opened for 2010. The duties and quantities should be fixed in accordance with the respective international agreements in force during the year 2010.

(2) Council Regulation (EC) No 312/2003 of 18 February 2003 implementing for the Community the tariff provisions laid down in the Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part [2] has provided for an additional bilateral tariff quota of 2 000 tonnes with a 10 % annual increase of the original quantity to be opened for product code 0204 from 1 February 2003. Therefore, a further 200 tonnes shall be added to the GATT/WTO quota for Chile and both quotas should continue to be managed in the same way during 2010.

(3) Certain quotas are defined for a period running from 1 July of a given year to 30 June of the following year. Since imports under this Regulation should be managed on a calendar-year basis, the corresponding quantities to be fixed for the calendar year 2010 with regard to the quotas concerned are the sum of half of the quantity for the period from 1 July 2009 to 30 June 2010 and half of the quantity for the period from 1 July 2010 to 30 June 2011.

(4) A carcass-weight equivalent needs to be fixed in order to ensure a proper functioning of the Community tariff quotas.

(5) Quotas of the sheepmeat and goatmeat products should, by way of derogation from Commission Regulation (EC) No 1439/95 of 26 June 1995 laying down detailed rules for the application of Council Regulation (EEC) No 3013/89 as regards the import and export of products in the sheepmeat and goatmeat sector [3], be managed in conformity with 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 [4].

(6) Tariff quotas under this Regulation should be regarded initially as non-critical within the meaning of Article 308c of Regulation (EEC) No 2454/93 when managed under the first-come, first-served system. Therefore, customs authorities should be authorised to waive the requirement for security in respect of goods initially imported under those quotas in accordance with Articles 308c(1) and 248(4) of Regulation (EEC) No 2454/93. Due to the particularities of the transfer from one management system to the other, Article 308c(2) and (3) of that Regulation should not apply.

(7) It should be clarified which kind of proof certifying the origin of products has to be provided by operators in order to benefit from the tariff quotas under the first-come, first-served system.

(8) When sheepmeat products are presented by operators to the customs authorities for import, it is difficult for those authorities to establish whether they originate from domestic sheep or other sheep, which determines the application of different duty rates. It is therefore appropriate to provide that the proof of origin contains a clarification to that end.

(9) Commission Regulation (EC) No 1150/2008 of 19 November 2008 opening Community tariff quotas for 2009 for sheep, goats, sheepmeat and goatmeat [5] becomes obsolete at the end of the year 2009. For this reason, it should be repealed.

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

[1] OJ L 299, 16.11.2007, p. 1.
[2] OJ L 46, 20.2.2003, p. 1.
[3] OJ L 143, 27.6.1995, p. 7.
[4] OJ L 253, 11.10.1993, p. 1.
[5] OJ L 309, 20.11.2008, p. 5.

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation opens Community import tariff quotas for sheep, goats, sheepmeat and goatmeat for the period from 1 January to 31 December 2010.

Article 2

The customs duties applicable to the products under the quotas referred to in Article 1, the CN codes, the countries of origin, listed by country group, and the order numbers are set out in the Annex.

Article 3

1. The quantities, expressed in carcass-weight equivalent, for the import of products under the quotas referred to in Article 1, shall be those as laid down in the Annex.

2. For the purpose of calculating the quantities of 'carcase weight equivalent' referred to in paragraph 1 the net weight of sheep and goat products shall be multiplied by the following coefficients:

(a) for live animals: 0,47;

(b) for boneless lamb and boneless goatmeat of kid: 1,67;

(c) for boneless mutton, boneless sheep and boneless goatmeat other than of kid and mixtures of any of these: 1,81;

(d) for bone-in products: 1,00.

'Kid' shall mean goat of up to 1 year old.

Article 4

By way of derogation from Title II (A) and (B) of Regulation (EC) No 1439/95, the tariff quotas set out in the Annex to this Regulation shall be managed on a first-come, first-served basis in accordance with Articles 308a, 308b and 308c(1) of Regulation (EEC) No 2454/93 from 1 January to 31 December 2010. Article 308c(2) and (3) of that Regulation shall not apply. No import licences shall be required.

Article 5

1. In order to benefit from the tariff quotas set out in the Annex, a valid proof of origin issued by the competent authorities of the third country concerned together with a customs declaration for release for free circulation for the goods concerned shall be presented to the Community customs authorities.

The origin of products subject to tariff quotas other than those resulting from preferential tariff agreements shall be determined in accordance with the provisions in force in the Community.

2. The proof of origin referred to in paragraph 1 shall be as follows:

(a) in the case of a tariff quota which is part of a preferential tariff agreement, it shall be the proof of origin laid down in that agreement;

(b) in the case of other tariff quotas, it shall be a proof established in accordance with Article 47 of Regulation (EEC) No 2454/93 and, in addition to the elements provided for in that Article, the following data:

— the CN code (at least the first four digits),

— the order number or order numbers of the tariff quota concerned,

— the total net weight per coefficient category as provided for in Article 3(2) of this Regulation;

(c) in the case of a country whose quota falls under points (a) and (b) and are merged, it shall be the proof referred to in point (a).

Where the proof of origin referred to in point (b) is presented as supporting document for only one declaration for release for free circulation, it may contain several order numbers. In all other cases, it shall only contain one order number.

Article 6

Regulation (EC) No 1150/2008 is repealed.

Article 7

This Regulation shall enter into force on the day of 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, 15 December 2009.

For the Commission
On behalf of the President
Mariann FISCHER BOEL
Member of the Commission

ANNEX

SHEEPMEAT AND GOATMEAT (in tonnes (t) of carcass weight equivalent) COMMUNITY TARIFF QUOTAS FOR 2010

Country group No	CN codes	'Ad valorem' duty %	Specific duty EUR/100 Kg	Order number under 'first-come first-served'				Origin	Annual volume in tonnes of carcass weight equivalent
				Live animals (Coefficient = 0,47)	Boneless lamb (1) (Coefficient = 1,67)	Boneless mutton/ sheep (2) (Coefficient = 1,81)	Bone-in and carcasses (Coefficient = 1,00)		
1	0204	Zero	Zero	—	09.2101	09.2102	09.2011	Argentina	23 000
				—	09.2105	09.2106	09.2012	Australia	18 786
				—	09.2109	09.2110	09.2013	New Zealand	227 854
				—	09.2111	09.2112	09.2014	Uruguay	5 800
				—	09.2115	09.2116	09.1922	Chile	6 400
				—	09.2121	09.2122	09.0781	Norway	300
				—	09.2125	09.2126	09.0693	Greenland	100
				—	09.2129	09.2130	09.0690	Faeroes	20
				—	09.2131	09.2132	09.0227	Turkey	200
				—	09.2171	09.2175	09.2015	Others (3)	200
2	0204, 0210 99 21, 0210 99 29, 0210 99 60	Zero	Zero	—	09.2119	09.2120	09.0790	Iceland	1 850
3	0104 10 30 0104 10 80 0104 20 90	10 %	Zero	09.2181	—	—	09.2019	*Erga omnes* (4)	92

(1) And goatmeat of kid.
(2) And goatmeat other than kid.
(3) 'Others' shall refer to all origins excluding the other countries mentioned in the current table.
(4) '*Erga omnes*' shall refer to all origins including the countries mentioned in the current table.

