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⁽¹⁾ Text with EEA relevance

I

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

REGULATIONS

COMMISSION REGULATION (EC) No 1135/2008

of 17 November 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) ⁽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 18 November 2008.

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

Done at Brussels, 17 November 2008.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, p. 1.

ANNEX

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

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	AL	25,7
	MA	62,6
	TR	79,8
	ZZ	56,0
0707 00 05	JO	167,2
	MA	60,8
	TR	78,7
	ZZ	102,2
0709 90 70	MA	63,2
	TR	122,8
	ZZ	93,0
0805 20 10	MA	82,4
	ZZ	82,4
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	CN	59,5
	HR	50,3
	MA	82,1
	TR	68,4
	ZZ	65,1
0805 50 10	MA	60,4
	TR	85,9
	ZA	63,6
	ZZ	70,0
0806 10 10	BR	210,5
	TR	123,1
	US	272,9
	ZA	78,7
	ZZ	171,3
0808 10 80	CA	87,1
	CL	60,5
	CN	55,8
	MK	37,6
	US	102,9
	ZA	76,5
0808 20 50	ZZ	70,1
	CL	58,0
	CN	52,6
	TR	109,0
	ZZ	73,2

⁽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 (EC) No 1136/2008

of 17 November 2008

amending Regulation (EC) No 810/2008 opening and providing for the administration of tariff quotas for high-quality fresh, chilled and frozen beef and for frozen buffalo meat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1095/96 of 18 June 1996 on the implementation of the concessions set out in Schedule CXL drawn up in the wake of the conclusion of the GATT XXIV.6 negotiations ⁽¹⁾, and in particular Article 1(1) thereof,

Whereas,

- (1) Under Commission Regulation (EC) No 810/2008 ⁽²⁾, certificates of authenticity must be issued before beef and veal may be imported into the Community. The list of authorities in exporting countries empowered to issue these certificates is annexed to that Regulation.
- (2) Paraguay has changed the name of the issuing authority for certificates of authenticity. In accordance with Article 7(2) Regulation (EC) No 810/2008, the list set out in Annex II to that Regulation should therefore be amended accordingly.
- (3) For the sake of avoiding that the name of the authority mentioned on the certificates of authenticity recently issued does not correspond with the name of the authority listed in Regulation (EC) No 810/2008, the amendment to the latter Regulation should apply as

from 1 July 2008, the date in which the current tariff quota year started. For the previous tariff quota year ending on 30 June 2008, the Commission did not receive any information about certificates of authenticity delivered by the competent authorities in Paraguay.

- (4) 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

In Annex II to Regulation (EC) No 810/2008, the entry related to the issuing authority of Paraguay is replaced by the following:

‘— SERVICIO NACIONAL DE CALIDAD Y SALUD ANIMAL,
Dirección General de Calidad e Inocuidad de Productos de Origen Animal’.

Article 2

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 July 2008.

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

Done at Brussels, 17 November 2008.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

⁽¹⁾ OJ L 146, 20.6.1996, p. 1.

⁽²⁾ OJ L 219, 14.2.2008, p. 3.

II

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

DECISIONS

COMMISSION

COMMISSION DECISION

of 30 July 2008

concerning a draft Decree from the Czech Republic laying down requirements for food supplements and the enrichment of foodstuffs

(notified under document number C(2008) 3963)

(Only the Czech text is authentic)

(Text with EEA relevance)

(2008/864/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

supplements and the enrichment of foodstuffs, and in particular Articles 2(3) and 4 as well as the Annexes 4 and 5 thereto.

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 1925/2006 of the European Parliament and of the Council of 20 December 2006 on the addition of vitamins and minerals and of certain other substances to foods ⁽¹⁾, and in particular Articles 11(2)(b) and 12 thereof,

(3) Article 2(3) of the draft Decree establishes by means of Annex 4 thereto a list of other substances in the sense of Article 2(2) of Regulation (EC) No 1925/2006, as well as the respective conditions under which these substances may be used in the manufacture of food supplements.

Whereas:

(1) Regulation (EC) No 1925/2006 on the addition of vitamins and minerals and of certain other substances to foods, in the absence of Community provision, provides for the notification and the assessment of national new provisions concerning, *inter alia*, the prohibition or restriction on the use of certain other substances in the manufacture of specified foods.

(4) Articles 2(3) and 4 of the draft Decree establish by means of Annex 5 thereto a list of plants and other substances that are prohibited in the manufacture of food supplements and foodstuffs in general.

(2) In accordance with the procedure provided for in Article 12 read in conjunction with Article 11(2)(b) of Regulation (EC) No 1925/2006, the Czech authorities notified the Commission on 30 November 2007 of a draft Decree laying down requirements for food

(5) In accordance with the provisions of Article 12(2) of Regulation (EC) No 1925/2006, the Commission consulted the other Member States via the Standing Committee on the Food Chain and Animal Health.

(6) The draft Decree, as it currently stands, does not indicate why the substances contained in Annex 4 have to comply with the thresholds thereof based on public health reasons.

⁽¹⁾ OJ L 404, 30.12.2006, p. 26.

