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#### Contents

#### I Acts adopted under the EC Treaty/Euratom Treaty whose publication is obligatory

##### REGULATIONS

Commission Regulation (EC) No 1061/2008 of 28 October 2008 establishing the standard import values for determining the entry price of certain fruit and vegetables ..... 1

- ★ **Commission Regulation (EC) No 1062/2008 of 28 October 2008 implementing Regulation (EC) No 453/2008 of the European Parliament and of the Council on quarterly statistics on Community job vacancies, as regards seasonal adjustment procedures and quality reports <sup>(1)</sup>** 3

##### DIRECTIVES

- ★ **Commission Directive 2008/100/EC of 28 October 2008 amending Council Directive 90/496/EEC on nutrition labelling for foodstuffs as regards recommended daily allowances, energy conversion factors and definitions <sup>(1)</sup>** ..... 9

<sup>(1)</sup> Text with EEA relevance

(Continued overleaf)

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

DECISIONS

**European Parliament and Council**

2008/818/EC:

- ★ **Decision of the European Parliament and of the Council of 22 October 2008 on the mobilisation of the European Globalisation Adjustment Fund, in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management** ..... 13

**Commission**

2008/819/EC:

- ★ **Commission Decision of 20 October 2008 concerning the non-inclusion of butralin in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing that substance (notified under document number C(2008) 6066) <sup>(1)</sup>**..... 15

2008/820/EC:

- ★ **Commission Decision of 27 October 2008 on a temporary derogation from the rules of origin laid down in Annex II to Council Regulation (EC) No 1528/2007 to take account of the special situation of Swaziland with regard to core spun yarn (notified under document number C(2008) 6133)** ..... 17

---

III Acts adopted under the EU Treaty

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

2008/821/CFSP:

- ★ **Political and Security Committee Decision EUPOL AFGHANISTAN/1/2008 of 3 October 2008 concerning the appointment of the Head of Mission of the European Union Police Mission in Afghanistan (EUPOL AFGHANISTAN)** ..... 20
- ★ **Council Common Position 2008/822/CFSP of 27 October 2008 concerning the temporary reception by Member States of the European Union of certain Palestinians** ..... 21

---

**Corrigenda**

- ★ **Corrigendum to Council Common Position 2008/652/CFSP of 7 August 2008 amending Common Position 2007/140/CFSP concerning restrictive measures against Iran (OJ L 213, 8.8.2008)** ..... 22

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**Note to the reader** (see page 3 of the cover)



<sup>(1)</sup> Text with EEA relevance

## I

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

## REGULATIONS

## COMMISSION REGULATION (EC) No 1061/2008

of 28 October 2008

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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 <sup>(2)</sup>, 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 29 October 2008.

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

Done at Brussels, 28 October 2008.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

<sup>(1)</sup> OJ L 299, 16.11.2007, p. 1.

<sup>(2)</sup> 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 <sup>(1)</sup>	Standard import value
0702 00 00	IL	106,4
	MA	38,3
	MK	22,0
	TR	70,0
	ZZ	59,2
0707 00 05	JO	168,2
	TR	132,6
	ZZ	150,4
0709 90 70	MA	110,6
	TR	133,4
	ZZ	122,0
0805 50 10	AR	82,3
	MA	95,3
	TR	87,3
	ZA	84,7
	ZZ	87,4
0806 10 10	BR	241,0
	TR	127,3
	US	240,8
	ZZ	203,0
0808 10 80	CA	96,2
	CN	90,8
	MK	37,6
	NZ	75,4
	US	144,3
	ZA	86,8
	ZZ	88,5
0808 20 50	CN	60,8
	TR	125,5
	ZA	94,6
	ZZ	93,6

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

**COMMISSION REGULATION (EC) No 1062/2008****of 28 October 2008****implementing Regulation (EC) No 453/2008 of the European Parliament and of the Council on quarterly statistics on Community job vacancies, as regards seasonal adjustment procedures and quality reports****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 453/2008 of the European Parliament and of the Council of 23 April 2008 concerning quarterly statistics on Community job vacancies<sup>(1)</sup>, and in particular Article 3(3) and 6(3) thereof,

Whereas:

- (1) Regulation (EC) No 453/2008 established a common framework for the systematic production of quarterly statistics on Community job vacancies.
- (2) Seasonal adjustment is an essential part of the compilation of short-term statistics. Adjusted series facilitate the comparison and interpretation of results over time. The transmission of adjusted series increases the coherence between data disseminated nationally and at international level.
- (3) For the purposes of applying the quality dimensions laid down in Article 6(1) of Regulation (EC) No 453/2008, the modalities, the structure and the periodicity of the quality reports to be provided by Member States should be defined.
- (4) The European Central Bank has been consulted.

- (5) The measures provided for in this Regulation are in accordance with the opinion of the Statistical Programme Committee,

HAS ADOPTED THIS REGULATION:

*Article 1***Seasonal adjustment procedures**

For the purpose of applying Article 3(3) of Regulation (EC) No 453/2008, the transmission of seasonally adjusted data shall start at the latest when time series with 16 observed periods at least are available at the aggregation level of NACE Rev. 2 specified in Annex 1. The number of periods shall be counted starting from the first non-seasonally adjusted data required according to Regulation (EC) No 453/2008.