COUNCIL DECISION 2009/955/CFSP

of 15 December 2009

amending Joint Action 2005/797/CFSP on the European Union Police Mission for the Palestinian Territories

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 14 November 2005, the Council adopted Joint Action 2005/797/CFSP on the European Union Police Mission for the Palestinian Territories [1] (EUPOL COPPS) for a period of three years. The operational phase of EUPOL COPPS began on 1 January 2006. Joint Action 2005/797/CFSP was extended by Joint Action 2008/958/CFSP [2] until 31 December 2010.

(2) It is necessary to lay down the financial reference amount intended to cover the expenditure related to EUPOL COPPS for the period from 1 January to 31 December 2010.

(3) It is necessary to specify the conditions under which EUPOL COPPS can recruit staff on a contractual basis.

(4) EUPOL COPPS should have a project cell for identifying and implementing projects.

(5) Joint Action 2005/797/CFSP should be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Joint Action 2005/797/CFSP is hereby amended as follows:

1) In Article 2, a point shall be added:

'd) The Mission shall have a project cell for identifying and implementing projects. The Mission shall, as appropriate, coordinate, facilitate and provide advice on projects implemented by Member States and third States under their responsibility, in areas related to the Mission and in support of its objectives.';

2) In Article 8,

a) paragraph 3 shall be replaced by the following:

'3. Nationals of Member States shall be recruited on a contractual basis by EUPOL COPPS as required, if the functions required are not provided by personnel seconded by Member States.';

b) a new paragraph 4 shall be inserted as follows:

'4. EUPOL COPPS shall also recruit local staff as required.',

and the remaining paragraphs shall be renumbered accordingly.

Article 2

The financial reference amount intended to cover the expenditure related to EUPOL COPPS for the period 1 January to 31 December 2010 shall be EUR 6 650 000.

Article 3

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

Article 4

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

Done at Brussels, 15 December 2009.

For the Council
The President
E. ERLANDSSON

[1] OJ L 300, 17.11.2005, p. 65.
[2] OJ L 338, 17.12.2008, p. 75.

COUNCIL DECISION 2009/956/CFSP

of 15 December 2009

amending Joint Action 2009/131/CFSP extending the mandate of the European Union Special Representative for the crisis in Georgia

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Treaty on the European Union, and in particular Articles 28, 31(2) and 33 thereof,

Whereas:

(1) On 25 September 2008, the Council adopted Joint Action 2008/760/CFSP [1] appointing Mr Pierre MOREL European Union Special Representative (EUSR) for the crisis in Georgia until 28 February 2009.

(2) On 16 February 2009, the Council adopted Joint Action 2009/131/CFSP [2] extending the mandate of the EUSR until 31 August 2009, and on 27 July 2009, the Council adopted Joint Action 2009/571/CFSP [3] further extending the mandate of the EUSR until 28 February 2010.

(3) A new financial reference amount should be provided in order to cover the expenditure related to the mandate of the EUSR until 28 February 2010.

(4) The EUSR will implement his mandate in the context of a situation which may deteriorate and could harm the objectives of the Common Foreign and Security Policy set out in Article 21 of the Treaty,

HAS ADOPTED THIS DECISION:

Article 1

Joint Action 2009/131/CFSP is hereby amended as follows:

Article 5(1) shall be replaced by the following:

'1. The financial reference amount intended to cover the expenditure related to the mandate of the EUSR in the period from 1 March 2009 to 28 February 2010 shall be 517 000 EUR.'.

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, 15 December 2009.

For the Council
The President
E. ERLANDSSON

[1] OJ L 259, 27.9.2008, p. 16.
[2] OJ L 46, 17.2.2009, p. 47.
[3] OJ L 197, 29.7.2009, p. 109.

POLITICAL AND SECURITY COMMITTEE DECISION EUPOL COPPS/2/2009

of 15 December 2009

concerning the appointment of the Head of the European Union Police Mission for the Palestinian Territories

(2009/957/CFSP)

THE POLITICAL AND SECURITY COMMITTEE,

Having regard to the Treaty on European Union, and in particular the third paragraph of Article 38 thereof,

Having regard to Joint Action 2005/797/CFSP of 14 November 2005 on the European Union Police Mission for the Palestinian Territories [1] (EUPOL COPPS), and in particular Article 11(1) thereof,

Whereas:

(1) Under Article 11(1) of Joint Action 2005/797/CFSP, the Political and Security Committee is authorised, in accordance with Article 38 of the Treaty, to take the relevant decisions for the purpose of exercising the political control and strategic direction of the EUPOL COPPS mission, including in particular the decision to appoint a Head of Mission.

(2) The High Representative of the Union for Foreign Affairs and Security Policy has proposed the appointment of Mr Henrik MALMQUIST as Head of the EUPOL COPPS mission,

HAS ADOPTED THIS DECISION:

Article 1

Mr Henrik MALMQUIST is hereby appointed Head of the European Union Police Mission for the Palestinian Territories (EUPOL COPPS) for the period from 1 January 2010 until 31 December 2010.

Article 2

This Decision shall be notified to Mr Henrik MALMQUIST.

It shall take effect on the day of its notification.

Done at Brussels, 15 December 2009.

For the Political and Security Committee
The Chairperson
O. SKOOG

[1] OJ L 300, 17.11.2005, p. 65.

POLITICAL AND SECURITY COMMITTEE DECISION EUPM/1/2009

of 15 December 2009

concerning the extension of the mandate of the Head of Mission of the European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH)

(2009/958/CFSP)

THE POLITICAL AND SECURITY COMMITTEE,

Having regard to the Treaty on European Union, and in particular the third paragraph of Article 38 thereof,

Having regard to Council Decision 2009/906/CFSP of 8 December 2009 on the European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH) [1], and in particular Article 10(1) thereof,

Whereas:

(1) Under Article 10(1) of Decision 2009/906/CFSP, the Political and Security Committee (PSC) is authorised, in accordance with Article 38 of the Treaty, to take the relevant decisions for the purposes of political control and strategic direction of EUPM and in particular to appoint a Head of Mission.

