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Legislation

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[1] Text with EEA relevance

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

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

EN

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III *Acts adopted under the EU Treaty*

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

EN

I

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

REGULATIONS

COUNCIL REGULATION (EC) No 1138/2008

of 13 October 2008

concerning the implementation of the Agreement in the form of an Exchange of Letters between the European Community and the Republic of Cuba pursuant to Article XXIV:6 and Article XXVIII of GATT 1994, amending and supplementing Annex I to Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas:

(1) Council Regulation (EEC) No 2658/87 [1] established a goods nomenclature (hereinafter referred to as the Combined Nomenclature), and set out the conventional duty rates of the Common Customs Tariff.

(2) By its Decision 2008/870/EC [2], the Council approved, on behalf of the Community, the Agreement in the form of an Exchange of Letters between the European Community and the Republic of Cuba (the Agreement) with a view to closing negotiations initiated pursuant to Article XXIV:6 of GATT 1994.

(3) Regulation (EEC) No 2658/87 should therefore be amended and supplemented accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

In Regulation (EEC) No 2658/87, Annex 7 entitled 'WTO tariff quotas to be opened by the competent Community authorities', of Section III of Part Three of Annex I, shall be supplemented with the volumes shown in the Annex to this Regulation.

Article 2

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

It shall apply from the date of entry into force of the Agreement.

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

Done at Luxembourg, 13 October 2008.

For the Council
The President
B. KOUCHNER

[1] OJ L 256, 7.9.1987, p. 1.
[2] See page 27 of this Official Journal.

ANNEX

Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the concessions being determined, within the context of this Annex, by the coverage of the CN codes as they exist at the time of adoption of the present Regulation. Where ex CN codes are indicated, the concessions are to be determined by application of the CN code and corresponding description taken together.

In Regulation (EEC) No 2658/87, Annex 7 entitled 'WTO tariff quotas to be opened by the competent Community authorities', of Section III of Part Three of Annex I, the other terms and conditions are the following:

CN Code	Description	Other terms and conditions
Tariff item numbers 1701 11 10	Raw cane sugar, for refining	Add a country allocation of 20 000 tonnes for Cuba for marketing year 2008/09 in the EC tariff rate quota, in-quota rate 98 EUR/t. Add a country allocation of 10 000 tonnes for Cuba as from marketing year 2009/10 in the EC tariff rate quota, in-quota rate 98 EUR/t.

COUNCIL REGULATION (EC) No 1139/2008

of 10 November 2008

fixing the fishing opportunities and the conditions relating thereto for certain fish stocks applicable in the Black Sea for 2009

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

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

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

Having regard to the proposal from the Commission,

Whereas:

(1) Article 4 of Regulation (EC) No 2371/2002 requires the Council to adopt the necessary measures governing access to areas and resources and the sustainable pursuit of fishing activities taking account of available scientific advice and, in particular, the report prepared by the Scientific, Technical and Economic Committee for Fisheries.

(2) Under Article 20 of Regulation (EC) No 2371/2002, the Council establishes the fishing opportunities by fishery or group of fisheries and the allocation of those opportunities to Member States.

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

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

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

(6) In order to contribute to the conservation of fish stocks, certain supplementary measures relating to the technical conditions of fishing should be implemented in 2009.

(7) The reduction in the total allowable catch (TAC) for sprat should not affect its future stock levels, which should take into account the fishing activities of other Black Sea coastal States.

(8) Fishing opportunities should be used in accordance with Community legislation on the subject, in particular with Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy [3] and Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms [4].

(9) Bearing in mind that in one Member State, before the entry into force of this Regulation, nets with a mesh size inferior to 400 mm were traditionally used to catch turbot, and in order to allow adequate adaptation to the technical measures introduced in this Regulation, vessels flying the flag of that Member State shall be permitted to fish for turbot using nets with a minimum mesh size of no less than 360 mm.

(10) In order to ensure proper enforcement and control, the mesh size should be measured in accordance with Commission Regulation (EC) No 517/2008 of 10 June 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 850/98 as regards the determination of the mesh size and assessing the thickness of twine of fishing nets [5].

(11) In view of the urgency of the matter, it is imperative to grant an exception to the six-week period referred to in paragraph I(3) of the Protocol on the role of national Parliaments in the European Union, annexed to the Treaty on European Union and to the Treaties establishing the European Communities,

HAS ADOPTED THIS REGULATION:

CHAPTER I

SUBJECT-MATTER, SCOPE AND DEFINITIONS

Article 1

Subject-matter

This Regulation fixes fishing opportunities for the year 2009 for certain fish stocks in the Black Sea and the specific conditions under which such fishing opportunities may be used.

[1] OJ L 358, 31.12.2002, p. 59.
[2] OJ L 115, 9.5.1996, p. 3.
[3] OJ L 261, 20.10.1993, p. 1.
[4] OJ L 125, 27.4.1998, p. 1.
[5] OJ L 151, 11.6.2008, p. 5.

Article 2

Scope

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

2. By way of derogation from paragraph 1, this Regulation shall not apply to fishing operations conducted solely for the purpose of scientific investigations, which are carried out with the permission and under the authority of the Member State concerned, and of which the Commission and the Member State, in the waters of which the research is carried out, have been informed in advance.

Article 3

Definitions

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

(a) 'GFCM' means General Fisheries Commission for the Mediterranean;

(b) 'Black Sea' means the GFCM geographical sub-area as defined in resolution GFCM/31/2007/2;

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

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

CHAPTER II

FISHING OPPORTUNITIES AND THE CONDITIONS RELATING THERETO

Article 4

Catch limits and allocations

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

Article 5

Special provisions on allocations

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

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

2. reallocations made pursuant to Articles 21(4), 23(1) and 32(2) of Regulation (EEC) No 2847/93 and the second subparagraph of Article 23(4) of Regulation (EC) No 2371/2002;

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

4. deductions made pursuant to Article 5 of Regulation (EC) No 847/96 and the first subparagraph of Article 23(4) of Regulation (EC) No 2371/2002.

Article 6

Conditions for catches and by-catches

1. Fish from stocks for which catch limits are fixed shall be retained on board or landed only if the catches have been taken by fishing vessels of a Member State with a quota and that quota has not been exhausted.

2. All landings shall count against the quota or, if the Community share has not been allocated among Member States by quotas, against the Community share.

Article 7

Transitional technical measures

The transitional technical measures shall be as set out in Annex II.

CHAPTER III

FINAL PROVISIONS

Article 8

Data transmission

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

Article 9

Entry into force

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

It shall apply from 1 January 2009.

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

Done at Brussels, 10 November 2008.

For the Council
The President
B. KOUCHNER

ANNEX I

Catch limits and the conditions relating thereto for year-to-year management of catch limits applicable to Community vessels in areas where catch limits have been fixed by species and by area

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

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

Scientific name	Alpha-3 code	Common name
Psetta maxima	TUR	Turbot
Sprattus sprattus	SPR	Sprat

Species:	Turbot *Psetta maxima*	**Zone:**	Black Sea
Bulgaria	50	Precautionary TAC Article 3 of Regulation (EC) No 847/96 applies. Article 4 of Regulation (EC) No 847/96 does not apply. Article 5 of Regulation (EC) No 847/96 applies.	
Romania	50		
EC	100 (1)		
TAC	Not relevant		

(1) Preliminary TAC. The final TAC shall be set, in the light of new scientific advice, in a timely manner during the course of the first half of 2009.

Species:	Sprat *Sprattus sprattus*	**Zone:**	Black Sea
EC	12 750 (1)	Precautionary TAC Article 3 of Regulation (EC) No 847/96 applies. Article 4 of Regulation (EC) No 847/96 does not apply. Article 5 of Regulation (EC) No 847/96 applies.	
TAC	Not relevant		

(1) May be fished only by vessels flying the flag of Bulgaria or Romania.

ANNEX II

TRANSITIONAL TECHNICAL MEASURES

1. No fishing activity for turbot shall be permitted from 15 April to 15 June in European Community waters of the Black Sea.