- (7) In the absence of harmonised Community legislation, Member States retain their competence to regulate the production and marketing of goods in their territory without prejudice to the Articles 28 and 30 of the EC Treaty.
- (8) In particular, Article 2(3) of the draft Decree read in conjunction with Annex 4 thereto appears to suggest that substances other than those listed therein are not permitted to be used in the manufacture of food supplements.
- (9) Even if were demonstrated that Annex 4 is justified on the basis of public health reasons, the draft decree does not indicate how products, lawfully produced and/or marketed in other Member States that do not comply with the requirements laid down in Articles 2(3) and 4 thereof will be treated.
- (10) The draft Decree does not contain any provision ensuring the free movement of food supplements lawfully produced and/or marketed in other Member States which contain substances that are included in Annex 4 thereto but not in accordance with the conditions laid down therein, or substances other than those included in Annex 4 thereto either in the form of a mutual recognition clause or in the form of an approval procedure enabling economic operators to have such substances included on the national list of authorised substances.
- (11) Pursuant to Articles 2(3) and 4 of the notified Decree read in conjunction with Annex 5 thereto, food supplements and foodstuffs in general shall contain no narcotic or psychotropic substances, nor precursors of Category 1, nor any other substance demonstrated to have a toxic, genotoxic, teratogenic, hallucinogenic, narcotic or other unfavourable effects on the human body, nor any of the substances contained in Annex 5 thereto. The prohibition of certain other substances for the manufacture of food supplements and foodstuffs in general may be justified on grounds of the protection of health and life of humans within the meaning of Article 30 EC Treaty.
- (12) Since the latter article provides for an exception, to be interpreted strictly, to the rule of free movement of goods within the Community, it is for the national authorities which invoke it to show in each case, in the light of national nutritional habits and in the light of the results of international scientific research, that their rules are necessary to give effective protection to the interests referred to in that provision and, in particular, that the marketing of the products in question poses a real risk to public health.
- (13) The Czech authorities have not provided any evidence that would justify the establishment of a list containing prohibited substances to be used in the manufacture of food supplements and foodstuffs in general.
- (14) Even if such evidence were provided, the draft Decree does not contain any provision ensuring the free movement of food supplements and foodstuffs in general lawfully produced and/or marketed in other Member States which contain substances not permitted thereby.
- (15) Therefore, the draft Decree fails to provide adequate guarantees that the rights of the economic operators deriving from Articles 28 and 30 of the EC Treaty.
- (16) In light of these observations, the Commission has delivered a negative opinion pursuant to Article 12(3) of Regulation (EC) No 1925/2006.
- (17) The Czech authorities should accordingly be requested not to adopt the draft Decree in question and modify it in accordance with Articles 28 and 30 of the EC Treaty taking into account the observations of the Commission in its negative opinion.
- (18) The measures provided for in this Decision are in line with the opinion of the Standing Committee on the Food Chain and Animal Health,
- HAS ADOPTED THIS DECISION:
- Article 1*
1. The Czech Republic is required to refrain from adopting its draft Decree laying down requirements for food supplements and the enrichment of foodstuffs, unless it is amended in accordance with Paragraph 2.
2. The Czech Republic is required to amend the draft Decree at issue in order to include a clear reference as to the treatment of products which do not comply with the requirements of the notified draft, but are lawfully produced and/or marketed in other EU Member States, Turkey or EEA States.

Article 2

This Decision is addressed to the Czech Republic.

Done at Brussels, 30 July 2008.

For the Commission
Androulla VASSILIOU
Member of the Commission

COMMISSION DECISION

of 10 November 2008

concerning the non-inclusion of chlorate 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) 6587)***(Text with EEA relevance)**

(2008/865/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

chlorate the rapporteur Member State was France and all relevant information was submitted on 26 July 2007.

Having regard to the Treaty establishing the European Community,

(4) The Commission examined chlorate 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 11 July 2008 in the format of the Commission review report.

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

(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, in particular taking into consideration the unacceptable exposure to operators taking into account the proposed provisional AOEL. In addition, information was insufficient to establish a definitive AOEL and to assess the leaching of a relevant metabolite to groundwater. Moreover, other concerns which were identified by the rapporteur Member States in its assessment report are included in the review report for the substance.

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.

(6) The Commission invited the notifier to submit its comments on the results of the examination of chlorate 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 chlorate satisfy in general the requirements laid down in Article 5(1)(a) and (b) of Directive 91/414/EEC.

(2) Commission Regulations (EC) No 451/2000 ⁽²⁾ and (EC) No 1490/2002 ⁽³⁾ 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 with a view to their possible inclusion in Annex I to Directive 91/414/EEC. That list includes chlorate.

(7) Chlorate should therefore not be included in Annex I to Directive 91/414/EEC.

(3) For chlorate 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

(8) Measures should be taken to ensure that authorisations granted for plant protection products containing chlorate are withdrawn within a fixed period of time and are not renewed and that no new authorisations for such products are granted.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.

⁽²⁾ OJ L 55, 29.2.2000, p. 25.

⁽³⁾ OJ L 224, 21.8.2002, p. 23.

- (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 chlorate 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 chlorate remain available for 18 months from the adoption of this Decision.
- (10) This Decision does not prejudice the submission of an application for chlorate 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⁽¹⁾, 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

Chlorate 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 chlorate are withdrawn by 10 May 2009;
- (b) no authorisations for plant protection products containing chlorate 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 10 May 2010 at the latest.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 10 November 2008.

For the Commission

Androulla VASSILIOU

Member of the Commission

⁽¹⁾ OJ L 15, 18.1.2008, p. 5.