(2) On 24 October 2008, upon a proposal by the Secretary General/High Representative (SG/HR), the PSC appointed by its Decision 2008/835/CFSP [2] Mr Stefan FELLER as Head of Mission of EUPM until 31 December 2009.

(3) On 13 November 2009, the SG/HR proposed to the PSC that it extend the mandate of Mr Stefan FELLER as Head of Mission of EUPM for an additional year, until 31 December 2010.

HAS ADOPTED THIS DECISION:

Article 1

The mandate of Mr Stefan FELLER as Head of Mission of the European Union Police Mission in Bosnia and Herzegovina is hereby extended until 31 December 2010.

Article 2

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

It shall apply until 31 December 2010.

Article 3

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

Done at Brussels, 15 December 2009.

For the Political and Security Committee
The President
O. SKOOG

[1] OJ L 322, 9.12.2009, p. 22.
[2] OJ L 298, 7.11.2008, p. 30.

ACTS WHOSE PUBLICATION IS NOT OBLIGATORY

COMMISSION DECISION

of 14 December 2009

amending Decision 2007/230/EC on a form concerning social legislation relating to road transport activities

(notified under document C(2009) 9895)

(Text with EEA relevance)

(2009/959/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2006/22/EC of the European Parliament and of the Council of 15 March 2006 on minimum conditions for the implementation of Council Regulations (EEC) No 3820/85 and (EEC) No 3821/85 concerning social legislation relating to road transport activities and repealing Council Directive 88/599/EEC [1], and in particular Articles 11(3) and 13 thereof,

Whereas:

(1) The primary source of information at the roadside checks is the recordings made in the tachograph. The lack of records should only be justified where tachograph records, including manual entries, were not possible for objective reasons. In such cases the attestation confirming such reasons should be established.

(2) The form of attestation provided in the Annex to Commission Decision 2007/230/EC [2] proved to be insufficient to cover all cases where it is technically impossible to record a driver's activities on the recording equipment.

(3) In order to enhance the efficiency and effectiveness of the checking by Member States of compliance with the provisions of Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85 [3], the form should be modified by the insertion of additional elements to those indicated in Article 11(3) of Directive 2006/22/EC.

(4) The form of attestation should be used only if the tachograph records, for objective technical reasons, are unable to demonstrate that the provisions of Regulation (EC) No 561/2006 have been respected.

(5) The measures provided for in this Decision are in accordance with the opinion of the Committee set up by Article 18(1) of Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport [4],

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 2007/230/EC is replaced by the text in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 14 December 2009.

For the Commission
Antonio TAJANI
Vice-President

[1] OJ L 102, 11.4.2006, p. 35.
[2] OJ L 99, 14.4.2007, p. 14.
[3] OJ L 102, 11.4.2006, p. 1.
[4] OJ L 370, 31.12.1985, p. 8.

ANNEX

ATTESTATION OF ACTIVITIES [1]

(REGULATION (EC) No 561/2006 OR THE AETR [2]**)**

To be filled in by typing and signed before a journey.

To be kept with the original control device records wherever they are required to be kept

False attestations constitute an infringement

Part to be filled in by the undertaking

1. Name of the undertaking: .....
2. Street address, postal code, city, country: .....
3. Telephone number (including international prefix): .....
4. Fax number (including international prefix): .....
5. E-mail address: .....

I, the undersigned:

6. Name and first name: .....
7. Position in the undertaking: .....

declare that the driver:

8. Name and first name: .....
9. Date of birth (day/month/year): .....
10. Driving licence or identity card or passport number: .....
11. who has started to work at the undertaking on (day/month/year): .....

for the period:

12. from (hour/day/month/year): .....
13. to (hour/day/month/year): .....
14. ☐ was on sick leave (*)
15. ☐ was on annual leave (*)
16. ☐ was on leave or rest (*)
17. ☐ drove a vehicle exempted from the scope of Regulation (EC) No 561/2006 or the AETR (*)
18. ☐ performed other work than driving (*)
19. ☐ was available (*)

20. Place: ..... Date: .....

Signature

21. I, the driver, confirm that I have not been driving a vehicle falling under the scope of Regulation (EC) No 561/2006 or the AETR during the period mentioned above.

22. Place: ..... Date: .....

Signature of the driver

(1) This form is available in electronic and printable versions at the following address: http://ec.europa.eu
(2) European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport.
(*) Choose only one box.

COMMISSION DECISION

of 14 December 2009

amending Decision 2004/407/EC as regards authorising imports of photographic gelatine into the Czech Republic

(notified under document C(2009) 9899)

(Only the Czech, Dutch, English, French and German texts are authentic)

(2009/960/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1774/2002 of European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption [1], and in particular Articles 4(4) and Article 32(1) thereof,

Whereas:

(1) Regulation (EC) No 1774/2002 prohibits the importation and transit of animal by-products and processed products into the Union, unless they are authorised in accordance with that Regulation.

(2) Commission Decision 2004/407/EC of 26 April 2004 on transitional sanitary and certification rules under Regulation (EC) No 1774/2002 of the European Parliament and of the Council as regards import from certain third countries of photographic gelatine [2] provides that Belgium, Luxembourg, the Netherlands and the United Kingdom are to authorise the importation of certain gelatine exclusively intended for the photographic industry (photographic gelatine), in compliance with that Decision.

(3) Decision 2004/407/EC provides that the importation of photographic gelatine is only authorised from the third countries listed in the Annex to that Decision, namely Japan and the United States of America. In accordance with that Decision, imported consignments have to be transported to the plant of destination under strict channelling conditions, in order to prevent potential risks to public and animal health.

(4) The Czech Republic has submitted a request for the authorisation of imports of photographic gelatine from those third countries to an establishment on its territory. The Czech Republic has confirmed that the strict channelling conditions under Decision 2004/407/EC will be applied in order to prevent potential health risks.

(5) Accordingly, and pending the review of the technical requirements for the import of animal by-products under the revised Animal by-products Regulation [3] the Czech Republic should be allowed to authorise the importation of photographic gelatine subject to compliance with the conditions set out in Decision 2004/407/EC. However, for geographical reasons, those imports may take place via Germany.

(6) Decision 2004/407/EC should therefore be amended accordingly.

(7) 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

Decision 2004/407/EC is amended as follows:

1. Article 1 is replaced by the following:

'*Article 1*

Derogation regarding the import of photographic gelatine

By way of derogation from Article 29(1) of Regulation (EC) No 1774/2002, Belgium, the Czech Republic, Luxembourg, the Netherlands and the United Kingdom shall authorise the import of gelatine produced from materials containing bovine vertebral column classified as Category 1 material under that Regulation, exclusively intended for the photographic industry (photographic gelatine), in compliance with this Decision.'