2. The minimum legal mesh size for bottom-set nets used to catch turbot shall be 400 mm.

   In one Member State where the minimum legal mesh size for bottom-set nets used to catch turbot was less than 400 mm before the entry into force of this Regulation, nets with a minimum mesh size of no less than 360 mm may be used to catch turbot. However, the Member State concerned shall ensure that by the end of 2009 no more than 40 % by number of the whole fishing vessels authorised to fish turbot with bottom-set nets still use a mesh size smaller than 400 mm.

3. The mesh size shall be measured in accordance with Commission Regulation (EC) No 517/2008 of 10 June 2008 laying down, *inter alia*, detailed rules of relevance for the determination of the mesh size.

4. The minimum landing size for turbot shall be 45 cm total length, measured in accordance with Article 18 of Regulation (EC) No 850/98.

COMMISSION REGULATION (EC) No 1140/2008

of 18 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 19 November 2008.

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

Done at Brussels, 18 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	60,8
	TR	77,1
	ZZ	54,5
0707 00 05	JO	167,2
	MA	55,4
	TR	91,2
	ZZ	104,6
0709 90 70	MA	59,8
	TR	103,0
	ZZ	81,4
0805 20 10	MA	66,1
	ZZ	66,1
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	CN	60,0
	HR	49,0
	IL	74,6
	MA	82,1
	TR	67,2
	ZZ	66,6
0805 50 10	MA	65,5
	TR	69,9
	ZA	47,3
	ZZ	60,9
0806 10 10	BR	214,2
	TR	133,6
	US	272,9
	ZA	78,7
	ZZ	174,9
0808 10 80	CA	87,1
	CL	67,1
	CN	55,8
	MK	37,6
	US	103,2
	ZA	75,3
	ZZ	71,0
0808 20 50	CL	58,0
	CN	52,6
	TR	103,0
	ZZ	71,2

(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 1141/2008

of 13 November 2008

concerning the classification of certain goods in the Combined Nomenclature

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff [1], and in particular Article 9(1)(a) thereof,

Whereas:

(1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.

(2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific Community provisions, with a view to the application of tariff and other measures relating to trade in goods.

(3) Pursuant to those general rules, the goods described in column 1 of the table set out in the Annex should be classified under the CN code indicated in column 2, by virtue of the reasons set out in column 3 of that table.

(4) It is appropriate to provide that binding tariff information which has been issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature but which is not in accordance with this Regulation can, for a period of three months, continue to be invoked by the holder, under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code [2].

(5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column 2 of that table.

Article 2

Binding tariff information issued by the customs authorities of Member States, which is not in accordance with this Regulation, can continue to be invoked for a period of three months under Article 12(6) of Regulation (EEC) No 2913/92.

Article 3

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, 13 November 2008.

For the Commission
László KOVÁCS
Member of the Commission

[1] OJ L 256, 7.9.1987, p. 1.

[2] OJ L 302, 19.10.1992, p. 1.

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
Linear motion system comprising a slide mechanism with two grooves and a rectangular casing enclosing bearing balls. The casing moves along the grooves in the slide mechanism by means of the bearing balls. The linear motion system is used with different kinds of machines, for example, goods handling equipment, machine tools or DVD players.	8482 10 90	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 2(a) to Section XVI and by the wording of CN codes 8482, 8482 10 and 8482 10 90. Since the linear motion system can be used with different kinds of machines it cannot be considered as a part suitable for use solely or principally with a particular kind of machine within the meaning of Note 2(b) to Section XVI. Classification of the system as a part of a machine under a heading such as 8431, 8466 or 8522 is therefore excluded. The linear motion system is considered to be a slide mechanism with bearing balls of the free-travelling type of heading 8482 (see also the Harmonised System Explanatory Notes to heading 8482, (A), (3)). As the linear motion system is a product specified in heading 8482, it is to be classified in that heading in accordance with Note 2(a) to Section XVI.

COMMISSION REGULATION (EC) No 1142/2008

of 13 November 2008

concerning the classification of certain goods in the Combined Nomenclature

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff [1], and in particular Article 9(1)(a) thereof,

Whereas:

(1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.

(2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific Community provisions, with a view to the application of tariff and other measures relating to trade in goods.

(3) Pursuant to those general rules, the goods described in column 1 of the table set out in the Annex should be classified under the CN code indicated in column 2, by virtue of the reasons set out in column 3 of that table.

(4) It is appropriate to provide that binding tariff information which has been issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature but which is not in accordance with this Regulation can, for a period of three months, continue to be invoked by the holder, under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code [2].

(5) The Customs Code Committee has not issued an opinion within the time limit set by its Chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column 2 of that table.

Article 2

Binding tariff information issued by the customs authorities of Member States, which is not in accordance with this Regulation, can continue to be invoked for a period of three months under Article 12(6) of Regulation (EEC) No 2913/92.

Article 3

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, 13 November 2008.

For the Commission
László KOVÁCS
Member of the Commission

[1] OJ L 256, 7.9.1987, p. 1.

[2] OJ L 302, 19.10.1992, p. 1.

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
A cable, approximately 250 cm in length, of a kind used solely with a video game machine of heading 9504. The cable is fitted with one specifically designed connector for the video game machine at one end and five connectors for connection to a monitor or a television set at the other end. Data can be transferred from the video game machine to the monitor or the television set via the cable and the data may, depending on the content, be visualised as a video game, video or still image or reproduced as sound.	8544 42 90	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN code 8544, 8544 42 and 8544 42 90. Classification under heading 9504 as an accessory of a video game machine is excluded, as heading 8544 provides the most specific description referring to cables and other electric conductors. The product is therefore to be classified under CN code 8544 42 90 as an electric conductor fitted with connectors.

COMMISSION REGULATION (EC) No 1143/2008

of 13 November 2008

concerning the classification of certain goods in the Combined Nomenclature

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff [1], and in particular Article 9(1)(a) thereof,

Whereas:

(1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.

(2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific Community provisions, with a view to the application of tariff and other measures relating to trade in goods.

(3) Pursuant to those general rules, the goods described in column 1 of the table set out in the Annex should be classified under the CN code indicated in column 2, by virtue of the reasons set out in column 3 of that table.

(4) It is appropriate to provide that binding tariff information which has been issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature but which is not in accordance with this Regulation can, for a period of three months, continue to be invoked by the holder, under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code [2].

(5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column 2 of that table.

Article 2

Binding tariff information issued by the customs authorities of Member States, which is not in accordance with this Regulation, can continue to be invoked for a period of three months under Article 12(6) of Regulation (EEC) No 2913/92.

Article 3

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, 13 November 2008.

For the Commission
László KOVÁCS
Member of the Commission

[1] OJ L 256, 7.9.1987, p. 1.

[2] OJ L 302, 19.10.1992, p. 1.

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
A set put up for retail sale consisting of: — a device with electronic components having the shape of a cigarette; — two cartridges; — two rechargeable lithium batteries; and — a battery charger. The device consists of a stainless steel shell with a microelectronic circuit, a high-sensibility sensor, a chamber for batteries and a chamber for placing a cartridge. Each cartridge is composed of an inhaler and an ampoule. The ampoule contains nicotine, a smell compound for cigarettes and ordinary food additives. Both the inhaler and the ampoule are disposable. The electronic circuit, when activated by the inhalation, starts the atomisation of the nicotine diluent and the creation of atomised 'smoke' to be inhaled by the smoker.	8543 70 90	Classification is determined by General Rules 1, 3(b) and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 8543, 8543 70 and 8543 70 90. The component that gives the set its essential character is the electronic device because it is the electronic circuit that triggers the atomisation of the nicotine diluent and the creation of atomised 'smoke' to be inhaled by the smoker. Classification under heading 8424 is excluded as the device is not a mechanical appliance for projecting, dispersing or spraying liquids. The electronic device is considered to be an electrical apparatus, having an individual function, not specified or included elsewhere in Chapter 85. By virtue of General Rule 3(b), the set is therefore to be classified under heading 8543 (see also the Harmonised System Explanatory Notes to heading 8543, third paragraph).