COMMISSION DECISION

of 12 November 2008

on emergency measures suspending imports from Peru of certain bivalve molluscs intended for human consumption

(notified under document number C(2008) 6732)

(Text with EEA relevance)

(2008/866/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety⁽¹⁾, and in particular Article 53(1)(b)(i) thereof,

Whereas:

- (1) Regulation (EC) No 178/2002 lays down the general principles governing food and feed in general, and food and feed safety in particular, at Community and national level. It provides for emergency measures where it is evident that food or feed imported from a third country is likely to constitute a serious risk to human health, animal health or the environment and that such a risk cannot be contained satisfactorily by means of measures taken by the Member State(s) concerned.
- (2) An outbreak of Hepatitis A in humans has been confirmed in the Community. The origin of the disease has been identified to be the consumption of certain bivalve molluscs imported from Peru that were contaminated with the hepatitis A virus (HAV).
- (3) The contaminated bivalve molluscs are *Donax* clams (*Donax* spp) and the origin of the contamination is most likely a viral contamination of the water of the production areas. Other bivalve molluscs could therefore also be contaminated.
- (4) Since the consumption of those bivalve molluscs presents a serious risk for human health it is appropriate to suspend imports into the Community of bivalve molluscs from Peru.
- (5) Considering the seriousness of the contamination, the suspension should also apply to bivalve molluscs that

have been dispatched to the Community before this Decision comes into effect but which arrive at the Community border inspection posts after that date.

- (6) The suspension of those imports should be provided for at Community level in order to ensure the effective and uniform protection of consumer health in all Member States.
- (7) The aquaculture production of scallops (*Pectinidae*) in Peru takes place in separated production areas with a low population density and far from potential sources of contamination. In addition, *Pectinidae* are processed to withdraw the viscera and thus mitigate the risk of viral contamination in the edible part of the product. It is therefore appropriate to allow imports from Peru of *Pectinidae* processed in that manner.
- (8) In addition, the heat treatment avoids the viability of the virus. It is therefore appropriate to allow imports from Peru of bivalve molluscs that have undergone a heat treatment following the requirements established in point A.5(b) of Chapter II of Section VII of Annex III to 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⁽²⁾.
- (9) The Peruvian authorities have committed to put in place immediate corrective measures and, if necessary, to allow a Commission inspection in the coming months. It is therefore appropriate to limit the application of the measures provided for in the present Decision to 31 March 2009, without prejudice of the power of the Commission to modify, repeal or extend those measures in the light of any new information related to the evolution of the situation in Peru and of the outcome of inspections by its services.
- (10) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

⁽¹⁾ OJ L 31, 1.2.2002, p. 1.

⁽²⁾ OJ L 139, 30.4.2004, p. 55; corrected by OJ L 226, 25.6.2004, p. 22.

HAS ADOPTED THIS DECISION:

Article 1

This Decision shall apply to bivalve molluscs, as defined in point 2.1 of Annex I to Regulation (EC) No 853/2004, imported from Peru and intended for human consumption (bivalve molluscs).

Article 2

Member States shall not authorise the importation into the Community of bivalve molluscs from Peru.

That prohibition shall apply to all consignments of bivalve molluscs that are received at Community border inspection posts whether or not the consignments were produced, stored or certified in the country of origin before this Decision takes effect.

Article 3

By way of derogation from Article 2, Member States shall authorise the importation into the Community of the following products:

(a) eviscerated *Pectinidae* of aquaculture origin;

(b) bivalve molluscs that have undergone a heat treatment as set out in point A.5(b) of Chapter II of Section VII of Annex III to Regulation (EC) No 853/2004.

Article 4

All expenditure incurred in the application of this Decision shall be charged to the consignee or his agent.

Article 5

This Decision shall apply until 31 March 2009.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 12 November 2008.

For the Commission
Androulla VASSILIOU
Member of the Commission

RECOMMENDATIONS

COMMISSION

COMMISSION RECOMMENDATION

of 3 October 2008

on the active inclusion of people excluded from the labour market

(notified under document number C(2008) 5737)

(2008/867/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 211 thereof,

Whereas:

- (1) Respect for human dignity is a founding principle of the European Union, among whose aims are the promotion of full employment and social progress, the combating of social exclusion and discrimination and the promotion of social justice and social protection. In accordance with Article 137(1)(h) of the Treaty, the Community has a role to play in supporting and complementing the activities of the Member States in the integration of persons excluded from the labour market. Article 34 of the Charter of Fundamental Rights of the European Union provides for the right to social and housing assistance so as to ensure a decent existence for all those who lack sufficient resources.
- (2) Council Recommendation 92/441/EEC of 24 June 1992 on common criteria concerning sufficient resources and social assistance in social protection systems ⁽¹⁾ remains a reference instrument for Community policy in relation to poverty and social exclusion and has lost none of its relevance, although more needs to be done to implement it fully.
- (3) Since 1992 new policy instruments have emerged. One such instrument is the Open method of coordination on social protection and social inclusion (OMC), the objectives of which include the active social inclusion

of all, to be ensured by promoting participation in the labour market and by fighting poverty and exclusion among the most marginalised people and groups ⁽²⁾. Another instrument is the European employment strategy, which aims, *inter alia*, to strengthen social inclusion, fight poverty, prevent exclusion from the labour market and support integration into employment of people at a disadvantage ⁽³⁾.