2. Article 9 is replaced by the following:

'*Article 9*

Addresses

This Decision is addressed to the Kingdom of Belgium, the Czech Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands and the United Kingdom of Great Britain and Northern Ireland.'

[1] OJ L 273, 10.10.2002, p. 1.
[2] OJ L 151, 30.4.2004, p. 11.
[3] Regulation No 1069/2009 of the European Parliament and of the Council (OJ L 300, 14.11.2009, p. 1).

3. Annexes I and III are amended in accordance with the Annex to this Decision.

Article 2

This Decision shall apply from 1 January 2010.

Article 3

This Decision is addressed to the Kingdom of Belgium, the Czech Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 14 December 2009.

For the Commission

Androulla VASSILIOU

Member of the Commission

ANNEX

Annexes I and III are amended as follows:

1. Annex I is replaced by the following:

'ANNEX I

THIRD COUNTRIES AND PLANTS OF ORIGIN, MEMBER STATES OF DESTINATION, BORDER INSPECTION POSTS OF FIRST ENTRY INTO THE UNION AND APPROVED PHOTOGRAPHIC FACTORIES

Third country of origin	Plants of origin	Member State of destination	Border inspection post of first entry into the Union	Approved photographic factories
Japan	Nitta Gelatin Inc. 2-22 Futamata Yao-City, Osaka 581 – 0024 Japan Jellie Co. ltd. 7-1, Wakabayashi 2-Chome, Wakabayashi-ku, Sendai-city, Miyagi, 982 Japan NIPPI Inc. Gelatin Division 1 Yumizawa-Cho Fujinomiya City Shizuoka 418 – 0073 Japan	the Netherlands	Rotterdam	FUJIFILM Europe B.V., Oudenstaart 1 5047 TK Tilburg, The Netherlands
	Nitta Gelatin Inc. 2-22 Futamata Yao-City, Osaka 581 – 0024, Japan	United Kingdom	Liverpool Felixstowe	Kodak Ltd Headstone Drive, Harrow, MIDDX HA4 4TY, The United Kingdom
		Czech Republic	Hamburg	FOMA BOHEMIA spol. s r.o. Jana Krušinky 1604 501 04 Hradec Králove, The Czech Republic
United States of America	Eastman Gelatine Corporation, 227 Washington Street, Peabody, MA, 01960 USA Gelita North America, 2445 Port Neal Industrial Road Sergeant Bluff, Iowa, 51054 USA	Luxembourg	Antwerp Zaventem Luxembourg	DuPont Teijin Luxembourg SA PO Box 1681 L-1016 Luxembourg
		United Kingdom	Liverpool Felixstowe	Kodak Ltd Headstone Drive, Harrow, MIDDX HA4 4TY, The United Kingdom
	Eastman Gelatine Corporation, 227 Washington Street, Peabody, MA, 01960 USA	Czech Republic	Hamburg	FOMA BOHEMIA spol. s r.o. Jana Krušinky 1604 501 04 Hradec Králove, The Czech Republic'

2. Annex III is replaced by the following:

'ANNEX III

MODEL HEALTH CERTIFICATES FOR THE IMPORTATION FROM THIRD COUNTRIES OF TECHNICAL GELATINE TO BE USED BY THE PHOTOGRAPHIC INDUSTRY

Notes

(a) Veterinary certificates for the importation of technical gelatine to be used by the photographic industry shall be produced by the exporting country, based on the model appearing in this Annex III. They shall contain the attestations that are required for any third country and, as the case may be, those supplementary guarantees that are required for the exporting third country or part thereof.

(b) The original of each certificate shall consist of a single page, both sides, or, where more text is required, it shall be in such a form that all pages needed are part of an integrated whole and indivisible.

(c) It shall be drawn up in at least one of the official languages of the EU Member State in which the inspection at the EU border inspection post shall be carried out and of the EU Member State of destination. However, these Member States may allow other languages, if necessary, accompanied by an official translation.

(d) If for reasons of identification of the items of the consignment, additional pages are attached to the certificate, these pages shall also be considered as forming part of the original of the certificate by the application of the signature and stamp of the certifying official veterinarian, in each of the pages.

(e) When the certificate, including additional schedules referred to in (d), comprises more than one page, each page shall be numbered — *(page number)* of *(total number of pages)* — on its bottom and shall bear the code number of the certificate that has been designated by the competent authority on its top.

(f) The original of the certificate must be completed and signed by an official veterinarian. In doing so, the competent authorities of the exporting country shall ensure that the principles of certification equivalent to those laid down in Council Directive 96/93/EC are followed.

(g) The colour of the signature shall be different to that of the printing. The same rule applies to stamps other than those embossed or watermark.

(h) The original of the certificate must accompany the consignment at the EU border inspection post until it reaches the photographic factory of destination.

HEALTH CERTIFICATE

for technical gelatine not intended for human consumption to be used by the photographic industry, intended for dispatch to the Union

COUNTRY **Veterinary certificate to EU**

Part I: Details of dispatched consignment

I.1. Consignor Name Address Tel. No		I.2. Certificate reference number	I.2.a.
		I.3. Central Competent Authority	
		I.4. Local Competent Authority	
I.5. Consignee Name Address Postal code Tel. No		I.6.	
I.7. Country of origin ISO code	I.8. Region of origin Code	I.9. Country of destination ISO code	I.10. Region of destination Code
I.11. Place of origin Name Approval number Address		I.12.	
I.13. Place of loading		I.14. Date of departure	
I.15. Means of transport Aeroplane ☐ Ship ☐ Railway wagon ☐ Road vehicle ☐ Other ☐ Identification: Documentary references:		I.16. Entry BIP in EU I.17. No.(s) of CITES	
I.18. Description of commodity		I.19. Commodity code (HS code) **3503**	
			I.20. Quantity
I.21. Temperature of product Ambient ☐ Chilled ☐ Frozen ☐			I.22. Number of packages
I.23. Identification of container/Seal number			I.24. Type of packaging
I.25. Commodities certified for: Technical use ☐			
I.26.		I.27. For import or admission into EU ☐	

I.28. Identification of the commodities

Species (Scientific name)	Approval number of establishments manufacturing plant	Net weight	Batch number

COUNTRY

Technical gelatine not intended for human consumption to be used by the photographic industry