*Article 2***Quality reports**

1. The modalities and the structure of the quality reports provided for by Article 6(2) of Regulation (EC) No 453/2008 shall be as set out in Annex 2.
2. The quality reports shall be transmitted to the Commission by 31 August each year at the latest and shall relate to the previous calendar year. The first quality report shall be transmitted by 31 August 2011 at the latest.

*Article 3***Entry into force**

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

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

Done at Brussels, 28 October 2008.

For the Commission

Joaquín ALMUNIA

Member of the Commission

<sup>(1)</sup> OJ L 145, 4.6.2008, p. 234.

## ANNEX 1

**NACE Rev. 2 aggregation level**

NACE Rev. 2 sections	Description
A	Agriculture, forestry and fishing
B, C, D and E	Mining and quarrying; manufacturing; electricity, gas, steam and air conditioning supply; water supply, sewerage, waste management and remediation activities
F	Construction
G, H and I	Wholesale and retail trade; repair of motor vehicles and motorcycles; transportation and storage; accommodation and food service activities
J	Information and communication
K	Financial and insurance activities
L	Real estate activities
M and N	Professional, scientific and technical activities; administrative and support service activities
O, P and Q	Public administration and defence; compulsory social security; education; human health and social work activities
R and S	Arts, entertainment, recreation and other service activities

## ANNEX 2

**Modalities and structure of the quality reports to be provided by Member States**

## PREAMBLE

The European Statistical System (ESS), in its efforts to continuously improve the quality of its products and services, has adopted a general definition of quality as 'the totality of features and characteristics of a product or service that bear on its ability to satisfy stated or implied needs'. In order to make this definition operational, six dimensions have been identified which make up the quality of statistical products and services:

1. relevance;
2. accuracy;
3. timeliness and punctuality;
4. accessibility and clarity;
5. comparability;
6. coherence.

Quality reports are an appropriate tool to collect information on the quality of different products and services in a harmonised way. They shall include information on all six dimensions of the ESS quality definition, as well as a general overview of the national data collection on job vacancies. The information shall be presented according to the following structure:

## GENERAL DESCRIPTION

A general description shall include the following elements, where appropriate:

**A. Sources, coverage and periodicity**

- Identification of the source of the data,
- Coverage (geographical, NACE, enterprise size),
- Reference dates,
- Periodicity of national publication,
- Definition of the statistical unit.

**B. Sample survey****B.1. Sampling design**

- Base used for the sample,
- Sampling design,
- Retention/renewal of sampling units,
- Sample size,
- Stratification.

**B.2. Weighting**

- Brief description of the weighting method,
- Weighting dimensions.

**B.3. Data collection**

- Brief description of the data collection method(s).

**C. Other sources**

Brief description of the source(s) including:

- Maintenance agency,
- Updating frequency,
- Rules for clearance (of outdated information),
- Voluntary/compulsory reporting and sanctions.

**D. Disclosure rules**

Brief description of when data have to be deleted for reasons of confidentiality.

**E. Seasonal adjustment**

Brief description of seasonal adjustment procedures, in particular with regard to the European Statistical System guidelines on seasonal adjustment which have been endorsed and supported by the SPC.

**1. RELEVANCE**

'Relevance' refers to whether all statistics that are needed are produced and the extent to which the concepts used (definitions, classifications etc.) reflect user needs.

The quality report shall include

- a description of missing variables and missing breakdowns of the variables,
- a progress report on the implementation measures regarding quarterly job vacancies statistics of Regulation (EC) No 453/2008, together with a detailed plan and timetable for completing implementation, and a summary of the remaining deviations from EU concepts.

In addition, it may include

- a summary comprising a description of the national users, their main needs and the extent to which their needs are satisfied.

**2. ACCURACY**

'Accuracy', in the general statistical sense, refers to the closeness of estimates to the unknown true values of the variable under consideration.

**2.1. Sampling errors**

As an indication of accuracy, the coefficient of variation taking into account the sampling design shall be calculated and transmitted for the number of job vacancies for the latest version of the NACE at section level and broken down by size classes (1-9/10 + employees).

If the coefficient of variation cannot be calculated, the estimated sampling error in terms of the absolute number of vacant posts shall be provided instead.

**2.2. Non-sampling errors****2.2.1. Coverage errors**

The quality reports shall include the following information on coverage, where appropriate:

- A table showing the number of business units of the sample and the percentage of the business units represented in the sample(s)/register(s), broken down by size class (strata),
- Description of any difference between the reference population and the study population,
- Description of classification errors,
- Description of any difference between the reference dates and the reference quarter,
- Any other relevant information.

N.B.: Where individual administrative data are used, a similar analysis shall be provided, based on the administrative reference file, including reporting and deregistration errors.