- (4) The persistence of poverty and joblessness and the growing complexities of multiple disadvantages call for comprehensive, integrated policies ⁽⁴⁾. With a view to modernising social protection systems, adequate income support needs to be combined with a link to the labour market and access to quality services in an integrated active inclusion strategy ⁽⁵⁾. This strategy is fully complementary to the flexicurity approach, while targeting those excluded from the labour market. It contributes to the Lisbon strategy by facilitating the activation and the mobility of the workforce, and represents a building block in the social dimension of the EU's sustainable development strategy ⁽⁶⁾.

⁽²⁾ Communication COM(2005) 706 — Working together, working better: a new framework for the open coordination of social protection and inclusion policies in the European Union.

⁽³⁾ Council Decision of 7 July 2008 on Guidelines for the employment policies of the Member States, Council Document 10614/2/082008 (not yet published in the Official Journal).

⁽⁴⁾ Communications COM(2007) 620 — Modernising social protection for greater social justice and economic cohesion: taking forward the active inclusion of people furthest from the labour market, and COM(2005) 33 on the social agenda.

⁽⁵⁾ Communication COM(2006) 44 — Concerning a consultation on action at EU level to promote the active inclusion of the people furthest from the labour market.

⁽⁶⁾ Communication COM(2007) 620 — Presidency conclusions of Brussels European Council of 14 December 2007 and SPC orientation note on active inclusion of 3 July 2008. In particular, see also Council Conclusions of 5 December 2007, Document 16139/07; opinion of the Committee of the Regions of 18 June 2008 on Active Inclusion (Doc. CdR 344/2007); opinion of the European Economic and Social Committee of 27 October 2007 on minimum social standards (Doc. CESE 892/2007).

⁽¹⁾ OJ L 245, 26.8.1992, p. 46.

- (5) Consideration should be given to national priorities and the availability of financial resources when this Recommendation is gradually implemented.
- (6) This Recommendation and the implementation of the common principles set out herein are without prejudice to the application of Community law, including State aid rules and the General block exemption Regulation⁽¹⁾, and the Community rules on the award of public contracts.
- (7) In accordance with the principle of subsidiarity, the Member States are responsible for defining the level of income support and for establishing the appropriate policy mix in the light of the different situations and needs at local, regional and national level,
- providers, in the development, implementation and evaluation of strategies.
3. Ensure that active inclusion policies:
- (a) support the implementation of fundamental rights;
- (b) promote gender equality and equal opportunities for all;
- (c) take careful consideration of the complexities of multiple disadvantages and the specific situations and needs of the various vulnerable groups;
- (d) take due account of local and regional circumstances and improve territorial cohesion;
- (e) be consistent with a lifecycle approach to social and employment policies so they can support intergenerational solidarity and break the intergenerational transmission of poverty.

HEREBY RECOMMENDS THAT THE MEMBER STATES SHOULD:

1. Design and implement an integrated comprehensive strategy for the active inclusion of people excluded from the labour market combining adequate income support, inclusive labour markets and access to quality services. Active inclusion policies should facilitate the integration into sustainable, quality employment of those who can work and provide resources which are sufficient to live in dignity, together with support for social participation, for those who cannot.
2. Ensure the effectiveness of integrated active inclusion policies through:
- (a) comprehensive policy design defining the right mix of the three strands of the active inclusion strategy, taking account of their joint impact on the social and economic integration of disadvantaged people and their possible interrelationships, including synergies and trade-offs;
- (b) integrated implementation across the three strands of the active inclusion strategy to effectively address the multi-faceted causes of poverty and social exclusion and enhance coordination between public agencies and services which deliver active inclusion policies;
- (c) policy coordination among local, regional, national and EU authorities in the light of their particular roles, competences and priorities;
- (d) active participation of all other relevant actors, including those affected by poverty and social exclusion, the social partners, non-governmental organisations and service
4. Organise and implement integrated active inclusion policies in accordance with the following common principles and guidelines for each strand, while respecting the principle of subsidiarity and their different situations, needs and priorities without prejudice to the application of Community law, including State aid rules and the Community rules on the award of public contracts.
- (a) *Adequate income support*
- Recognise the individual's basic right to resources and social assistance sufficient to lead a life that is compatible with human dignity as part of a comprehensive, consistent drive to combat social exclusion.
- (i) Review their social protection systems, as necessary, in the light of the *common principles* listed in paragraph B of Recommendation 92/441/EEC. In particular, under an active inclusion strategy, the right to sufficient resources should:
- be combined with active availability for work or for vocational training with a view to obtaining work in the case of persons whose conditions permit such active availability, or be subject, where appropriate, to economic and social integration measures in the case of other persons,
 - be combined with policies deemed necessary, at national level, for the economic and social integration of those concerned.

⁽¹⁾ Commission Regulation (EC) No 800/2008 of 6 August 2008 declaring certain categories of aid compatible with the common market in application of Articles 87 and 88 of the Treaty (General block exemption Regulation) (OJ L 214, 9.8.2008, p. 3).

(ii) Ensure the implementation of that right in accordance with the *practical guidelines* in paragraphs C(1), C(2) and C(3) of Recommendation 92/441/EEC. In particular, when the resources necessary to lead a life of dignity are determined, living standards and price levels by type and size of household in the Member State concerned should be taken into account using the appropriate national indicators. Within an active inclusion framework, an incentive to seek employment for persons whose condition renders them fit for work should be safeguarded and the amounts adjusted or supplemented to meet specific needs.