Part II: Certification

II. **HEALTH INFORMATION**	II.a. Certificate reference number	II.b.

II.1. **Health attestation**

I, the undersigned official, declare that I have read and understood Regulation (EC) No 1774/2002 ([1]) and certify that the photographic gelatine described above:

II.1.1. consists exclusively of photographic gelatine for photographic uses and is not intended for any other purpose;

II.1.2. has been prepared and stored in a plant approved, validated and supervised by the competent authority in accordance with Article 18 of Regulation (EC) No 1774/2002, which do not produce gelatine for food, feed or other technical uses intended for dispatch to the Union;

II.1.3. has been prepared with Category 3 animal by-products and/or bovine vertebral column classified as Category 1 material;

II.1.4. has been wrapped, packaged, stored and transported under satisfactory hygiene conditions;

II.1.5. has been produced by a process ensuring that the raw material is:

(a) treated by Method 1 ([2]) of Chapter III of Annex V to Regulation (EC) No 1774/2002 or

(b) subjected to:

(i) treatment with acid for at least two days, washing with water and treatment with an alkaline solution for at least 20 days; the pH must be adjusted and the material purified by means of filtration and sterilised at 138– 140 °C for 4 seconds; or

(ii) treatment with alkali for at least two days, washing with water and treatment with an acid solution for 10-12 hours; the pH must be adjusted and the material purified by means of filtration and sterilised at 138– 140 °C for 4 seconds.

II.1.6. has been wrapped and packaged in wrappings and packages carrying the words "PHOTOGRAPHIC GELATINE FOR THE PHOTOGRAPHIC INDUSTRY ONLY".

Notes

Part I:

— Box reference I.5: The intended destination of the photographic gelatine can only be the Czech Republic, Luxembourg, the Netherlands or the United Kingdom.

— Box reference I.9: Country of destination: only applicable for the Czech Republic, Luxembourg, the Netherlands or United Kingdom.

— Box reference I.15: Registration number (railway wagons or container and lorries), flight number— (aircraft) or name (ship); information is to be provided in the event of unloading and reloading.

— Box reference I.23: Identification of container/seal number: only where applicable.

Part II:

([1]) OJ L 273, 10.10.2002, p. 1.

([2]) Method 1 is as follows:

"Reduction

1. If the particle size of the animal by-products to be processed is more than 50 millimetres, the animal by-products must be reduced in size using appropriate equipment, set so that the particle size after reduction is no greater than 50 millimetres. The effectiveness of the equipment must be checked daily and its condition recorded. If checks disclose the existence of particles larger than 50 millimetres, the process must be stopped and repairs made before the process is resumed.

Time, temperature and pressure

2. After reduction the animal by-products must be heated to a core temperature of more than 133 °C for at least 20 minutes without interruption at a pressure (absolute) of at least 3 bars produced by saturated steam; the heat treatment may be applied as the sole process or as a pre- or post-process sterilisation phase.

3. The processing may be carried out in batch or continuous systems."

— The signature and the stamp must be in a different colour to that of the printing.

— Note for the person responsible for the load in EU: this certificate is only for veterinary purposes and has to accompany the consignment until it reaches the factory of destination from the border inspection post.

Official veterinarian of official inspector

Name (in capital letters): Qualification and title:

Date: Signature:

Stamp'

COMMISSION DECISION

of 14 December 2009

on financial aid from the Union for the year 2010 for certain Community reference laboratories in the field of animal health and live animals

(notified under document C(2009) 9965)

(Only the Danish, English, French, German, Spanish and Swedish versions are authentic)

(2009/961/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Decision 2009/470/EC of 25 May 2009 on expenditure in the veterinary field [1], and in particular Article 31(1) thereof,

Having regard to Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules [2], and in particular Article 32(7) thereof,

Whereas:

(1) Pursuant to Article 31(1) of Decision 2009/470/EC Community reference laboratories in the field of animal health and live animals may be granted Union aid.

(2) Commission Regulation (EC) No 1754/2006 of 28 November 2006 laying down detailed rules for the granting of Community financial assistance to Community reference laboratories for feed and food and the animal health sector [3] provides that the financial assistance from the Union is to be granted if the approved work programmes are efficiently carried out and the beneficiaries supply all the necessary information within certain time limits.

(3) In accordance with Article 2 of Regulation (EC) No 1754/2006 the relationship between the Commission and Community reference laboratories is laid down in a partnership agreement which is supported by a multi-annual work programme.

(4) The Commission has assessed the work programmes and corresponding budget estimates submitted by the Community reference laboratories for the year 2010.

(5) Accordingly, Union financial assistance should be granted to the Community reference laboratories designated to carry out the functions and duties provided for in the following acts:

— Council Directive 92/35/EEC of 29 April 1992 laying down control rules and measures to combat African horse sickness [4],

— Council Directive 92/66/EEC of 14 July 1992 introducing Community measures for the control of Newcastle disease [5],

— Council Directive 92/119/EEC of 17 December 1992 introducing general Community measures for the control of certain animal diseases and specific measures relating to swine vesicular disease [6],

— Council Directive 93/53/EEC of 24 June 1993 introducing minimum Community measures for the control of certain fish diseases [7],

— Council Directive 95/70/EC of 22 December 1995 introducing minimum Community measures for the control of certain diseases affecting bivalve molluscs [8],

— Council Decision 2000/258/EC of 20 March 2000 designating a specific institute responsible for establishing the criteria necessary for standardising the serological tests to monitor the effectiveness of rabies vaccines [9],

— Council Directive 2000/75/EC of 20 November 2000 laying down specific provisions for the control and eradication of bluetongue [10],

— Council Directive 2001/89/EC of 23 October 2001 on Community measures for the control of classical swine fever [11],

[1] OJ L 155, 18.6.2009, p. 30.
[2] OJ L 165, 30.4.2004, p. 1.
[3] OJ L 331, 29.11.2006, p. 8.
[4] OJ L 157, 10.6.1992, p. 19.
[5] OJ L 260, 5.9.1992, p. 1.
[6] OJ L 62, 15.3.1993, p. 69.
[7] OJ L 175, 19.7.1993, p. 23.
[8] OJ L 332, 30.12.1995, p. 33.
[9] OJ L 79, 30.3.2000, p. 40.
[10] OJ L 327, 22.12.2000, p. 74.
[11] OJ L 316, 1.12.2001, p. 5.