**2.2.2. Measurement and processing errors**

The quality reports shall include

- Information on variables with non-negligible measurement and processing errors,
- Information on main sources of (non-negligible) measurement and processing errors and, if available, on methods applied for correction.



### 2.2.3. *Non-response errors*

The quality reports shall include the following information on non-response errors, where appropriate:

- Unit response rate,
- Item imputation rate and methods and, where possible, the effect of imputation on the estimates for the variables transmitted.

N.B.: Where individual administrative data are used, non-availability of the administrative record or item replaces non-response.

### 2.2.4. *Model assumption errors*

If modelling is used, the quality reports shall include a description of the models used. Particular emphasis should be given to models for the correction of non-sampling errors, such as coverage of units of all requested size classes or NACE breakdowns, imputation or grossing-up to correct for unit non-response.

N.B.: Where individual administrative data are used, there shall be comments on the correspondence between the administrative concepts and the theoretical statistical concepts. Any changes in national legislation that lead to changes in definitions applied and, where possible, the impact on the results shall be reported.

### 2.2.5. *Revisions*

Member States may provide a revision history, including the revisions in the published number of job vacancies and a summary of the reasons for the revisions.

### 2.2.6. *Estimation of bias*

An assessment of the non-sampling errors, in terms of the absolute number of vacant posts, shall be transmitted for the total number of job vacancies and, where possible, for aggregation level of NACE Rev. 2 specified in Annex 1 to this Regulation and size classes (1-9, 10 + employees).

## 3. TIMELINESS AND PUNCTUALITY

### 3.1. **Timeliness**

'Timeliness' of information reflects the length of time between its availability and the event or phenomenon it describes.

The quality reports should contain information on the time span between the release of data at national level and the reference period of the data.

### 3.2. **Punctuality**

'Punctuality' refers to the time lag between the release date of data and the target date when the data should have been delivered, for instance with reference to dates announced in official release calendars, laid down by Regulations or previously agreed among partners.

In order to understand and to remove problems related to punctuality, information on the process of survey implementation at national level for the last four quarters should be delivered, with a special emphasis on the correspondence between scheduled and actual dates:

- Deadlines for the respondents to reply, also covering recalls and follow-ups,
- Period of the fieldwork,
- Period of data processing,
- Dates of publication of first results.

## 4. ACCESSIBILITY AND CLARITY

### 4.1. **Accessibility**

'Accessibility' refers to the physical condition in which users can obtain data on the following: where to go, how to get access, delivery time, convenient marketing conditions (copyright, etc.), availability of micro or macro data, various formats and data carriers (paper, files, CD-ROM/DVD, Internet ...), etc.

The quality reports should contain the following information on the methods of disseminating the results:

- Dissemination scheme, including to whom the results are sent,
- References for publications of core results, including those with commentary in the form of text, graphs, maps, etc.,
- Information on what results, if any, are sent to reporting units included in the sample.

#### 4.2. **Clarity**

'Clarity' refers to the degree of comprehensibility, including information about the data information environment, i.e. whether data are accompanied by appropriate metadata, illustrations such as graphs and maps, whether information on their quality is available (including limitation on use) and the extent to which additional assistance is provided.

The quality reports should contain the following information on the comprehensibility of the results and the availability of metadata:

- Description of and references for metadata provided,
- References for core methodological documents relating to the statistics provided,
- Description of main actions carried out by the national statistical services to inform users about the data.

### 5. COMPARABILITY

#### 5.1. **Geographical comparability**

The quality reports shall contain information on differences between national and European concepts, and — to the extent possible — their effects on the estimation.

#### 5.2. **Comparability over time**

The quality reports shall contain information on changes in definitions, coverage and methods in any two consecutive quarters, and their effects on the estimation.

### 6. COHERENCE

'Coherence' of statistics refers to their adequacy to be reliably combined in different ways and for various uses. However, it is generally easier to show cases of incoherence than to prove coherence.

The quality reports shall contain comparisons of data on the number of vacant jobs from other relevant sources when available, in total and broken down by NACE at section level when relevant, and shall indicate the reasons if the values differ considerably.

**The first quality report shall also include the following items for the back data:**

- Description of the sources used for the back data and the methodology employed,
  - Description of any differences between the coverage (economic activities, employees, variables) of the back data and that of the current data,
  - Description of the comparability of the back data and the current data.
-

## DIRECTIVES

## COMMISSION DIRECTIVE 2008/100/EC

of 28 October 2008

**amending Council Directive 90/496/EEC on nutrition labelling for foodstuffs as regards recommended daily allowances, energy conversion factors and definitions**

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/496/EEC of 24 September 1990 on nutrition labelling for foodstuffs <sup>(1)</sup>, and in particular Article 1(4)(a) and (j) and Article 5(2) thereof,

After consulting the European Food Safety Authority,

Whereas:

- (1) Directive 90/496/EEC specifies that fibre should be defined.
- (2) Conditions for nutrition claims such as 'source of fibre' or 'high fibre' are laid down in the Annex to Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods <sup>(2)</sup>.
- (3) For reasons of clarity and coherence with other Community legislation that refers to that notion, it is necessary to provide a definition of 'fibre'.
- (4) The definition of fibre should take into account relevant work by the Codex Alimentarius and the statement related to dietary fibre, expressed on the 6 July 2007, by the European Food Safety Authority Scientific Panel on Dietetic Products, Nutrition and Allergies.
- (5) Fibre has been traditionally consumed as plant material and has one or more beneficial physiological effects such as: decrease intestinal transit time, increase stool bulk, is fermentable by colonic microflora, reduce blood total cholesterol, reduce blood LDL cholesterol levels, reduce post-prandial blood glucose, or reduce blood insulin levels. Recent scientific evidence has shown that similar beneficial physiological effects may be obtained from other carbohydrate polymers that are not digestible and not naturally occurring in the food as consumed.

Therefore it is appropriate that the definition of fibre should include carbohydrate polymers with one or more beneficial physiological effects.

- (6) The carbohydrate polymers of plant origin that meet the definition of fibre may be closely associated in the plant with lignin or other non-carbohydrate components such as phenolic compounds, waxes, saponins, phytates, cutin, phytosterols. These substances when closely associated with carbohydrate polymers of plant origin and extracted with the carbohydrate polymers for analysis of fibre may be considered as fibre. However, when separated from the carbohydrate polymers and added to a food these substances should not be considered as fibre.
- (7) In order to take account of new scientific and technological developments, there is a need to amend the list of energy conversion factors.
- (8) The FAO report of a technical workshop on food energy — methods of analysis and conversion factors indicates that 70 percent of the fibre in traditional foods is assumed to be fermentable. Therefore, it is appropriate that the average energy value for fibre should be 8 kJ/g (2 kcal/g).
- (9) Erythritol can be used in a wide variety of foods and its use is, among others, as a replacement for nutrients such as sugar where lower energy value is desired.
- (10) Erythritol is a polyol, and according to the current rules as provided for in Article 5(1) of Directive 90/496/EEC, its energy would be calculated using the conversion factor for polyols, namely 10 kJ/g (2,4 kcal/g). Using this energy conversion factor would not fully inform the consumer about the reduced energy value of a product achieved by the use of erythritol in its manufacture. The Scientific Committee on Food in its opinion on erythritol, expressed on 5 March 2003, noted that the energy provided by erythritol was less than 0,9 kJ/g (less than 0,2 kcal/g). Therefore it is appropriate to adopt a suitable energy conversion factor for erythritol.

<sup>(1)</sup> OJ L 276, 6.10.1990, p. 40.

<sup>(2)</sup> OJ L 12, 18.1.2007, p. 3.

- (11) The Annex to Directive 90/496/EEC lists the vitamins and minerals which may be declared as part of the nutrition labelling, specifies their recommended daily allowances (RDAs) and defines a rule of what constitutes a significant amount. The purpose of this RDA list is to provide values for nutrition labelling and the calculation of what constitutes a significant amount.
- (12) The rule on significant amount as defined in the Annex to Directive 90/496/EEC constitutes a reference in other Community legislation, in particular in Article 8(3) of Directive 2002/46/EC of the European Parliament and of the Council of 10 June 2002 on the approximation of the laws of the Member States relating to food supplements <sup>(1)</sup>, in the Annex to Regulation (EC) No 1924/2006 and in Article 6(6) of Regulation (EC) No 1925/2006 of the European Parliament and the Council of 20 December 2006 on the addition of vitamins and minerals and of certain other substances to foods <sup>(2)</sup>.
- (13) The RDAs listed in the Annex to Directive 90/496/EEC are based on the recommendation of the FAO/WHO expert consultation meeting in Helsinki in 1988.
- (14) In order to ensure coherence with other Community legislation, the current list of vitamins and minerals and their RDAs should be updated in the light of scientific developments since 1988.
- (15) The Scientific Committee on Food in its opinion on the revision of reference values for nutrition labelling, expressed on 5 March 2003, included reference labelling values for adults. This opinion covers the vitamins and minerals listed in Annex I to Directive 2002/46/EC and in Annex I to Regulation (EC) No 1925/2006.
- (16) The Annex to Directive 90/496/EEC should therefore be amended accordingly.
- (17) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DIRECTIVE:

#### Article 1

Directive 90/496/EEC is amended as follows:

1. In Article 1(4)(j) the following sentence is added:

'The definition of the material and if necessary the methods of analysis shall be included in Annex II;'

2. The following indents are added in Article 5(1):

'— fibre 2 kcal/g — 8 kJ/g

— erythritol 0 kcal/g — 0 kJ/g;'

3. The Annex is replaced by the text in Annex I to this Directive;
4. The text in Annex II to this Directive is added.

#### Article 2

1. Member States shall bring into force by 31 October 2009 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

They shall apply those provisions in such a way as to prohibit, with effect from 31 October 2012, the trade in products which do not comply with Directive 90/496/EEC, as amended by this Directive.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

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

#### Article 3

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

<sup>(1)</sup> OJ L 183, 12.7.2002, p. 51.