(b) *Inclusive labour markets*

Adopt arrangements covering persons whose condition renders them fit for work to ensure they receive effective help to enter or re-enter and stay in employment that corresponds to their work capacity.

(i) Promote the following *common principles* in the context of active inclusion strategies:

- address the *needs of people* excluded from the labour market in order to facilitate their progressive reintegration into society and into the labour market and to enhance their employability,
- take the necessary measures to promote *inclusive labour markets* in order to ensure access to employment is an opportunity open for all,
- promote *quality jobs*, including pay and benefits, working conditions, health and safety, access to lifelong learning and career prospects, in particular with a view to preventing in-work poverty,
- tackle labour market segmentation by promoting *job retention and advancement*.

(ii) Implement these principles through the following *practical guidelines*:

- expand and improve investment in human capital through inclusive education and training policies, including effective lifelong strategies; adapt education and training systems in response to new competence requirements, and the need for digital skills,
- active and preventive labour market measures, including tailored, personalised, responsive services and support involving early identification

of needs, job-search assistance, guidance and training, and motivation to seek a job actively,

- continually review the incentives and disincentives resulting from tax and benefit systems, including the management and conditionality of benefits and a significant reduction in high marginal effective tax rates, in particular for those with low incomes, while ensuring adequate levels of social protection,
- provide support for the social economy and sheltered employment as a vital source of entry jobs for disadvantaged people, promote financial inclusion and microloans, financial incentives for employers to recruit, the development of new sources of jobs in services, particularly at local level, and raise awareness of labour market inclusiveness,
- promote adaptability and provide in-work support and a supportive environment, including attention to health and well-being, non-discrimination and the application of labour law in conjunction with social dialogue.

(c) *Access to quality services*

Take every measure to enable those concerned, in accordance with the relevant national provisions, to receive appropriate social support through access to quality services. In particular, measures should be taken to:

provide services which are essential to supporting active social and economic inclusion policies, including social assistance services, employment and training services, housing support and social housing, childcare, long-term care services and health services in accordance with the following *common principles*, taking the role of local, regional and national authorities, applicable Community rules and the different situations, needs and preferences in the Member States into account:

- territorial availability, physical accessibility, affordability,
- solidarity, equal opportunities for service users and employees, and due account for diversity of users,
- investment in human capital, working conditions, and adequate physical infrastructure,
- comprehensive and coordinated services, conceived and delivered in an integrated manner,

- users' involvement and personalised approaches to meet the multiple needs of people as individuals,
- monitoring and performance evaluation and sharing of best practice.

5. Guarantee the relevant resources and benefits under the social protection arrangements; use the provisions and resources of the Structural Funds, in particular the European Social Fund, to support active inclusion measures.

Lay down detailed arrangements and finance costs and organise their administration and implementation in accordance with national legislation and/or practice.

Take economic and budgetary constraints, the priorities set by national authorities and the state of public finances into account in order to strike the right balance between work incentives, poverty alleviation and sustainable budgetary costs.

Take the necessary measures to ensure that all, including the least privileged, are informed of their rights and of the support available, with the aid, where appropriate, of information technologies.

Simplify as far as possible the administrative procedures and arrangements for examining resources and situations.

Where possible, organise in accordance with national provisions the machinery for appeals before the competent administrative authorities and, where necessary, independent third parties, such as tribunals, to which the persons concerned should have easy access.

6. Improve indicators and information systems in order to upgrade capacity to produce up-to-date, comparable information across all the active inclusion pillars.

Monitor and evaluate active inclusion policies under the open method of coordination on the basis of close cooperation between the Social Protection Committee and the Employment Committee and with support from the Progress programme.

Ensure consistency with the Lisbon strategy's overall policy in relation to the social cohesion objectives.

This Recommendation is addressed to the Member States.

Done at Brussels, 3 October 2008.

For the Commission
Vladimír ŠPIDLA
Member of the Commission

III

(Acts adopted under the EU Treaty)

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

COUNCIL DECISION 2008/868/CFSP

of 13 October 2008

concerning the conclusion of the Agreement between the European Union and the Russian Federation on the participation of the Russian Federation in the European Union military operation in the Republic of Chad and in the Central African Republic (Operation EUFOR Tchad/RCA)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the recommendation from the Presidency,

Whereas:

- (1) On 15 October 2007, the Council adopted Joint Action 2007/677/CFSP on the European Union military operation in the Republic of Chad and in the Central African Republic ⁽¹⁾ (Operation EUFOR Tchad/RCA).
- (2) Article 10(3) of that Joint Action provides that detailed arrangements regarding the participation of third States are to be the subject of an agreement, in accordance with Article 24 of the Treaty.
- (3) Following authorisation by the Council on 13 September 2004, the Presidency, assisted by the Secretary-General of the Council of the European Union/High Representative for the Common Foreign and Security Policy, negotiated an Agreement between the European Union and the Russian Federation on the participation of the Russian Federation in Operation EUFOR Tchad/RCA (hereinafter referred to as the Agreement).
- (4) The Agreement should be approved on behalf of the European Union,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Union and the Russian Federation on the participation of the Russian Federation in the European Union military operation in the Republic of Chad and in the Central African Republic (Operation EUFOR Tchad/RCA) is hereby approved on behalf of the European Union.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement in order to bind the European Union.

Article 3

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

Article 4

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

Done at Luxembourg, 13 October 2008.