COMMISSION REGULATION (EC) No 1144/2008

of 18 November 2008

amending Annex II to Regulation (EC) No 998/2003 of the European Parliament and of the Council as regards Croatia

(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 998/2003 of the European Parliament and of the Council of 26 May 2003 on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC [1], and in particular Article 8(3)(a) and Article 19 thereof,

Whereas:

(1) Regulation (EC) No 998/2003 lays down the animal health requirements applicable to the non-commercial movement of pet animals and the rules applicable to checks on such movements.

(2) Those requirements differ, depending on whether the pet animals are moved between Member States or from third countries to Member States. Moreover, the requirements for such movements from third countries are further differentiated between third countries listed in Section 2 of Part B of Annex II to that Regulation and those third countries which are listed in Part C of that Annex.

(3) Third countries which apply to non-commercial movement of pet animals rules at least equivalent to Community rules as provided for in Chapter III of Regulation (EC) No 998/2003 are listed in Section 2 of Part B of Annex II to that Regulation. These rules include the possibility for those third countries to use the passport in accordance with the model established by Commission Decision 2003/803/EC [2] instead of the certificate.

(4) The non-commercial movement of pet animals from those third countries into the Community is subjected to the same rules as movement of those animals between the Member States, as provided for in Chapter II of Regulation (EC) No 998/2003.

(5) The list in Part C of Annex II to Regulation (EC) No 998/2003 includes the third countries and territories which are free of rabies and the third countries and territories, including Croatia, in respect of which the risk of rabies entering the Community as a result of movements from those third countries and territories has been found to be no higher than the risk associated with movements between Member States.

(6) Croatia has recently requested to be included in Section 2 of Part B of Annex II to Regulation (EC) No 998/2003 in order to simplify the movements of pet animals between Croatia and the EU.

(7) Having regard to information supplied by Croatia about its national legislation, it appears that Croatia applies to non-commercial movement of pet animals rules at least equivalent to Community rules as provided for in Chapter III of Regulation (EC) No 998/2003.

(8) It is therefore appropriate to delete Croatia from the list in Part C of Annex II to Regulation (EC) No 998/2003 and include it in the list in Section 2 of Part B of that Annex.

(9) Regulation (EC) No 998/2003 should therefore be amended accordingly.

(10) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EC) No 998/2003 is amended as follows:

1. in Section 2 of Part B, the following entry is inserted between the entry for Switzerland and that for Iceland:

   'HR Croatia';

2. in Part C, the following entry is deleted:

   'HR Croatia'.

[1] OJ L 146, 13.6.2003, p. 1.
[2] OJ L 312, 27.11.2003, p. 1.

Article 2

This Regulation shall enter into force on the third 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, 18 November 2008.

For the Commission
Androulla VASSILIOU
Member of the Commission

COMMISSION REGULATION (EC) No 1145/2008

of 18 November 2008

laying down detailed rules for implementing Council Regulation (EC) No 637/2008 as regards the national restructuring programmes for the cotton sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 637/2008 of 23 June 2008 amending Regulation (EC) No 1782/2003 and establishing national restructuring programmes for the cotton sector [1], and in particular Article 9 thereof,

Whereas:

(1) Chapter 2 of Regulation (EC) No 637/2008 contains provisions on restructuring programmes to be decided at Member State level to finance specific measures to assist the cotton sector. It is appropriate to fill out that framework by enacting implementing rules.

(2) It should be laid down which elements the restructuring programmes to be submitted by the Member States must contain. Furthermore, rules should be specified as regards changes to the restructuring programmes, so that they can be adjusted to take account of any new conditions which could have not been foreseen when they were initially presented.

(3) To ensure proper monitoring and evaluation of the restructuring programmes it is necessary to require submission of evaluation reports, which shall consist of detailed operational and financial information regarding the implementation of the restructuring programme.

(4) It should furthermore be ensured that all stakeholders have access to the information related to the restructuring programmes.

(5) There should be minimum requirements to manage the attribution and payment of support. Also, payment of one or more advances should be made possible for measures which are likely to concern considerable expenditure.

(6) Provisions should be laid down with regard to the obligation of Member States to control expenditure, specifically with regard to timing and nature of the on-the-spot checks of the dismantling and investment measures. To protect the financial interests of the Community specific rules for recoveries of undue payments and penalties are also necessary. To this end, Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy [2] and Commission Regulation (EC) No 796/2004 of 21 April 2004 laying down detailed rules for the implementation of cross-compliance, modulation and the integrated administration and control system provided for in Council Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers [3] should be applicable.

(7) As regards full and permanent dismantling of ginning facilities, as provided for in Article 7(1)(a) of Regulation (EC) No 637/2008, it is necessary to define in detail the criteria that make up dismantling. Whereas it is proper for Member States to decide the amount of aid to be granted for dismantling on the basis of objective and non-discriminatory criteria, a maximum level needs to be established in order to avoid overcompensation.

(8) It is necessary to exactly define the support for the improvement in the processing of cotton, provided for in Article 7(1)(b) of Regulation (EC) No 637/2008 on aid for investments in the ginning industry and to determine eligible expenditure. Also, a maximum Community contribution must be laid down in order to ensure financial participation as well as commitment of the beneficiaries in the investment.

(9) As regards support for farmers participating in quality schemes for cotton, provided for in Article 7(1)(c) of Regulation (EC) No 637/2008, it is necessary to identify the relevant Community quality schemes, to establish the criteria for national quality schemes, to determine the level of the aid and the eligible costs.

(10) In order to ensure complementarity between the promotion measures referred to in Article 7(1)(d) of Regulation (EC) No 637/2008 and the rules concerning information and promotion actions established by Council Regulation (EC) No 3/2008 of 17 December 2007 on information provision and promotion measures for agricultural products on the internal market and in third countries [4] detailed requirements for support for the promotion of quality products should be laid down, in particular as regards beneficiaries and eligible activities.

[1] OJ L 178, 5.7.2008, p. 1.

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

[3] OJ L 141, 30.4.2004, p. 18.

[4] OJ L 3, 5.1.2008, p. 1.

(11) As regards aid to machinery contractors, as provided for in Article 7(1)(e) of Regulation (EC) No 637/2008 a precise definition of the aid needs to be laid down. Member States should decide the amount of aid to be granted on the basis of objective and non-discriminatory criteria, however, a maximum level needs to be established in order to avoid overcompensation.

(12) 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:

CHAPTER I

GENERAL RULES

Article 1

Scope

This Regulation lays down implementing rules concerning national restructuring programmes under Regulation (EC) No 637/2008, containing the five eligible measures provided for in Article 7 of that Regulation.

Article 2

Content of restructuring programmes

Restructuring programmes submitted by Member States in accordance with Article 4(1) of Regulation (EC) No 637/2008, shall consist of the following elements:

(a) a detailed description of the measures proposed as well as their quantifiable objectives;

(b) the results of consultations held as provided for in the second subparagraph of Article 4(1) of Regulation (EC) No 637/2008;

(c) an appraisal showing the expected technical, economic, environmental and social impact;

(d) a description of the ginning facilities in the Member State concerned and use of their capacity since 2005, in case of inclusion in the restructuring programme of the measures referred to in Article 7(1)(a) and (b) of Regulation (EC) No 637/2008;

(e) a schedule for implementing each of the measures;

(f) a general financial table, following the model provided for in the Annex to this Regulation, showing the resources to be deployed and the envisaged allocation of the resources between the measures in accordance with the budgetary allocation fixed in Article 5(1) of Regulation (EC) No 637/2008;

(g) the criteria and quantitative indicators to be used for monitoring and evaluation of the measure of the restructuring programme as well as the steps taken to ensure that the programmes are implemented appropriately and effectively;

(h) the designation of competent authorities and bodies responsible for implementing the programme.