<sup>(2)</sup> OJ L 404, 30.12.2006, p. 26.

*Article 4*

This Directive is addressed to the Member States.

Done at Brussels, 28 October 2008.

*For the Commission*  
Androulla VASSILIOU  
*Member of the Commission*

*ANNEX I*

The Annex to Directive 90/496/EEC is replaced by the following:

*'ANNEX I***Vitamins and minerals which may be declared and their recommended daily allowances (RDAs)**

Vitamin A (µg)	800	Chloride (mg)	800
Vitamin D (µg)	5	Calcium (mg)	800
Vitamin E (mg)	12	Phosphorus (mg)	700
Vitamin K (µg)	75	Magnesium (mg)	375
Vitamin C (mg)	80	Iron (mg)	14
Thiamin (mg)	1,1	Zinc (mg)	10
Riboflavin (mg)	1,4	Copper (mg)	1
Niacin (mg)	16	Manganese (mg)	2
Vitamin B6 (mg)	1,4	Fluoride (mg)	3,5
Folic acid (µg)	200	Selenium (µg)	55
Vitamin B12 (µg)	2,5	Chromium (µg)	40
Biotin (µg)	50	Molybdenum (µg)	50
Pantothenic acid (mg)	6	Iodine (µg)	150
Potassium (mg)	2 000		

As a rule, 15 % of the recommended allowance specified in this Annex supplied by 100 g or 100 ml or per package if the package contains only a single portion should be taken into consideration in deciding what constitutes a significant amount.'

## ANNEX II

The following Annex II is added to Directive 90/496/EEC:

## 'ANNEX II

**Definition of the material constituting fibre and methods of analysis as referred to in Article 1(4)(j)***Definition of the material constituting fibre*

For the purposes of this Directive "fibre" means carbohydrate polymers with three or more monomeric units, which are neither digested nor absorbed in the human small intestine and belong to the following categories:

- edible carbohydrate polymers naturally occurring in the food as consumed;
  - edible carbohydrate polymers which have been obtained from food raw material by physical, enzymatic or chemical means and which have a beneficial physiological effect demonstrated by generally accepted scientific evidence;
  - edible synthetic carbohydrate polymers which have a beneficial physiological effect demonstrated by generally accepted scientific evidence.'
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## II

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

## DECISIONS

## EUROPEAN PARLIAMENT AND COUNCIL

## DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 22 October 2008

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

(2008/818/EC)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

having regard to the Treaty establishing the European Community,

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

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

having regard to the Commission proposal,

Whereas:

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

<sup>(1)</sup> OJ C 139, 14.6.2006, p. 1.  
<sup>(2)</sup> OJ L 406, 30.12.2006, p. 1.

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

(3) On 6 February 2008 Spain submitted an application to deploy the Fund in respect of redundancies in the automobile sector, specifically for workers made redundant by Delphi Automotive Systems España, S.L.U. The application complies with the requirements for determining the financial contributions as laid down in Article 10 of Regulation (EC) No 1927/2006.

(4) On 8 May 2008 Lithuania submitted an application to deploy the Fund in respect of redundancies in the textile sector, specifically for workers made redundant by Alytaus Tekstile. The application complies with the requirements for determining the financial contributions as laid down in Article 10 of Regulation (EC) No 1927/2006.

(5) The Fund should, therefore, be mobilised in order to provide a financial contribution in respect of the applications,

HAVE DECIDED AS FOLLOWS:

*Article 1*

For the general budget of the European Union for the financial year 2008, the European Globalisation Adjustment Fund shall be mobilised to provide the sum of EUR 10 770 772 in commitment and payment appropriations.

*Article 2*

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

Done at Strasbourg, 22 October 2008.

*For the European Parliament*  
*The President*  
H.-G. PÖTTERING

*For the Council*  
*The President*  
J.-P. JOUYET

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# COMMISSION

## COMMISSION DECISION

of 20 October 2008

### concerning the non-inclusion of butralin in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing that substance

(notified under document number C(2008) 6066)

(Text with EEA relevance)

(2008/819/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

with a view to their possible inclusion in Annex I to Directive 91/414/EEC. That list includes butralin.

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market <sup>(1)</sup>, and in particular the fourth subparagraph of Article 8(2) thereof,

Whereas:

(1) Article 8(2) of Directive 91/414/EEC provides that a Member State may, during a period of 12 years following the notification of that Directive, authorise the placing on the market of plant protection products containing active substances not listed in Annex I to that Directive that are already on the market two years after the date of notification, while those substances are gradually being examined within the framework of a programme of work.