— Council Directive 2002/60/EC of 27 June 2002 laying down specific provisions for the control of African swine fever and amending Directive 92/119/EEC as regards Teschen disease and African swine fever ([1]),

— Council Directive 2003/85/EC of 29 September 2003 on Community measures for the control of foot-and-mouth disease repealing Directive 85/511/EEC and Decisions 89/531/EEC and 91/665/EEC and amending Directive 92/46/EEC ([2]),

— Council Decision 96/463/EC of 23 July 1996 designating the reference body responsible for collaborating in rendering uniform the testing methods and the assessment of the results for pure-bred breeding animals of the bovine species ([3]),

— Regulation (EC) No 882/2004 for brucellosis,

— Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian influenza and repealing Directive 92/40/EEC ([4]),

— Council Directive 2006/88/EC of 24 October 2006 on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals ([5]),

— Commission Regulation (EC) No 180/2008 of 28 February 2008 concerning the Community reference laboratory for equine diseases other than African horse sickness and amending Annex VII to Regulation (EC) No 882/2004 of the European Parliament and of the Council ([6]),

— Commission Regulation (EC) No 737/2008 of 28 July 2008 designating the Community reference laboratories for crustacean diseases, rabies and bovine tuberculosis, laying down additional responsibilities and tasks for the Community reference laboratories for rabies and bovine tuberculosis and amending Annex VII to Regulation (EC) No 882/2004 of the European Parliament and of the Council ([7]).

(6) Financial assistance for the operation and organisation of workshops of Community reference laboratories should also be in conformity with the eligibility rules laid down in Regulation (EC) No 1754/2006.

(7) Regulation (EC) No 1754/2006 lays down eligibility rules for the workshops organised by the Community reference laboratories. It also limits the financial assistance to a maximum of 32 participants in workshops. Derogations to that limitation should be provided in accordance with Article 13(3) of Regulation (EC) No 1754/2006 to some Community reference laboratories that needs support for attendance by more than 32 participants in order to achieve the best outcome of its workshops. Derogations can be obtained in case a Community Reference Laboratory takes the leadership and responsibility of organizing a workshop with another Community Reference Laboratory.

(8) In accordance with Articles 3(2)(a) and 13 of Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy ([8]), animal disease eradication and control programmes (veterinary measures) shall be financed from the European Agricultural Guarantee Fund (EAGF). Furthermore, Article 13, second paragraph of that Regulation foresees that in duly justified exceptional cases, for measures and programmes covered by Decision 2009/470/EC on expenditure in the veterinary field, expenditure relating to administrative and personnel costs incurred by Member States and beneficiaries of aid from the EAGF shall be borne by the Fund. For financial control purposes, Articles 9, 36 and 37 of Regulation (EC) No 1290/2005 are to apply.

(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

For African horse sickness, the Union grants financial assistance to the Laboratorio Central de Sanidad Animal de Algete, Algete (Madrid), Spain, to carry out the functions and duties set out in Annex III to Directive 92/35/EEC.

The Union's financial assistance shall be at the rate of 100 % of the eligible costs as defined in Regulation (EC) No 1754/2006 to be incurred by that laboratory for the work programme and shall amount to a maximum of EUR 150 000 for the period from 1 January to 31 December 2010, of which a maximum of EUR 50 000 shall be dedicated to the organisation of a technical workshop on African horse sickness.

([1]) OJ L 192, 20.7.2002, p. 27.
([2]) OJ L 306, 22.11.2003, p. 1.
([3]) OJ L 192, 2.8.1996, p. 19.
([4]) OJ L 10, 14.1.2006, p. 16.
([5]) OJ L 328, 24.11.2006, p. 14.
([6]) OJ L 56, 29.2.2008, p. 4.
([7]) OJ L 201, 30.7.2008, p. 29.
([8]) OJ L 209, 11.8.2005, p. 1.

As mentioned in Article 13(3) of Regulation (EC) No 1754/2006, the laboratory referred to in the first paragraph shall be entitled to claim financial assistance for attendance by a maximum of 50 participants at its workshop referred to in the second paragraph of this Article as it will organise a joint workshop.

Article 2

For Newcastle disease, the Union grants financial assistance to the Veterinary Laboratories Agency (VLA), New Haw, Weybridge, United Kingdom, to carry out the functions and duties set out in Annex V to Directive 92/66/EEC.

The Union's financial assistance shall be at the rate of 100 % of the eligible costs as defined in Regulation (EC) No 1754/2006 to be incurred by that laboratory for the work programme and shall amount to a maximum of EUR 88 000 for the period from 1 January to 31 December 2010.

Article 3

For swine vesicular disease, the Union grants financial assistance to the AFRC Institute for Animal Health, Pirbright Laboratory, Pirbright, United Kingdom, to carry out the functions and duties set out in Annex III to Directive 92/119/EEC.

The Union's financial assistance shall be at the rate of 100 % of the eligible costs as defined in Regulation (EC) No 1754/2006 to be incurred by that laboratory for the work programme and shall amount to a maximum of EUR 120 000 for the period from 1 January to 31 December 2010.

Article 4

For fish diseases, the Union grants financial assistance to the Technical University of Denmark, National Veterinary Institute, Department of Poultry, Fish and Fur Animals, Århus, Denmark, to carry out the functions and duties set out in Annex VI to Directive 2006/88/EC.

The Union's financial assistance shall be at the rate of 100 % of the eligible costs as defined in Regulation (EC) No 1754/2006 to be incurred by that laboratory for the work programme and shall amount to a maximum of EUR 255 000 for the period from 1 January to 31 December 2010.

Article 5

For diseases of bivalve molluscs, the Union grants financial assistance to the Ifremer, La Tremblade, France, to carry out the functions and duties set out in Annex VI to Directive 2006/88/EC.

The Union's financial assistance shall be at the rate of 100 % of the eligible costs as defined in Regulation (EC) No 1754/2006 to be incurred by that institute for the work programme and shall amount to a maximum of EUR 105 000 for the period from 1 January to 31 December 2010.

Article 6

For rabies serology, the Union grants financial assistance to the AFSSA, Laboratoire d'études sur la rage et la pathologie des animaux sauvages, Nancy, France, to carry out the functions and duties set out in Annex II to Decision 2000/258/EC.

The Union's financial assistance shall be at the rate of 100 % of the eligible costs as defined in Regulation (EC) No 1754/2006 to be incurred by that laboratory for the work programme and shall amount to a maximum of EUR 140 000 for the period from 1 January to 31 December 2010.

Article 7

For bluetongue, the Union grants financial assistance to the AFRC Institute for Animal Health, Pirbright Laboratory, Pirbright, United Kingdom, to carry out the functions and duties set out in Annex II(B) to Directive 2000/75/EC.

The Union's financial assistance shall be at the rate of 100 % of the eligible costs as defined in Regulation (EC) No 1754/2006 to be incurred by that laboratory for the work programme and shall amount to a maximum of EUR 280 000 for the period from 1 January to 31 December 2010.