Article 3

Changes of restructuring programmes

Changes of restructuring programmes, as referred in Article 4(3) of Regulation (EC) No 637/2008, shall not be submitted more than once per year.

The modified programmes shall indicate clearly and precisely the proposed changes, the reasons for these changes and their financial consequences, and shall include, if applicable, a revised version of the financial table following the model provided for in the Annex to this Regulation.

Expenditure resulting from modification of restructuring programmes shall be eligible from the date of the submission of the revised programme to the Commission. Member States shall bear the responsibility for expenditure between the date on which their modified restructuring programme is received by the Commission and the date of its applicability in accordance with the second subparagraph of Article 4(2) of Regulation (EC) No 637/2008.

Article 4

Reporting and evaluation

1. Member States shall submit to the Commission a report on the implementation of the restructuring programme with the submission of each new restructuring programme, except of the first restructuring programme submitted in 2009 as referred to in Article 4(1) of Regulation (EC) No 637/2008.

2. The report submitted under paragraph 1 of this Article and that submitted with the communication requesting termination of the programme as referred to in Article 5(2) of Regulation (EC) No 637/2008 shall:

(a) list and describe the measures for which Community assistance under the restructuring programmes was granted, for each of the years of the programming period concerned;

(b) if applicable, describe any changes to the restructuring programme, the reasons therefore and its implications for the future;

(c) describe the results achieved with each measure, in light of the quantifiable objectives set out in the restructuring programme;

(d) contain a statement of expenditure by financial year already incurred in the programming period which will in no case overshoot the limit of the total financial amount allocated to the Member State pursuant to Article 5(1) of Regulation (EC) No 637/2008;

(e) support forecasts for expenditure until the end of the foreseen period of implementation of the restructuring programme, up to the limit of the total financial amount allocated to the Member State pursuant in Article 5(1) of Regulation (EC) No 637/2008;

(f) if applicable, contain an analysis of the involvements of other Community funds and their conformity with the aids financed by the restructuring programme.

3. Member States shall record the details of all restructuring programmes, whether or not amended, and of all measures carried out under those programmes.

Article 5

Public access to information on restructuring programmes

Member States shall make the restructuring programme, its modifications, the report on the implementation of the programme, and any national legislation concerning this programme, publicly available on a website.

Article 6

Requirements for application and payment

1. Member States shall for each measure contained in their restructuring programme and listed in Article 7(1) of Regulation (EC) No 637/2008:

(a) determine the elements to be contained in an application for support;

(b) set the start date and end date of the period for lodging an application;

(c) approve valid and complete applications on the basis of objective and non-discriminatory criteria, taking into account the financial resources available within the annual ceilings provided for in Article 5(1) of Regulation (EC) No 637/2008;

(d) pay the eligible support, or the remaining eligible support in case an advance has been paid, after completion of the measure and execution of controls as referred to in Article 7 of this Regulation.

2. For the measures referred to in Article 7(1), points (a), (b), (d), and (e) of Regulation (EC) No 637/2008, Member States may pay the beneficiary one or more advances. The combined level of all advances shall not be higher than 75 % of the eligible expenditure.

The payment of an advance shall be subject to the lodging of a security of an amount equal to 120 % of the amount of the advance concerned.

The securities shall be released provided that the measures have been completed and the controls, as referred to in Article 7, have been carried out.

3. All payments referred to in paragraphs 1 and 2 that relate to a particular application shall be made at the latest by 30 June of the fourth year following the year of the deadline for submission of the draft restructuring programmes as laid down in Article 4(1) of Regulation (EC) No 637/2008. Payments in the first year of the first programming period shall be made from 16 October 2009.

4. Member States shall lay down specific rules for the implementation of this Article.

Article 7

Monitoring and control

1. Notwithstanding the control obligations referred to in Regulation (EC) No 1290/2005, Member States shall monitor, control and verify the implementation of the restructuring programme as has become applicable.

For the measures referred to in Article 7(1), points (a) and (b) of Regulation (EC) No 637/2008, the Member States shall inspect on the spot each factory and production site which receives support under the restructuring programme before a final payment is made, to check that all conditions for obtaining the aid have been met.

With regard to the measure referred to in Article 7(1), point (a) of Regulation (EC) No 637/2008 an on-the-spot inspection shall be carried out on all relevant factory and production sites at the latest three months after the expiry of the one year period referred to in Article 10(1)(b) of this Regulation to verify that the requirements of that paragraph have been met.

2. For each on-the-spot inspection a report shall be established within one month, fully describing the work undertaken, the main findings and any follow-up action required. Specifically, the inspection reports shall:

(a) contain information regarding the beneficiary and the production site subject to inspection as well as the persons present;

(b) state whether notice of the visit was given to the beneficiary and, if so, the period of advance notice;

(c) state the requirements and standards subject to inspection;

(d) describe the nature and extent of the checks carried out;

(e) contain the findings;

(f) contain the elements in relation to which non-compliances are found;

(g) contain an evaluation providing an assessment of the importance of the non-compliance in respect of each element on the basis of, among others, its severity, extent, degree of permanence and history.

The beneficiary shall be informed of any non-compliance found.

Article 8

Recovery of undue payments

Undue payments shall be recovered, with interest, from the beneficiaries concerned. The rules fixed in Article 73 of Regulation (EC) No 796/2004 shall apply *mutatis mutandis*.

Implementation of administrative penalties and recovery of unduly paid amounts are without prejudice to communication of irregularities to the Commission pursuant to Commission Regulation (EC) No 1848/2006 ([1]).

Article 9

Penalties

1. If a beneficiary does not comply with one or more conditions for obtaining the aid under the measures of the restructuring programme, it shall be required to pay an amount equal to 10 % of the amount to be recovered under Article 8.

2. The penalties to be imposed pursuant to paragraph 1 shall not be imposed if the undertaking can demonstrate, to the satisfaction of the competent authority, that non-compliance is due to *force majeure* and if it has clearly identified the non-compliance in writing and in due time to the competent authority.

3. The penalties referred to in paragraph 1 shall not apply if the payment was made by error of the competent authorities itself of the Member States or of another authority concerned and the error could not reasonably be detected by the beneficiary and the beneficiary for his part acted in good faith.

4. If the non-compliance has been committed intentionally or as a result of grave negligence, the beneficiary shall be required to pay an amount equal to 30 % of the amount to be recovered under Article 8.

CHAPTER II

ELIGIBLE MEASURES

SECTION 1

Dismantling of ginning facilities

Article 10

Scope

1. Full and permanent dismantling of ginning facilities as referred to in Article 7(1)(a) of Regulation (EC) No 637/2008 shall require:

(a) the definitive and total cessation of the ginning of cotton in the factory or factories concerned;

(b) the dismantling of all ginning equipment thereof, and the removal of the ginning equipment from the site or sites, within one year of the approval of the application by the Member State;

(c) the definitive exclusion of the ginning equipment from cotton processing in the Community, by:

(i) removal of equipment to a third country;

(ii) guaranteed application of equipment in another sector; or

(iii) destruction of equipment;

(d) the restoring of the good environmental conditions of the factory site or sites and the facilitation of redeployment of the workforce; and

(e) the written commitment not to use the production site or sites for the ginning of cotton during a period of 10 years.

Ginning equipment means all specific equipment used for the transformation of unginned cotton into ginned cotton and its by-products, including feeders, dryers, cleaners, stick machines, gins, condensers, lint cleaners and bale presses.

([1]) OJ L 355, 15.12.2006, p. 56.

2. Member States may impose additional requirements with regard to dismantling as referred to in paragraph 1.

3. The ginning facilities referred to in paragraph 1 need to be in good working condition for an application to be eligible.

4. Factory buildings and sites may continue to be used for activities unrelated to cotton production, processing or trade.

Article 11

Community contribution

1. Member States shall decide, on the basis of objective and non-discriminatory criteria, the amount of aid to be granted under the measure referred to in Article 10.