(2) Commission Regulations (EC) No 451/2000 <sup>(2)</sup> and (EC) No 1490/2002 <sup>(3)</sup> lay down the detailed rules for the implementation of the third stage of the programme of work referred to in Article 8(2) of Directive 91/414/EEC and establish a list of active substances to be assessed

(3) For butralin the effects on human health and the environment have been assessed in accordance with the provisions laid down in Regulations (EC) No 451/2000 and (EC) No 1490/2002 for a range of uses proposed by the notifier. Moreover, those Regulations designate the rapporteur Member States which have to submit the relevant assessment reports and recommendations to the European Food Safety Authority (EFSA) in accordance with Article 8(1) of Regulation (EC) No 451/2000. For butralin the rapporteur Member State was France and all relevant information was submitted on 20 February 2006.

(4) The Commission examined butralin in accordance with Article 11a of Regulation (EC) No 1490/2002. A draft review report for that substance was reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health and finalised on 20 May 2008 in the format of the Commission review report.

(5) During the examination of this active substance by the Committee, it was concluded, taking into account comments received from Member States, that there are clear indications that it may be expected that it has harmful effects on human health and in particular on operators, because the exposure is greater than 100 % of the AOEL. Moreover, other concerns which were identified by the rapporteur Member States in its assessment report are included in the review report for the substance.

<sup>(1)</sup> OJ L 230, 19.8.1991, p. 1.

<sup>(2)</sup> OJ L 55, 29.2.2000, p. 25.

<sup>(3)</sup> OJ L 224, 21.8.2002, p. 23.

- (6) The Commission invited the notifier to submit its comments on the results of the examination of butralin and on its intention or not to further support the substance. The notifier submitted its comments which have been carefully examined. However, despite the arguments put forwards by the notifier, the concerns identified could not be eliminated, and assessments made on the basis of the information submitted have not demonstrated that it may be expected that, under the proposed conditions of use, plant protection products containing butralin satisfy in general the requirements laid down in Article 5(1)(a) and (b) of Directive 91/414/EEC.
- (7) Butralin should therefore not be included in Annex I to Directive 91/414/EEC.
- (8) Measures should be taken to ensure that authorisations granted for plant protection products containing butralin are withdrawn within a fixed period of time and are not renewed and that no new authorisations for such products are granted.
- (9) Any period of grace granted by a Member State for the disposal, storage, placing on the market and use of existing stocks of plant protection products containing butralin should be limited to 12 months in order to allow existing stocks to be used in one further growing season, which ensures that plant protection products containing butralin remain available for 18 months from the adoption of this Decision.
- (10) This Decision does not prejudice the submission of an application for butralin in accordance with Article 6(2) of Directive 91/414/EEC and Commission Regulation (EC) No 33/2008 of 17 January 2008 laying down detailed rules for the application of Council Directive 91/414/EEC as regards a regular and an accelerated procedure for the assessment of active substances which were part of the programme of work referred to in Article 8(2) of that Directive but have not been included into its Annex I<sup>(1)</sup>, in view of a possible inclusion in its Annex I.
- (11) 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*
- Butralin shall not be included as an active substance in Annex I to Directive 91/414/EEC.
- Article 2*
- Member States shall ensure that:
- (a) authorisations for plant protection products containing butralin are withdrawn by 20 April 2009;
- (b) no authorisations for plant protection products containing butralin are granted or renewed from the date of publication of this Decision.
- Article 3*
- Any period of grace granted by Member States in accordance with the provisions of Article 4(6) of Directive 91/414/EEC, shall be as short as possible and shall expire on 20 April 2010 at the latest.
- Article 4*
- This Decision is addressed to the Member States.
- Done at Brussels, 20 October 2008.
- For the Commission*  
Androulla VASSILIOU  
*Member of the Commission*

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<sup>(1)</sup> OJ L 15, 18.1.2008, p. 5.

## COMMISSION DECISION

of 27 October 2008

**on a temporary derogation from the rules of origin laid down in Annex II to Council Regulation (EC) No 1528/2007 to take account of the special situation of Swaziland with regard to core spun yarn**

(notified under document number C(2008) 6133)

(2008/820/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1528/2007 of 20 December 2007 applying the arrangements for goods originating in certain states which are part of the African, Caribbean and Pacific (ACP) Group of States provided for in agreements establishing, or leading to the establishment of, Economic Partnership Agreements<sup>(1)</sup>, and in particular Article 36(4) of Annex II thereto,

Whereas:

- (1) On 13 January 2006 the ACP-EC Customs Cooperation Committee adopted Decision No 3/2005 derogating from the definition of the concept of 'originating products' to take account of the special situation of the Kingdom of Swaziland with regard to its manufacturing of core spun yarns<sup>(2)</sup>. In accordance with that Decision, by way of derogation from the special provisions in the list in Annex II to Protocol 1 to Annex V of the ACP-EC Partnership Agreement<sup>(3)</sup> Swaziland was granted an annual quantity of 1 300 tonnes of core spun yarn for the period from 1 April 2006 to 31 December 2007.
- (2) Following the expiry of the ACP-EC Partnership Agreement on 31 December 2007, Swaziland requested on 24 April 2008 in accordance with Article 36 of Annex II to Regulation (EC) No 1528/2007, a derogation from the rules of origin set out in that Annex for a period of five years. On 25 June 2008 Swaziland submitted additional information relating to its request. The request covers a total annual quantity of 1 300 tonnes of core spun yarn of HS Headings 5206 22, 5206 42, 5402 52 and 5402 62.
- (3) Swaziland is a small landlocked developing country. According to the information provided by Swaziland its economy is heavily dependent on trade and already has a high rate of unemployment. Application of the current rule of origin would seriously affect the ability to continue to export to the Community. Swaziland needs to source non-originating materials for the manufacture of the final product and is currently unable to