For the Council

The President

B. KOUCHNER

⁽¹⁾ OJ L 279, 23.10.2007, p. 21.

AGREEMENT

between the European Union and the Russian Federation on the participation of the Russian Federation in the European Union military operation in the Republic of Chad and in the Central African Republic (EUFOR Tchad/RCA)

THE EUROPEAN UNION (EU),

of the one part, and

THE RUSSIAN FEDERATION

of the other part,

hereinafter referred to as the 'Parties',

TAKING INTO ACCOUNT:

- the United Nations Security Council Resolution 1778 (2007) of 25 September 2007 authorising the EU to deploy forces in the Republic of Chad and in the Central African Republic,
- the adoption by the Council of the European Union of Joint Action 2007/677/CFSP of 15 October 2007 on the European Union military operation in the Republic of Chad and in the Central African Republic (EUFOR Tchad/RCA),
- Political and Security Committee Decision CHAD/1/2008 of 13 February 2008 on the acceptance of third States' contributions to the European Union military operation in the Republic of Chad and in the Central African Republic and Political and Security Committee Decision CHAD/2/2008 of 18 March 2008 on the setting up of the Committee of Contributors for the European Union military operation in the Republic of Chad and in the Central African Republic, both as amended by Political and Security Committee Decision CHAD/3/2008 of 14 May 2008,

WHEREAS:

- (1) The Secretary General of the Council of the EU/High Representative for the Common Foreign and Security Policy, by letter of 7 December 2007, invited the Russian Federation to consider a possible participation in the EU operation in Chad and in the Central African Republic.
- (2) The Russian Federation expressed its willingness to consider a possible participation by letter dated 23 April 2008.
- (3) The Secretary General of the Council of the EU/High Representative for the Common Foreign and Security Policy and the Minister of Foreign Affairs of the Russian Federation issued a joint statement on 29 April 2008 on mutual cooperation in crisis management operations,

HAVE AGREED AS FOLLOWS:

*Article 1***Participation in the operation**

1. The Russian Party shall participate in the operation conducted by the European Union under the UN Security Council Resolution 1778 (2007) and in accordance with Joint Action 2007/677/CFSP of 15 October 2007 on the European Union military operation in the Republic of Chad and in the Central African Republic (EUFOR Tchad/RCA) (hereinafter referred to as the EU operation) and the operation plan of 18 January 2008 by providing the military contingent of the military forces of the Russian Federation (hereinafter referred to

as the Russian military contingent) for the purpose of supporting the EU operation by way of air transportation, subject to any implementing conditions set up in the implementing arrangements referred to in Article 6 of this Agreement. Air transportation shall be performed using the aircrafts of the Russian military contingent for the purposes of securing the lives and safety of European Union-led Forces (EUFOR) and the United Nations Mission in the Central African Republic and Chad (MINURCAT) personnel through the transport of EUFOR and MINURCAT personnel, transport of cargo, and search and rescue work with respect to the EUFOR and MINURCAT personnel.

2. The contribution by the Russian Party to the EU operation shall be without prejudice to the decision-making autonomy of the European Union.

3. The Russian Party shall ensure that the Russian military contingent undertakes its mission in accordance with:

— Joint Action 2007/677/CFSP referred to in paragraph 1 of this Article,

— any implementing arrangements to be agreed by both Parties.

4. The personnel of the Russian military contingent will apply the Rules of Engagement of the EU operation so far as they do not conflict with the Russian legislation. Possible caveats/restrictions to the Rules of Engagement set by the Russian Party will be officially specified for the EU Operation Commander.

5. The Russian military contingent shall carry out its duties and conduct itself in accordance with the objectives and mandate of the EU operation as provided for in the UN Security Council Resolution 1778 (2007).

6. The Russian Party may withdraw its contribution at any time, either at the request of the EU Operation Commander or by decision of the Russian Party, following consultations between the Parties. The Russian Party shall inform the EU Operation Commander in due time of any change to its participation in the EU operation.

Article 2

Status of forces

1. The status of the Russian military contingent shall be governed by the Agreements on the status of forces in force between the European Union and the Republic of Chad, the Central African Republic, the Republic of Cameroon, upon its arrival in the area of operation.

2. Without prejudice to the agreements on the status of forces referred to in paragraph 1 of this Article, the Russian Party shall exercise jurisdiction over the Russian military contingent.

3. A representative of the Russian Party shall take part in the procedures for the settlement in any claims involving the Russian military contingent provided for in the status of forces agreements referred to in paragraph 1 of this Article.

4. The Russian Party shall be responsible for settling any claims linked to the participation of the Russian military contingent in the EU operation, from or concerning the

military personnel of the Russian military contingent. The Russian Party shall be responsible for bringing any action, in particular legal or disciplinary, against any of the military personnel of the Russian military contingent, in accordance with its laws and regulations.

5. The European Union undertakes to ensure that Member States make a declaration as regards the waiver of claims against the Russian Federation for the participation of the Russian Federation in the EU operation, and shall do so when signing this Agreement. This declaration is annexed to this Agreement.

6. The Russian Party undertakes to make a declaration regarding the waiver of claims against any State participating in the EU operation, and shall do so when signing this Agreement. This declaration is annexed to this Agreement.

7. The status of the personnel contributed to the EU operation headquarters in Paris (France) shall be governed by arrangements between the competent authorities of the French Republic and the Russian Federation.