Article 8

For classical swine fever, the Union grants financial assistance to the Institut für Virologie der Tierärztlichen Hochschule Hannover, Hannover, Germany, to carry out the functions and duties set out in Annex IV to Directive 2001/89/EC.

The Union's financial assistance shall be at the rate of 100 % of the eligible costs as defined in Regulation (EC) No 1754/2006 to be incurred by that institute for the work programme and shall amount to a maximum of EUR 385 000 for the period from 1 January to 31 December 2010 of which a maximum of EUR 25 000 shall be dedicated to the organisation of a technical workshop on classical swine fever.

Article 9

For African swine fever, the Union grants financial assistance to the Centro de Investigación en Sanidad Animal, Valdeolmos, Madrid, Spain, to carry out the functions and duties set out in Annex V to Directive 2002/60/EC.

The Union's financial assistance shall be at the rate of 100 % of the eligible costs as defined in Regulation (EC) No 1754/2006 to be incurred by that research centre for the work programme and shall amount to a maximum of EUR 140 000 for the period from 1 January to 31 December 2010.

Article 10

For foot-and-mouth disease, the Union grants financial assistance to the Institute for Animal Health, Pirbright Laboratory, of the Biotechnology and Biological Sciences Research Council (BBSRC), Pirbright, United Kingdom, to carry out the functions and duties set out in Annex XVI to Directive 2003/85/EC.

The Union's financial assistance shall be at the rate of 100 % of the eligible costs as defined in Regulation (EC) No 1754/2006 to be incurred by that laboratory for the work programme and shall amount to a maximum of EUR 350 000 for the period from 1 January to 31 December 2010.

Article 11

For collaborating in rendering uniform the testing methods and the assessment of the results for pure-bred breeding animals of the bovine species, the Union grants financial assistance to the Interbull Centre, Department of Animal Breeding and Genetics, Swedish University of Agricultural Sciences, Uppsala, Sweden, to carry out the functions and duties set out in Annex II to Decision 96/463/EC.

The Union's financial assistance shall be at the rate of 100 % of the eligible costs as defined in Regulation (EC) No 1754/2006 to be incurred by that centre for the work programme and shall amount to a maximum of EUR 150 000 for the period from 1 January to 31 December 2010.

Article 12

For brucellosis, the Union grants financial assistance to the AFSSA, Laboratoire d'études et de recherches en pathologie animale et zoonoses, Maisons-Alfort, France, to carry out the functions and duties set out in Article 32(2) of Regulation (EC) No 882/2004.

The Union's financial assistance shall be at the rate of 100 % of the eligible costs as defined in Regulation (EC) No 1754/2006 to be incurred by that laboratory for the work programme and shall amount to a maximum of EUR 240 000 for the period from 1 January to 31 December 2010.

Article 13

For avian influenza, the Union grants financial assistance to the Veterinary Laboratories Agency (VLA), New Haw, Weybridge, United Kingdom, to carry out the functions and duties set out in Annex VII to Directive 2005/94/EC.

The Union's financial assistance shall be at the rate of 100 % of the eligible costs as defined in Regulation (EC) No 1754/2006 to be incurred by that laboratory for the work programme and shall amount to a maximum of EUR 380 000 for the period from 1 January to 31 December 2010.

Article 14

For crustacean diseases, the Union grants financial assistance to the Centre for Environment, Fisheries & Aquaculture Science (Cefas), Weymouth Laboratory, United Kingdom, to carry out the functions and duties set out in Part I Annex VI to Directive 2006/88/EC.

The Union's financial assistance shall be at the rate of 100 % of the eligible costs as defined in Regulation (EC) No 1754/2006 to be incurred by that laboratory for the work programme and shall amount to a maximum of EUR 140 000 for the period from 1 January to 31 December 2010 of which a maximum of EUR 30 000 shall be dedicated to the organisation of a technical workshop on crustacean diseases.

Article 15

For equine diseases other than African Horse Sickness, the Union grants financial assistance to the AFSSA, Laboratoire d'études et de recherches en pathologie animale et zoonoses/ Laboratoire d'études et de recherche en pathologie equine, France, to carry out the functions and duties set out in the Annex to Regulation (EC) No 180/2008.

The Union's financial assistance shall be at the rate of 100 % of the eligible costs as defined in Regulation (EC) No 1754/2006 to be incurred by that laboratory for the work programme and shall amount to a maximum of EUR 530 000 for the period from 1 January to 31 December 2010 of which a maximum of EUR 30 000 shall be dedicated to the organisation of a technical workshop on equine diseases.

Article 16

For rabies, the Union grants financial assistance to the AFSSA, Laboratoire d'études sur la rage et la pathologie des animaux sauvages, Nancy, France, to carry out the functions and duties set out in Annex I to Regulation (EC) No 737/2008.

The Union's financial assistance shall be at the rate of 100 % of the eligible costs as defined in Regulation (EC) No 1754/2006 to be incurred by that laboratory for the work programme and shall amount to a maximum of EUR 275 000 for the period from 1 January to 31 December 2010, of which a maximum of EUR 25 000 shall be dedicated to the organisation of a technical workshop on rabies.

Article 17

For tuberculosis, the Union grants financial assistance to the Laboratorio de Vigilancia Veterinaria (Visavet) of the Facultad de Veterinaria, Universidad Complutense de Madrid, Madrid, Spain, to carry out the functions and duties set out in Annex II to Regulation (EC) No 737/2008.

The Union's financial assistance shall be at the rate of 100 % of the eligible costs as defined in Regulation (EC) No 1754/2006 to be incurred by that laboratory for the work programme and shall amount to a maximum of EUR 150 000 for the period from 1 January to 31 December 2010.