satisfy the rules on cumulation of origin laid down in Annex II to Regulation (EC) No 1528/2007. Hence, the final product does not comply with the rules laid down in that Annex. However, Swaziland has invested significantly for the purposes of getting access to the Community market mainly through cumulation with South Africa, eliminating the dependence on a temporary derogation. The request for a temporary derogation is therefore justified under Article 36(1)(b) of Annex II to Regulation (EC) No 1528/2007.

- (4) In order to ensure that Swaziland may continue its exports to the Community, following the expiration of the derogation granted by Decision No 3/2005 of the ACP-EC Customs Cooperation Committee which expired on 31 December 2007, a new derogation should be granted.
- (5) To ensure smooth transition from the ACP-EC Partnership Agreement to the Interim Economic Partnership Agreement between the European Community and its Member States, of the one part, and the SADC (Southern African Development Community) EPA (Economic Partnership Agreement) States, of the other part (SADC-EU Interim Economic Partnership Agreement), a new derogation should be granted with retroactive effect from 1 January 2008.
- (6) A temporary derogation from the rules of origin laid down in Annex II to Regulation (EC) No 1528/2007 would not cause serious injury to an established Community industry taking into account the imports concerned, provided that certain conditions relating to quantities, surveillance and duration are respected.
- (7) It is therefore justified to grant a temporary derogation under Article 36(1)(b) of Annex II to Regulation (EC) No 1528/2007.
- (8) Swaziland will be able to make requests for derogation from the rules of origin pursuant to Article 39 of the Origin Protocol attached to the SADC-EU Interim Economic Partnership Agreement, when that Agreement enters into force or is provisionally applied, pending its entry into force.

<sup>(1)</sup> OJ L 348, 31.12.2007, p. 1.

<sup>(2)</sup> OJ L 26, 31.1.2006, p. 14.

<sup>(3)</sup> OJ L 317, 15.12.2000, p. 94.

- (9) In accordance with Article 4(2) of Regulation (EC) No 1528/2007 the rules of origin set out in Annex II to that Regulation and the derogations from them are to be superseded by the rules of the SADC-EU Interim Economic Partnership Agreement, the entry into force or provisional application of which is expected to take place in 2008. The derogation therefore should not be granted for the requested period of five years, but should be granted for the period from 1 January to 31 December 2008.
- (10) Accordingly a derogation should be granted to Swaziland in respect of 1 300 tonnes of core spun yarns for a period of one year.
- (11) 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<sup>(1)</sup> lays down rules relating to the management of tariff quotas. In order to ensure efficient management carried out in close cooperation between the authorities of Swaziland, the customs authorities of the Member States and the Commission, those rules should apply *mutatis mutandis* to the quantities imported under the derogation granted by this Decision.
- (12) In order to allow efficient monitoring of the operation of the derogation, the authorities of Swaziland should communicate regularly to the Commission details of the EUR.1 movement certificates issued.
- (13) The measures provided for in this Decision are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS DECISION:

#### Article 1

By way of derogation from Annex II to Regulation (EC) No 1528/2007 and in accordance with Article 36(1)(b) of that Annex, core spun yarns of HS Headings 5206 22, 5206 42, 5402 52 and 5402 62 manufactured from non-originating materials shall be regarded as originating in Swaziland in accordance with the terms set out in Articles 2 to 6 of this Decision.

#### Article 2

The derogation provided for in Article 1 shall apply to the products and the quantities set out in the Annex which are declared for free circulation into the Community from

Swaziland during the period from 1 January 2008 to 31 December 2008.

#### Article 3

The quantities set out in the Annex to this Decision shall be managed in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

#### Article 4

The customs authorities of Swaziland shall take the necessary measures to carry out quantitative checks on exports of the products referred to in Article 1.

All the EUR.1 movement certificates they issue in relation to those products shall bear a reference to this Decision.

The competent authorities of Swaziland shall forward to the Commission a quarterly statement of the quantities in respect of which EUR.1 movement certificates have been issued pursuant to this Decision and the serial numbers of those certificates.

#### Article 5

Box 7 of EUR.1 movement certificates issued under this Decision shall contain the following:

'Derogation — Decision 2008/820/EC'.

#### Article 6

This Decision shall apply from 1 January 2008.

It shall apply until the rules of origin set out in Annex II to Regulation (EC) No 1528/2007 are superseded by those annexed to any agreement with Swaziland when that agreement is either provisionally applied, or enters into force, whichever is the earlier, but in any event this Decision shall not apply after 31 December 2008.