2. The aid per ginning factory shall be limited to a maximum amount of EUR 100 per tonne of unginned cotton for the quantity of cotton processed in that factory, which has been eligible for support under Chapter V of Council Regulation (EC) No 1051/2001 [1], in the marketing year 2005/06.

SECTION 2

Investments in the ginning industry

Article 12

Scope

Support for the measure referred to in Article 7(1)(b) of Regulation (EC) No 637/2008 shall be granted for tangible or intangible investments which improve the overall performance of the enterprise and concern:

(a) the processing and/or marketing of cotton; and/or

(b) the development of new processes and technologies linked to cotton.

Article 13

Eligible expenditure

1. The supported investments shall respect the Community standards applicable to the investment concerned.

2. Eligible expenditure shall be:

(a) the improvement of immovable property;

(b) the purchase or lease purchase of new machinery and equipment, including computer software up to the market value of the asset, and excluding other costs connected with the leasing contract, such as lessor's margin, interest refinancing costs, overheads and insurance charges;

(c) general costs linked to expenditure referred to in points (a) and (b), such as fees of architects and engineers and consultation fees, feasibility studies, the acquisition of patent rights and licences.

3. Costs for the development of new processes and technologies as referred to in Article 12 shall concern preparatory operations, such as design, process or technology development and tests and tangible and/or intangible investments related to them, before the use of the newly developed processes and technologies for commercial purposes.

4. Simple replacement investments shall not be eligible expenditure.

Article 14

Community contribution

1. The Community contribution for support referred to in Article 12 shall be limited to the following maximum aid rates:

(a) 50 % in regions classified as convergence regions in accordance with Council Regulation (EC) No 1083/2006 [2];

(b) 40 % in regions other than convergence regions.

2. Support shall not be granted to the firms in difficulty within the meaning of Section 2.1 of the Community guidelines on State aid for rescuing and restructuring firms in difficulty [3].

3. Article 72 of Council Regulation (EC) No 1698/2005 [4] shall apply *mutatis mutandis* to support referred to in Article 12.

SECTION 3

Participation of farmers in cotton quality schemes

Article 15

Scope

Support for the measure referred to in Article 7(1)(c) of Regulation (EC) No 637/2008 shall:

(a) be granted for Community quality schemes for cotton established under Council Regulation (EC) No 834/2007 [5], or Council Regulation (EC) No 510/2006 [6], or quality schemes recognised by the Member States;

[1] OJ L 148, 1.6.2001, p. 3. Regulation repealed by Regulation (EC) No 1782/2003 (OJ L 270, 21.10.2003, p. 1) as from 31 December 2005.

[2] OJ L 210, 31.7.2006, p. 25.
[3] OJ C 244, 1.10.2004, p. 2.
[4] OJ L 277, 21.10.2005, p. 1.
[5] OJ L 189, 20.7.2007, p. 1.
[6] OJ L 93, 31.3.2006, p. 12.

(b) be granted as an annual incentive payment whose level shall be determined according to the level of the fixed costs arising from participation in supported schemes, for a maximum duration of four years.

Schemes whose sole purpose is to provide a higher level of control of respect of obligatory standards under Community or national law shall not be eligible for support under this section.

Article 16

Eligibility criteria

1. To be eligible for support, quality schemes recognised by Member States, as referred to in point (a) of the first subparagraph of Article 15, shall comply with the following criteria:

(a) the specificity of the final product under such schemes shall be derived from detailed obligations on farming and processing methods that guarantee:

(i) specific characteristics including the production process; or

(ii) a quality of the final product that goes significantly beyond the commercial commodity standards as regards plant health or environmental protection;

(b) the schemes involve binding product specifications and compliance with those specifications shall be verified by an independent inspection body;

(c) the schemes shall be open to all producers;

(d) the schemes shall be transparent and assure complete traceability of the products;

(e) the schemes shall respond to current and foreseeable market opportunities.

2. Support may be granted to farmers participating in a quality scheme only if the quality product has been officially recognised under the Regulations and provisions of the Community schemes or quality schemes recognised by a Member State, as provided for in point (a) of the first subparagraph of Article 15.

As regards the quality schemes established under Regulation (EC) No 510/2006, support may only be granted in respect of names registered in the Community register.

3. Where support for participation in a quality scheme under Regulation (EC) No 834/2007 is included in a restructuring programme, the fixed costs resulting from the participation in that quality scheme shall not be taken into account in calculating the amount of support in the framework of an agri-environment measure to support organic farming.

4. For the purpose of point (b) of the first subparagraph of Article 15, 'fixed costs' means the costs incurred for entering a supported quality scheme and the annual contribution for participating in that scheme, including, where necessary, expenditure on checks required to verify compliance with the specifications of the scheme.

Article 17

Community contribution

Support for the measure referred to in Article 15 shall be limited to a maximum amount of EUR 3 000 per holding per year.

SECTION 4

Information and promotion

Article 18

Scope

1. Support for the measure referred to in Article 7(1)(d) of Regulation (EC) No 637/2008 shall concern cotton covered by the quality schemes referred to in Article 15 and products mainly produced with this cotton.

2. Information and promotion activities supported under Regulation (EC) No 3/2008 shall not qualify for support.

Article 19

Eligible activities

1. The information and promotion activities eligible for support shall be activities designed to induce consumers to buy cotton covered by quality schemes included in Article 15, or products mainly produced with this cotton.

Such activities shall draw attention to the specific features or advantages of the products concerned, notably the quality, specific production methods, and respect for the environment linked to the quality scheme concerned, and may include the dissemination of scientific and technical knowledge about those products. Such activities shall include, in particular, the organisation of, and/or participation in, fairs and exhibitions, similar public relations exercises and advertising via the different channels of communication or at the points of sale.

2. Only information, promotion and advertising activities in the internal market shall be eligible for support.

Such activities shall not incite consumers to buy a product due to its particular origin, except for products covered by the quality scheme introduced by Regulation (EC) No 510/2006. The origin of a product may nevertheless be indicated provided the mention of the origin is subordinate to the main message.

Activities related to the promotion of commercial brands shall not be eligible for support.

3. When activities referred to in paragraph 1 concern a product included in the Community quality schemes established under Regulation (EC) No 834/2007 or Regulation (EC) No 510/2006, the Community logo provided for under those schemes shall appear on information, promotion and/or advertising material.

4. The Member States shall ensure that all draft information, promotion and advertising materials drawn up in the context of a supported activity comply with Community legislation. To that end, beneficiaries shall transmit such draft materials to the competent authority of the Member State.

Article 20

Community contribution

Support for the measure referred to in Article 18 shall be limited to 70 % of the cost of the activity.

SECTION 5

Aid to machinery contractors

Article 21

Scope

Aid for the measure referred to in Article 7(1)(e) of Regulation (EC) No 637/2008 shall be granted on the basis of objective and non-discriminatory criteria, for the losses incurred including the loss of value of specialised harvest machinery, which can not be used for other purposes.

Article 22

Community contribution

1. Member States shall determine the level of aid to be granted under the measure referred to in Article 21. This aid shall not exceed the losses incurred and shall be limited to a maximum amount of EUR 10 per tonne for the quantity of unginned cotton harvested under contract in the marketing year 2005/06, that was delivered to a ginning factory subject to dismantling as provided for in Article 10.

2. Member States shall ensure the beneficiaries of the support comply with the criteria listed in Article 7(2)(d) of Regulation (EC) No 637/2008.

CHAPTER III

FINAL PROVISIONS

Article 23

Entry into force and application

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

It shall apply from 1 January 2009.

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

Done at Brussels, 18 November 2008.