Article 3

Classified information

1. The Russian Party shall protect any EU classified information provided to it within the framework of the EU operation in accordance with the requirements for protecting classified information as established in the legislation of the Russian Federation. To this end, the security classifications of the Parties shall correspond as follows:

EU	Russian Federation
SECRET UE	СОБЕШННО СЕРРЕТНО
CONFIDENTIEL UE	СЕРРЕТНО

The Russian Federation restriction marking 'ДЛЯ СЛУЖЕБНОГО ПОЛЬЗОВАНИЯ' shall correspond to the EU security classification RESTREINT UE.

2. The Russian Party shall take all appropriate measures to ensure that EU classified information provided to it in the framework of the EU operation is protected to an equivalent level to that required by the basic principles and minimum standards for the protection of EU classified information that are applied in the EU, namely the Russian Party:

— shall not use the classified information released to it for purposes other than those for which that classified information has been released by the EU,

- shall not disclose such information to third parties without the prior written consent of the EU,
 - shall ensure that access to classified information released to it will be authorised only for individuals for whom knowledge of this information is necessary in order to perform their official duties and, where the information is classified CONFIDENTIEL UE or higher, who have a security clearance,
 - shall ensure that, before being given access to classified information, all individuals who require access to such information are briefed on and comply with the requirements of the protective security regulations relevant to the classification of the information they are to access,
 - shall ensure that all premises, areas, buildings, offices, rooms, communication and information systems in which classified information and documents are stored and/or handled are protected by appropriate physical security measures,
 - shall ensure that the classified documents released to it are, on their receipt, recorded in a special register,
 - shall notify the EU of any case of actual or suspected breach or compromise of the classified information released to it. In such a case, the Russian Party shall initiate investigations and take appropriate measures to prevent a recurrence.
3. Taking into account the level of classification, the classified information shall be forwarded via diplomatic channels, secure mail services or personal carriage.
4. Where the EU and the Russian Federation have concluded an agreement on the protection of classified information, the provisions of that agreement shall apply in the context of the EU operation.

Article 4

Chain of command

1. The Russian military contingent shall remain under the full command of the Russian Party.
2. The Russian competent authorities shall delegate to the Operation Commander the ability to assign tasks to the Russian Military Contingent for the accomplishment of the

mission as described in Article 1, paragraph 1 of this Agreement, upon arrival of the Russian military contingent in the area of operations. When planning an air task order or any other decision which will have implications for the Russian military contingent, full coordination with the Senior Military Representatives of the Russian military contingent shall be ensured. The Russian Federation shall have the same rights and obligations in terms of the day-to-day management of the operation as participating EU Member States.

3. Senior Military Representatives shall be appointed by the Russian Party to represent the Russian military contingent in EUFOR, both in the EU operation headquarters in Paris (France) and the EU force headquarters in Abéché (Chad). Each Senior Military Representative may have assistance. The Senior Military Representatives shall consult with the EU chain of command on all matters affecting EUFOR. The day-to-day contingent discipline shall be the responsibility of the Commanding Officer of the Russian military contingent.

Article 5

Financial aspects

1. The Russian Party shall assume all the costs associated with its participation in the EU operation unless the costs are subject to common funding as specified in the implementing arrangements referred to in Article 6 of this Agreement.
2. EUFOR Tchad/RCA will provide logistic support to the Russian military contingent on a cost reimbursement basis under the conditions provided in the implementing arrangements referred to in Article 6 in this Agreement.
3. The EU shall exempt the Russian Party from any financial contribution to the common costs.
4. Compensation in the event of death, injury, loss or damage to natural or legal persons from the State(s) in which the EU operation is conducted, will be managed in accordance with the provisions of the Agreements on status of forces referred to in Article 2(1) of this Agreement.
5. Administrative management of expenditure as specified in the implementing arrangements referred to in Article 6 of this Agreement shall be entrusted to the EU mechanism that administers the common costs and the nation borne costs in the operation.

*Article 6***Arrangements to implement the Agreement**

The participation of the Russian Party in the EU operation shall be implemented in accordance with technical and administrative modalities contained in arrangements implementing the present Agreement to be concluded by the Ministry of Defence of the Russian Federation and the EU Operation Commander.

*Article 7***Non-compliance**

Should one of the Parties fail to comply with its obligations laid down in Articles 1 to 6 of this Agreement, the other Party shall have the right to terminate this Agreement by serving a notice of one month.

*Article 8***Dispute settlement**

1. Disputes between the Parties concerning the interpretation or application of this Agreement and its implementing arrangements shall be settled by the relevant authorities of the Parties at the appropriate level or by diplomatic means.
2. Any financial claims or disputes, that have not been resolved in accordance with paragraph 1 of this Article, may be submitted to a mutually agreed conciliator or mediator.