#### Article 7

This Decision is addressed to the Member States.

Done at Brussels, 27 October 2008.

For the Commission

László KOVÁCS

Member of the Commission

<sup>(1)</sup> OJ L 253, 11.10.1993, p. 1.

## ANNEX

Order No	CN code	Description of goods	Period	Quantities
09.1698	5206 22, 5206 42, 5402 52, 5402 62	Core spun yarn	1.1.2008 to 31.12.2008	1 300 tonnes

## III

(Acts adopted under the EU Treaty)

## ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

## POLITICAL AND SECURITY COMMITTEE DECISION EUPOL AFGHANISTAN/1/2008

of 3 October 2008

concerning the appointment of the Head of Mission of the European Union Police Mission in  
Afghanistan (EUPOL AFGHANISTAN)

(2008/821/CFSP)

THE POLITICAL AND SECURITY COMMITTEE,

Having regard to the Treaty on European Union and in particular Article 25(3) thereof,

Having regard to Council Joint Action 2007/369/CFSP of 30 May 2007 on establishment of the European Union Police Mission in Afghanistan (EUPOL AFGHANISTAN) <sup>(1)</sup>, and in particular Article 10(1) thereof,

Whereas:

(1) Under Article 10(1) of Joint Action 2007/369/CFSP the Council authorised the Political and Security Committee (PSC), in accordance with Article 25 of the Treaty, to take appropriate decisions for the purpose of exercising political control and the strategic direction of the EUPOL AFGHANISTAN mission, and in particular to appoint a Head of Mission.

(2) By letter dated 14 August 2008, the current Head of Mission informed the Commission of his decision to terminate his contract on 30 September 2008.

(3) The Secretary-General/High Representative has proposed the appointment of Mr Kai VITTRUP as Head of Mission of the EUPOL AFGHANISTAN mission,

HAS DECIDED AS FOLLOWS:

*Article 1*

Mr Kai VITTRUP is hereby appointed Head of Mission of the European Union Police Mission in Afghanistan (EUPOL AFGHANISTAN) from 16 October 2008.

*Article 2*

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

Done at Brussels, 3 October 2008.

*For the Political and Security Committee*

*The Chairperson*

C. ROGER

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<sup>(1)</sup> OJ L 139, 31.5.2007, p. 33.

**COUNCIL COMMON POSITION 2008/822/CFSP****of 27 October 2008****concerning the temporary reception by Member States of the European Union of certain Palestinians**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 15 thereof,

Whereas:

- (1) On 30 October 2007, the Council adopted Common Position 2007/705/CFSP concerning the temporary reception by Member States of the European Union of certain Palestinians <sup>(1)</sup>, which provided for an extension of the validity of their national permits for entry into, and stay in, the territory of the Member States referred to in Common Position 2002/400/CFSP <sup>(2)</sup> for a further period of 12 months.
- (2) On the basis of an evaluation of the application of Common Position 2002/400/CFSP, the Council considers it appropriate that the validity of those permits be extended for a further period of 12 months,

HAS ADOPTED THIS COMMON POSITION:

*Article 1*

The Member States referred to in Article 2 of Common Position 2002/400/CFSP shall extend the validity of the national permits

for entry and stay granted pursuant to Article 3 of that Common Position for a further period of 12 months.

*Article 2*

The Council shall evaluate the application of Common Position 2002/400/CFSP within six months of the adoption of this Common Position.

*Article 3*

This Common Position shall take effect from the day of its adoption.

*Article 4*

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

Done at Luxembourg, 27 October 2008.

*For the Council*  
*The President*  
M. BARNIER

<sup>(1)</sup> OJ L 285, 31.10.2007, p. 54.

<sup>(2)</sup> OJ L 138, 28.5.2002, p. 33.

## CORRIGENDA

**Corrigendum to Council Common Position 2008/652/CFSP of 7 August 2008 amending Common Position 2007/140/CFSP concerning restrictive measures against Iran**

*(Official Journal of the European Union L 213 of 8 August 2008)*

On page 58, Recital 10:

*for:* '(10) The necessary measures should also be taken to ensure that no compensation is granted to the Government of Iran, or to any person or entity in Iran, or to designated persons or entities, or to any person claiming through or for the benefit of any such person or entity ...';

*read:* '(10) The necessary measures should also be taken to ensure that no compensation is granted to the Government of Iran, or to any person or entity in Iran, or to designated persons or entities, or to any person or entity claiming through or for the benefit of any such person or entity ...';

on page 60, Article 1, point 4, inserting a new Article 3c(3):

*for:* '3. Cargo aircraft and merchant vessels owned or controlled by Iran Air Cargo and Islamic Republic of Iran Shipping Line ...';

*read:* '3. Cargo aircraft and merchant vessels owned or operated by Iran Air Cargo and Islamic Republic of Iran Shipping Line ...'.

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**NOTE TO THE READER**

The institutions have decided no longer to quote in their texts the last amendment to cited acts.

Unless otherwise indicated, references to acts in the texts published here are to the version of those acts currently in force.