For the Commission
Mariann FISCHER BOEL
Member of the Commission

ANNEX

General financial table for the restructuring programme under Article 7 of Regulation (EC) No 637/2008

(1 000 EUR)

Member State:

Date of communication:

Amended table: Yes/No If Yes, number:

		Financial year				
Measures	Regulation (EC) No 637/2008	Year 1 (2010)	Year 2 (2011)	Year 3 (2012)	Year 4 (2013)	Total
Dismantling	Article 7(1)(a)					
Investments	Article 7(1)(b)					
Quality schemes	Article 7(1)(c)					
Information and promotion	Article 7(1)(d)					
Machinery contractors	Article 7(1)(e)					
	Total					

COMMISSION REGULATION (EC) No 1146/2008

of 18 November 2008

prohibiting fishing for alfonsinos in Community waters and waters not under the sovereignty or jurisdiction of third countries of III, IV, V, VI, VII, VIII, IX, X, XII and XIV by vessels flying the flag of Portugal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the common fisheries policy [1], and in particular Article 26(4) thereof,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy [2], and in particular Article 21(3) thereof,

Whereas:

(1) Council Regulation (EC) No 2015/2006 of 19 December 2006 fixing for 2007 and 2008 the fishing opportunities for Community fishing vessels for certain deep-sea fish stocks [3] lays down quotas for 2007 and 2008.

(2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of, or registered in, the Member State referred to therein have exhausted the quota allocated for 2008.

(3) It is therefore necessary to prohibit fishing for that stock and its retention on board, transhipment and landing,

HAS ADOPTED THIS REGULATION:

Article 1

Quota exhaustion

The fishing quota allocated for 2008 to the Member State referred to in the Annex to this Regulation for the stock referred to therein shall be deemed to be exhausted from the date stated in that Annex.

Article 2

Prohibitions

Fishing for the stock referred to in the Annex to this Regulation by vessels flying the flag of, or registered in, the Member State referred to therein shall be prohibited from the date stated in that Annex. After that date it shall also be prohibited to retain on board, tranship or land such stock caught by those vessels.

Article 3

Entry into force

This Regulation shall enter into force on the day following that of 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, 18 November 2008.

For the Commission
Fokion FOTIADIS
Director-General for Maritime Affairs and Fisheries

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[1] OJ L 358, 31.12.2002, p. 59.
[2] OJ L 261, 20.10.1993, p. 1.
[3] OJ L 384, 29.12.2006, p. 28.

ANNEX

No	08/DSS
Member State	PRT
Stock	ALF/3X14-
Species	Alfonsinos (*Beryx* spp.)
Area	Community waters and waters not under the sovereignty or jurisdiction of third countries of III, IV, V, VI, VII, VIII, IX, X, XII and XIV
Date	30.9.2008

II

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

DECISIONS

COUNCIL

COUNCIL DECISION

of 13 October 2008

on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the Republic of Cuba pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union

(2008/870/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 in conjunction with the first sentence of the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) On 29 January 2007 the Council authorised the Commission to open negotiations with certain other Members of the WTO under Article XXIV:6 of the General Agreement on Tariffs and Trade (GATT) 1994, in the course of the accessions to the European Community of the Republic of Bulgaria and Romania.

(2) Negotiations have been conducted by the Commission in consultation with the Committee established by Article 133 of the Treaty and within the framework of the negotiating directives issued by the Council.

(3) The Commission has finalised negotiations for an Agreement in the form of an Exchange of Letters between the European Community and the Republic of Cuba. The Agreement should be approved.

(4) The measures necessary for the implementation of this Decision should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission [1],

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an Exchange of Letters between the European Community and the Republic of Cuba pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union is hereby approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

The detailed rules for implementing the Agreement shall be adopted in accordance with the procedure referred to in Article 195(2) of 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) [2].

[1] OJ L 184, 17.7.1999, p. 23.
[2] OJ L 299, 16.11.2007, p. 1.

Article 3

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement in the form of an Exchange of Letters referred to in Article 1 in order to bind the Community [1].

Done at Luxembourg, 13 October 2008.

For the Council
The President
B. KOUCHNER

[1] The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

AGREEMENT

in the form of an Exchange of Letters between the European Community and the Republic of Cuba pursuant to Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of concessions in the schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union

A. *Letter from the European Community*

Geneva, 24 October 2008

Sir,

Following negotiations under Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of the Schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union, the European Community and the Republic of Cuba have agreed as follows:

The European Community will incorporate in its schedule, for the customs territory of the EC-27, the following modification:

Add a country allocation (for Cuba) of 10 000 tonnes to the current volume of 106 925 tonnes in the EC tariff rate quota for raw cane sugar for refining (CN code 1701 11 10), maintaining the present in-quota rate of 98 EUR/t/net.

For marketing year 2008/2009 the country allocation for Cuba will be 20 000 tonnes. As from the marketing year 2009/2010 the country allocation for Cuba will be 10 000 tonnes.

The Republic of Cuba accepts the European Community approach to netting-out of tariff rate quotas as a way of adjusting the GATT obligations of the EC-25 and those of the Republic of Bulgaria and Romania following the recent enlargement of the European Community.

This agreement will enter into force two months after the date of the signed letter from the Republic of Cuba.

On behalf of the European Community

Съставено в Женева на двадесет и четвърти октомври две хиляди и осма година.
Hecho en Ginebra, el veinticuatro de octubre de dos mil ocho.
V Ženevě dne dvacátého čtvrtého října dva tisíce osm.
Udfærdiget i Geneve, den fireogtyvende oktober to tusind og otte.
Geschehen zu Genf am vierundzwanzigsten Oktober zweitausendundacht.
Genfis kahe tuhande kaheksanda aasta oktoobrikuu kahekümne neljandal päeval.
Έγινε στις Γενεύη, στις είκοσι τέσσερις Οκτωβρίου δύο χιλιάδες οκτώ.
Done at Geneva, on the twenty-fourth day of October in the year two thousand and eight.
Fait à Genève, le vingt-quatre octobre deux mille huit.
Fatto a Ginevra, addì ventiquattro ottobre duemilaotto.
Ženēvā, divtūkstoš astotā gada divdesmit ceturtajā oktobrī.
Ženeva, du tūkstančiai aštuntųjų metų spalio dvidešimt ketvirta diena.
Kelt Genfben, a kettőezer nyolcadik év október havának huszonnegyedik napján.
Magħmula f'Ġinevra, fl-erbgħa u għoxrin ta' Ottubru ta' l-elfejn u tmienja.
Gedaan te Genève, de vierentwingtigste oktober tweeduizend acht.
Sporządzono w Genewie dnia dwudziestego czwartego października dwa tysiące ósmego roku.
Feito em Genebra, em vinte e quatro de Outubro de dois mil e oito.
Încheiat la Geneva la douăzeci și patru octombrie două mii opt.
V Ženeve dvadsiateho štvrtého októbra dvetisícosem.
V Ženevi, štiriindvajsetega oktobra dva tisoč osem.
Tehty Genevessä kahdentenakymmenentenäneljänä päivänä lokakuuta vuonna kaksituhattakahdeksan.
Utfärdat i Genève den tjugofjärde oktober tjugohundraåtta.

За Европейската общност
Por la Comunidad Europea
Za Evropské společenství
For Det Europæiske Fællesskab
Für die Europäische Gemeinschaft
Euroopa Ühenduse nimel
Για την Ευρωπαϊκή Κοινότητα
For the European Community
Pour la Communauté européenne
Per la Comunità europea
Eiropas Kopienas vārdā
Europos bendrijos vardu
Az Európai Közösség részéről
Għall-Komunità Ewropea
Voor de Europese Gemeenschap
W imieniu Wspólnoty Europejskiej
Pela Comunidade Europeia
Pentru Comunitatea Europeană
Za Európske spoločenstvo
Za Evropsko skupnost
Euroopan yhteisön puolesta
För Europeiska gemenskapen

B. *Letter from the Republic of Cuba*

Geneva, 24 October 2008

Sir,

With reference to your letter stating:

'Following negotiations under Article XXIV:6 and Article XXVIII of the General Agreement on Tariffs and Trade (GATT) 1994 relating to the modification of the Schedules of the Republic of Bulgaria and Romania in the course of their accession to the European Union, the European Community and the Republic of Cuba have agreed as follows:

The European Community will incorporate in its schedule, for the customs territory of the EC-27, the following modification:

Add a country allocation (for Cuba) of 10 000 tonnes to the current volume of 106 925 tonnes in the EC tariff rate quota for raw cane sugar for refining (CN code 1701 11 10), maintaining the present in-quota rate of 98 EUR/t/net.