Article 18

This Decision is addressed to:

— for African horse sickness: Laboratorio Central de Sanidad Animal, Ministerio de Agricultura, PESCA y Alimentación, Ctra. De Algete km. 8, Valdeolmos, 28110 Algete (Madrid), Spain,

— for Newcastle Disease: Veterinary Laboratories Agency, Weybridge, New Haw, Addelstone, Surrey, KT15 3NB, United Kingdom,

— for Swine vesicular disease: AFRC Institute for Animal Health, Pirbright Laboratory, Pirbright, Woking, Surrey, GU24 0NF, United Kingdom,

— for fish diseases: the Technical University of Denmark, National Veterinary Institute, Department of Poultry, Fish and Fur Animals, Hangøvej 2, 8200 Århus, Denmark,

— for diseases of bivalve molluscs: Ifremer, B.P. 133, 17390 La Tremblade, France,

— for rabies serology: AFSSA, Laboratoire d'études sur la rage et la pathologie des animaux sauvages, site de Nancy, Domaine de Pixérécourt, B.P. 9, 54220 Malzéville, France,

— for bluetongue: AFRC Institute for Animal Health, Pirbright Laboratory, Pirbright, Woking, Surrey, GU24 0NF, United Kingdom,

— for classical swine fever: Institut für Virologie der Tierärztlichen Hochschule, Bischofsholer Damm 15, 30173 Hannover, Germany,

— for African swine fever: Centro de Investigación en Sanidad Animal, Ctra. De Algete a El Casar, Valdeolmos, 28130 Madrid, Spain,

— for foot-and-mouth disease: AFRC Institute for Animal Health, Pirbright Laboratory, Pirbright, Woking, Surrey, GU24 0NF, United Kingdom,

— Interbull Centre, Department of Animal Breeding and Genetics SLU, Swedish University of Agricultural Sciences, Box 7023; SE-750 07 Uppsala, Sweden,

— for brucellosis: AFSSA, Laboratoire d'études et de recherches en pathologie animale et zoonoses, 23 avenue du Général de Gaulle, 94706 Maisons-Alfort, Cedex France,

— for Avian influenza: Veterinary Laboratories Agency, Weybridge, New Haw, Addelstone, Surrey, KT15 3NB, United Kingdom,

— for crustacean diseases: Centre for Environment, Fisheries & Aquaculture Science (Cefas), Weymouth Laboratory, The Nothe, Barrack Road, Weymouth, Dorset, DT4 8UB, United Kingdom,

— for equine diseases: AFSSA, Laboratoire d'études et de recherches en pathologie animale et zoonoses, 23 avenue du Général de Gaulle, 94706 Maisons-Alfort, Cedex France,

— for rabies: AFSSA, Laboratoire d'études sur la rage et la pathologie des animaux sauvages, site de Nancy, Domaine de Pixérécourt, B.P. 9, 54220 Malzéville, France,

— for tuberculosis: Visavet — Laboratorio de vigilancia veterinaria, Facultad de Veterinaria, Universidad Complutense de Madrid, Avda. Puerta de Hierro, s/n. Ciudad Universitaria, 28040 Madrid, Spain.

Done at Brussels, 14 December 2009.

For the Commission

Androulla VASSILIOU

Member of the Commission

COMMISSION DECISION

of 15 December 2009

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

(notified under document C(2009) 9976)

(Text with EEA relevance)

(2009/962/EU)

THE EUROPEAN COMMISSION,

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

Having regard to the Act of Accession of Bulgaria and Romania, and in particular the first subparagraph of paragraph (f) of Section B of Chapter 4 of Annex VI thereto,

Whereas:

(1) Bulgaria has been granted transitional periods by the Act of Accession of Bulgaria and Romania for compliance by certain milk processing establishments with the requirements of Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin [1].

(2) Bulgaria has provided guarantees that 21 milk processing establishments have completed their upgrading process and are now in full compliance with Union legislation. Thirteen of those establishments are allowed to receive and process compliant and non-compliant raw milk without separation. One of those 13 establishments was already in the list of Chapter I of the Appendix to Annex VI. Twelve establishments should therefore be included in the list of Chapter I of the Appendix to Annex VI.

(3) The Appendix to Annex VI to the Act of Accession of Bulgaria and Romania should therefore be amended accordingly.

(4) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

The Appendix to Annex VI to the Act of Accession of Bulgaria and Romania is amended in accordance with the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 15 December 2009.

For the Commission
Androulla VASSILIOU
Member of the Commission

[1] OJ L 139, 30.4.2004, p. 55.

ANNEX

In Chapter I of the Appendix to Annex VI to the Act of Accession of Bulgaria and Romania, the following entries are added:

No	Veterinary No	Name of the establishment	Town/Street or Village/Region
‘65.	BG 2412037	“Stelimeks” EOOD	s. Asen
66.	0912015	“Anmar” OOD	s.Padina obsht.Ardino
67.	0912016	OOD “Persenski”	s. Zhaltusha obsht.Ardino
68.	1012014	ET“Georgi Gushterov DR”	s. Yahinovo
69.	1012018	“Evro miyt end milk” EOOD	gr.Kocherinovo obsht. Kocherinovo
70.	1112017	ET “Rima-Rumen Borisov”	s.Vrabevo
71.	1312023	“Inter-D” OOD	s.Kozarsko
72.	1612049	“Alpina -Milk”EOOD	s. Zhelyazno
73.	1612064	OOD“Ikay”	s. Zhitnitsa osht.Kaloyanovo
74.	2112008	MK “Rodopa milk”	s. Smilyan obsht.Smolyan
75.	2412039	“Penchev”EOOD	gr.Chirpan ul. “Septemvriytsi” 58
76.	2512021	“Keya-Komers-03” EOOD	s. Svetlen’

GUIDELINE OF THE EUROPEAN CENTRAL BANK

of 10 December 2009

amending Guideline ECB/2008/18 on temporary changes to the rules relating to eligibility of collateral

(ECB/2009/24)

(2009/963/EU)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty on the Functioning of the European Union and in particular to the first indent of Article 127(2) thereof,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank and in particular Article 12.1 and Article 14.3, in conjunction with the first indent of Article 3.1, Article 18.2 and the first paragraph of Article 20 thereof,

Whereas:

(1) The Governing Council of the European Central Bank (ECB) has decided to prolong the widening of certain eligibility criteria for collateral laid down in Guideline ECB/2008/18 of 21 November 2008 on temporary changes to the rules relating to eligibility of collateral [1].

(2) It is therefore necessary to amend Guideline ECB/2008/18 accordingly,

HAS ADOPTED THIS GUIDELINE:

Article 1

Guideline ECB/2008/18 is amended as follows:

Article 10(2) is replaced by the following:

'This Guideline shall apply from 1 December 2008 until 31 December 2010 or until the maturity date of the last 12-month refinancing operation launched by 31 December 2010, whichever is the latest.'

Article 2

Entry into force

1. This Guideline shall enter into force two days following its publication in the *Official Journal of the European Union*.

2. It shall apply from 1 January 2010.

Article 3

Addressees and implementing measures

1. This Guideline is addressed to the national central banks (NCBs) of participating Member States.

2. The NCBs shall notify the ECB of the means by which they intend to comply with this Guideline.

Done at Frankfurt am Main, 10 December 2009.

For the Governing Council of the ECB
The President of the ECB
Jean-Claude TRICHET

[1] OJ L 314, 25.11.2008, p. 14.

EN

([1]) Text with EEA relevance

(Continued on inside back cover)

EN

[1] Text with EEA relevance

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