Any claims or disputes which have failed to be settled by such conciliation or mediation may be submitted by either Party to an arbitration tribunal. Each Party appoints one arbitrator to the arbitration tribunal. The two arbitrators so appointed shall appoint a third arbitrator, who will be the Chairman. Where one of the Parties fails to appoint an arbitrator within two months from the receipt of the other Parties notification of

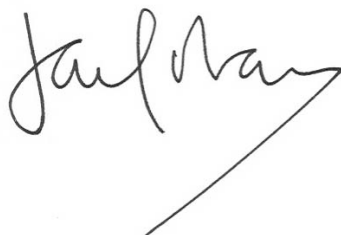
submitting the dispute to the arbitration tribunal or where no agreement can be found, within two months from their appointment, between the two arbitrators on the appointment of the third arbitrator, either Party may ask the President of the International Court of Justice to make an appointment. Where the President of the International Court of Justice is a national of either Party or is unable to discharge the said function for any other reason, the necessary appointments shall be made by the next most senior Member of the International Court of Justice who is not a national of either Party. The arbitration tribunal shall decide *ex aequo et bono*. The arbitrators have no authority to award punitive damages. The arbitrators shall agree on the procedures for arbitration. The seat of the arbitration shall be in Brussels and the language of the arbitration shall be English. The arbitral award shall contain a statement of reasons on which it is based and is accepted by the Parties as the final adjudication of the dispute. Each Party shall bear its own expenses, and all common costs shall be shared between the Parties in equal parts.

*Article 9***Entry into force**

1. This Agreement shall enter into force on the first day of the first month after the Parties have notified each other of the completion of the internal procedures necessary for this purpose.
2. This Agreement shall be applied provisionally from the date of signature.
3. This Agreement shall remain in force for the duration of the Russian Party's contribution to the EU operation. Termination of this Agreement shall not affect any rights or obligations arising out of the execution of this Agreement before such termination.

Done at Brussels on 5 November 2008 in two copies, each in the English and Russian languages, both texts being equally authentic.

For the European Union



For the Russian Federation



ANNEX

DECLARATIONS**referred to in Article 2(5) and (6) of the Agreement***Declaration by the EU Member States:*

The EU Member States applying Joint Action 2007/677/CFSP of 15 October 2007 on the European Union military operation in the Republic of Chad and in the Central African Republic (Operation EUFOR Tchad/RCA) will endeavour, in so far as their internal legal systems so permit, to waive and to answer as far as possible claims against the Russian Federation for injury, death of their personnel, or damage to, or loss of, any assets owned by themselves and used by the EU operation if such injury, death, damage or loss:

- was caused by personnel from the Russian Federation in the execution of their duties in connection with the EU operation, except in the event of gross negligence or wilful misconduct, or
- arose from the use of any assets owned by the Russian Federation, provided that the assets were used in connection with the EU operation and except in the event of gross negligence or wilful misconduct of EU operation personnel from the Russian Federation using those assets.'

Declaration by the Russian Federation:

The Russian Federation contributing to the European Union military operation in the Republic of Chad and in the Central African Republic (Operation EUFOR Tchad/RCA) conducted in accordance with Joint Action 2007/677/CFSP of 15 October 2007, will endeavour, in so far as its internal legal system so permits, to waive as far as possible claims against any other State participating in the EU operation for injury, death of its personnel, or damage to, or loss of, any assets owned by itself and used by the EU operation if such injury, death, damage or loss:

- was caused by personnel in the execution of their duties in connection with the EU operation, except in the event of gross negligence or wilful misconduct, or
 - arose from the use of any assets owned by States participating in the EU operation, provided that the assets were used in connection with the operation and except in the event of gross negligence or wilful misconduct of the EU operation personnel using those assets.'
-

CORRIGENDA

Corrigendum to Commission Regulation (EC) No 807/2001 of 25 April 2001 amending Annexes I, II and III to Council Regulation (EEC) No 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin

(Official Journal of the European Union L 118 of 27 April 2001)

On page 10, in the Annex, in point A, amending Annex I to Regulation (EEC) No 2377/90, the table in point 2.2.3, 'Pyrethroids' is replaced as follows:

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
Cyfluthrin	Cyfluthrin (sum of isomers)	Bovine, caprine	50 µg/kg	Fat	
			10 µg/kg	Liver	
			10 µg/kg	Kidney	
			20 µg/kg	Milk	Further provisions in Council Directive 94/29/EC are to be observed

Corrigendum to Council Regulation (EC) No 1182/2007 of 26 September 2007 laying down specific rules as regards the fruit and vegetable sector, amending Directives 2001/112/EC and 2001/113/EC and Regulations (EEC) No 827/68, (EC) No 2200/96, (EC) No 2201/96, (EC) No 2826/2000, (EC) No 1782/2003 and (EC) No 318/2006 and repealing Regulation (EC) No 2202/96

(Official Journal of the European Union L 273 of 17 October 2007)

On page 25, Article 53 'Amendments to Regulation (EC) No 318/2006':

for: 'Regulation (EC) No 318/2006 shall be amended as follows:

1. In paragraphs 1, 2 and 4 of Article 32, the words 'or Annex VIII' shall be inserted after 'Annex VII'.
2. The following Annex shall be added after Annex VII:

'ANNEX VIII

Processed fruit and vegetable products';

read: 'Regulation (EC) No 318/2006 shall be amended as follows:

1. In paragraphs 1, 2 and 4 of Article 32, the words 'or Annex VIIbis' shall be inserted after 'Annex VII'.
2. The following Annex shall be added after Annex VII:

'ANNEX VIIbis

Processed fruit and vegetable products';

on page 25, Article 55, paragraph 4, last sentence:

for: 'As concerns such producer groups in Member States which acceded to the European Union on 1 May 2004 or after that date, the aid rates set out in Article 7(4)(a) shall apply to recognition plans from the date of application of this Regulation.'

read: 'As concerns such producer groups in Member States which acceded to the European Union on 1 May 2004 or after that date, the aid rates set out in Article 7(5)(a) shall apply to recognition plans from the date of application of this Regulation.'

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.