For marketing year 2008/2009 the country allocation for Cuba will be 20 000 tonnes. As from the marketing year 2009/2010 the country allocation for Cuba will be 10 000 tonnes.

The Republic of Cuba accepts the European Community approach to netting-out of tariff rate quotas as a way of adjusting the GATT obligations of the EC-25 and those of the Republic of Bulgaria and Romania following the recent enlargement of the European Community.

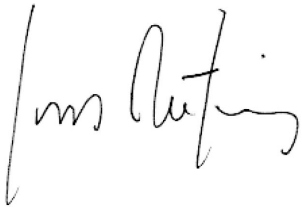
This agreement will enter into force two months after the date of the signed letter from the Republic of Cuba.'.

I hereby have the honour to express my Government's agreement.

On behalf of the Republic of Cuba

Hecho en Ginebra, el veinticuatro de octubre de dos mil ocho.
Съставено в Женева на двадесет и четвърти октомври две хиляди и осма година.
V Ženevě dne dvacátého čtvrtého října dva tisíce osm.
Udfærdiget i Geneve, den fireogtyvende oktober to tusind og otte.
Geschehen zu Genf am vierundzwanzigsten Oktober zweitausendundacht.
Genfis kahe tuhande kaheksanda aasta oktoobrikuu kahekümne neljandal päeval.
Έγινε στη Γενεύη, στις είκοσι τέσσερις Οκτωβρίου δύο χιλιάδες οκτώ.
Done at Geneva, on the twenty-fourth day of October in the year two thousand and eight.
Fait à Genève, le vingt-quatre octobre deux mille huit.
Fatto a Ginevra, addì ventiquattro ottobre duemilaotto.
Ženēvā, divtūkstoš astotā gada divdesmit ceturtajā oktobrī.
Ženeva, du tūkstančiai aštuntųjų metų spalio dvidešimt ketvirta diena.
Kelt Genfben, a kettőezer nyolcadik év október havának huszonnegyedik napján.
Magħmula f'Ġinevra, fl-erbgħa u għoxrin ta' Ottubru ta' l-elfejn u tmienja.
Gedaan te Genève, de vierentwingtigste oktober tweeduizend acht.
Sporządzono w Genewie, dnia dwudziestego czwartego października dwa tysiące ósmego roku.
Feito em Genebra, em vinte e quatro de Outubro de dois mil e oito.
Încheiat la Geneva la douăzeci și patru octombrie două mii opt.
V Ženeve dvadsiateho štvrtého októbra dvetisícosem.
V Ženevi, štiriindvajsetega oktobra dva tisoč osem.
Tehty Genevessä kahdentenakymmenentenäneljänä päivänä lokakuuta vuonna kaksituhattakahdeksan.
Utfärdat i Genève den tjugofjärde oktober tjugohundraåtta.

Por la República de Cuba
За Република Куба
Za Kubánskou republiku
For Det Republikken Cuba
Für die Republik Kuba
Kuuba Vabariigi nimel
Για τη Δημοκρατία της Κούβας
For the Republic of Cuba
Pour la République de Cuba
Per la Repubblica di Cuba
Kubas Republikas vārdā —
Kubos Respublikos vardu
A Kubai Köztársaság részéről
Għar-Repubblika ta' Kuba
Voor de Republiek Cuba
W imieniu Republiki Kuby
Pela República de Cuba
Pentru Republica Cuba
Za Kubánsku republiku
Za Republiko Kubo
Kuuban tasavallan puolesta
För Republiken Kubas vägnar



COUNCIL DECISION

of 20 October 2008

on the approval, on behalf of the European Community, of the Protocol on Strategic Environmental Assessment to the 1991 UN/ECE Espoo Convention on Environmental Impact Assessment in a Transboundary Context

(2008/871/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 175(1), in conjunction with the first sentence of the first subparagraph of Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission,

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

Whereas:

(1) On 21 May 2003, on the occasion of the fifth Ministerial Conference 'Environment for Europe' held in Kiev, Ukraine, 21-23 May 2003, the Commission, on behalf of the Community, signed the Protocol on Strategic Environmental Assessment to the 1991 UN/ECE Espoo Convention on Environmental Impact Assessment in a Transboundary Context (SEA Protocol).

(2) The SEA Protocol helps to protect the environment by providing for the assessment of the likely significant environmental, including health, effects of plans and programmes and by endeavouring to ensure that environmental, including health, concerns are considered and integrated, to the extent appropriate, in the preparation of proposals for policies and legislation.

(3) The Community and the Member States should take the necessary steps to allow the deposit, as far as possible simultaneously, of the instruments of ratification, approval or acceptance.

(4) The SEA Protocol should be approved by the Community,

HAS DECIDED AS FOLLOWS:

Article 1

1. The Protocol on Strategic Environmental Assessment to the Espoo Convention on Environmental Impact Assessment in a Transboundary Context (SEA Protocol) is hereby approved on behalf of the European Community.

2. The text of the SEA Protocol is attached to this Decision.

Article 2

1. The President of the Council is hereby authorised to designate the person(s) empowered to deposit the instrument of approval of the SEA Protocol with the Secretary-General of the United Nations, acting in his capacity as Depositary, in accordance with Article 22 of that Protocol.

2. At the same time, the designated person(s) shall deposit the declaration of competence set out in the Annex to this Decision, as required by Article 23(5) of the SEA Protocol.

Done at Luxembourg, 20 October 2008.

For the Council
The President
J.-L. BORLOO

[1] Opinion of 8 July 2008 (not yet published in the Official Journal).

ANNEX

Declaration by the European Community in accordance with Article 23(5) of the Protocol on Strategic Environmental Assessment to the 1991 UN/ECE Espoo Convention on Environmental Impact Assessment in a Transboundary Context

The European Community declares that, in accordance with the Treaty establishing the European Community, and in particular Article 175(1) thereof, it is competent to enter into international agreements, and to implement the obligations resulting therefrom, which contribute to the pursuit of the following objectives:

— preserving, protecting and improving the quality of the environment,

— protecting human health,

— prudent and rational utilisation of natural resources,

— promoting measures at international level to deal with regional or worldwide environmental problems.

Moreover, the European Community declares that it has already adopted legal instruments, including Directive 2001/42/EC of the European Parliament and of the Council concerning the assessment of the effects of certain plans and programmes on the environment, binding on its Member States, covering matters governed by this Protocol, and will submit and update, as appropriate, a list of those legal instruments to the Depositary in accordance with Article 23(5) of the Protocol.

The European Community is responsible for the performance of those obligations resulting from the Protocol which are covered by Community law.

The exercise of Community competence is, by its nature, subject to continuous development.

PROTOCOL

on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context

THE PARTIES TO THIS PROTOCOL,

RECOGNISING the importance of integrating environmental, including health, considerations into the preparation and adoption of plans and programmes and, to the extent appropriate, policies and legislation,

COMMITTING themselves to promoting sustainable development and therefore basing themselves on the conclusions of the United Nations Conference on Environment and Development (Rio de Janeiro, Brazil, 1992), in particular principles 4 and 10 of the Rio Declaration on Environment and Development and Agenda 21, as well as the outcome of the third Ministerial Conference on Environment and Health (London, 1999) and the World Summit on Sustainable Development (Johannesburg, South Africa, 2002),

BEARING IN MIND the Convention on Environmental Impact Assessment in a Transboundary Context, done at Espoo, Finland, on 25 February 1991, and Decision II/9 of its Parties at Sofia on 26 and 27 February 2001, in which it was decided to prepare a legally binding protocol on strategic environmental assessment,

RECOGNISING that strategic environmental assessment should have an important role in the preparation and adoption of plans, programmes, and, to the extent appropriate, policies and legislation, and that the wider application of the principles of environmental impact assessment to plans, programmes, policies and legislation will further strengthen the systematic analysis of their significant environmental effects,

ACKNOWLEDGING the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, done at Aarhus, Denmark, on 25 June 1998, and taking note of the relevant paragraphs of the Lucca Declaration, adopted at the first meeting of its Parties,

CONSCIOUS, therefore, of the importance of providing for public participation in strategic environmental assessment,

ACKNOWLEDGING the benefits to the health and well-being of present and future generations that will follow if the need to protect and improve people's health is taken into account as an integral part of strategic environmental assessment, and recognising the work led by the World Health Organisation in this respect,

MINDFUL OF THE NEED for and importance of enhancing international cooperation in assessing the transboundary environmental, including health, effects of proposed plans and programmes, and, to the extent appropriate, policies and legislation,

HAVE AGREED AS FOLLOWS:

Article 1

Objective

The objective of this Protocol is to provide for a high level of protection of the environment, including health, by:

(a) ensuring that environmental, including health, considerations are thoroughly taken into account in the preparation of policies and legislation;

(b) contributing to the consideration of environmental, including health, concerns in the preparation of policies and legislation;

(c) establishing clear, transparent and effective procedures for strategic environmental assessment;

(d) providing for public participation in strategic environmental assessment; and

(e) integrating by these means environmental, including health, concerns into measures and instruments designed to further sustainable development.

Article 2

Definitions

For the purposes of this Protocol,

1. 'Convention' means the Convention on Environmental Impact Assessment in a Transboundary Context.

2. 'Party' means, unless the text indicates otherwise, a Contracting Party to this Protocol.

3. 'Party of origin' means a Party or Parties to this Protocol within whose jurisdiction the preparation of a plan or programme is envisaged.

4. 'Affected Party' means a Party or Parties to this Protocol likely to be affected by the transboundary environmental, including health, effects of a plan or programme.

5. 'Plans and programmes' means plans and programmes and any modifications to them that are:

   (a) required by legislative, regulatory or administrative provisions; and

   (b) subject to preparation and/or adoption by an authority or prepared by an authority for adoption, through a formal procedure, by a parliament or a government.

6. 'Strategic environmental assessment' means the evaluation of the likely environmental, including health, effects, which comprises the determination of the scope of an environmental report and its preparation, the carrying-out of public participation and consultations, and the taking into account of the environmental report and the results of the public participation and consultations in a plan or programme.

7. 'Environmental, including health, effect' means any effect on the environment, including human health, flora, fauna, biodiversity, soil, climate, air, water, landscape, natural sites, material assets, cultural heritage and the interaction among these factors.

8. 'The public' means one or more natural or legal persons and, in accordance with national legislation or practice, their associations, organisations or groups.

Article 3

General provisions

1. Each Party shall take the necessary legislative, regulatory and other appropriate measures to implement the provisions of this Protocol within a clear, transparent framework.

2. Each Party shall endeavour to ensure that officials and authorities assist and provide guidance to the public in matters covered by this Protocol.

3. Each Party shall provide for appropriate recognition of and support to associations, organisations or groups promoting environmental, including health, protection in the context of this Protocol.

4. The provisions of this Protocol shall not affect the right of a Party to maintain or introduce additional measures in relation to issues covered by this Protocol.

5. Each Party shall promote the objectives of this Protocol in relevant international decision-making processes and within the framework of relevant international organisations.

6. Each Party shall ensure that persons exercising their rights in conformity with the provisions of this Protocol shall not be penalised, persecuted or harassed in any way for their involvement. This provision shall not affect the powers of national courts to award reasonable costs in judicial proceedings.

7. Within the scope of the relevant provisions of this Protocol, the public shall be able to exercise its rights without discrimination as to citizenship, nationality or domicile and, in the case of a legal person, without discrimination as to where it has its registered seat or an effective centre of its activities.

Article 4

Field of application concerning plans and programmes

1. Each Party shall ensure that a strategic environmental assessment is carried out for plans and programmes referred to in paragraphs 2, 3 and 4 which are likely to have significant environmental, including health, effects.

2. A strategic environmental assessment shall be carried out for plans and programmes which are prepared for agriculture, forestry, fisheries, energy, industry including mining, transport, regional development, waste management, water management, telecommunications, tourism, town and country planning or land use, and which set the framework for future development consent for projects listed in Annex I and any other project listed in Annex II that requires an environmental impact assessment under national legislation.

3. For plans and programmes other than those subject to paragraph 2 which set the framework for future development consent of projects, a strategic environmental assessment shall be carried out where a Party so determines according to Article 5, paragraph 1.

4. For plans and programmes referred to in paragraph 2 which determine the use of small areas at local level and for minor modifications to plans and programmes referred to in paragraph 2, a strategic environmental assessment shall be carried out only where a Party so determines according to Article 5, paragraph 1.

5. The following plans and programmes are not subject to this Protocol:

(a) plans and programmes whose sole purpose is to serve national defence or civil emergencies;

(b) financial or budget plans and programmes.

Article 5

Screening

1. Each Party shall determine whether plans and programmes referred to in Article 4, paragraphs 3 and 4, are likely to have significant environmental, including health, effects either through a case-by-case examination or by specifying types of plans and programmes or by combining both approaches. For this purpose each Party shall in all cases take into account the criteria set out in Annex III.

2. Each Party shall ensure that the environmental and health authorities referred to in Article 9, paragraph 1, are consulted when applying the procedures referred to in paragraph 1 above.

3. To the extent appropriate, each Party shall endeavour to provide opportunities for the participation of the public concerned in the screening of plans and programmes under this article.

4. Each Party shall ensure timely public availability of the conclusions pursuant to paragraph 1, including the reasons for not requiring a strategic environmental assessment, whether by public notices or by other appropriate means, such as electronic media.

Article 6

Scoping

1. Each Party shall establish arrangements for the determination of the relevant information to be included in the environmental report in accordance with Article 7, paragraph 2.

2. Each Party shall ensure that the environmental and health authorities referred to in Article 9, paragraph 1, are consulted when determining the relevant information to be included in the environmental report.

3. To the extent appropriate, each Party shall endeavour to provide opportunities for the participation of the public concerned when determining the relevant information to be included in the environmental report.

Article 7

Environmental report

1. For plans and programmes subject to strategic environmental assessment, each Party shall ensure that an environmental report is prepared.

2. The environmental report shall, in accordance with the determination under Article 6, identify, describe and evaluate the likely significant environmental, including health, effects of implementing the plan or programme and its reasonable alternatives. The report shall contain such information specified in Annex IV as may reasonably be required, taking into account:

(a) current knowledge and methods of assessment;

(b) the contents and the level of detail of the plan or programme and its stage in the decision-making process;

(c) the interests of the public; and

(d) the information needs of the decision-making body.

3. Each Party shall ensure that environmental reports are of sufficient quality to meet the requirements of this Protocol.

Article 8

Public participation

1. Each Party shall ensure early, timely and effective opportunities for public participation, when all options are open, in the strategic environmental assessment of plans and programmes.

2. Each Party, using electronic media or other appropriate means, shall ensure the timely public availability of the draft plan or programme and the environmental report.

3. Each Party shall ensure that the public concerned, including relevant non-governmental organisations, is identified for the purposes of paragraphs 1 and 4.

4. Each Party shall ensure that the public referred to in paragraph 3 has the opportunity to express its opinion on the draft plan or programme and the environmental report within a reasonable time frame.

5. Each Party shall ensure that the detailed arrangements for informing the public and consulting the public concerned are determined and made publicly available. For this purpose, each Party shall take into account to the extent appropriate the elements listed in Annex V.

Article 9

Consultation with environmental and health authorities

1. Each Party shall designate the authorities to be consulted which, by reason of their specific environmental or health responsibilities, are likely to be concerned by the environmental, including health, effects of the implementation of the plan or programme.

2. The draft plan or programme and the environmental report shall be made available to the authorities referred to in paragraph 1.

3. Each Party shall ensure that the authorities referred to in paragraph 1 are given, in an early, timely and effective manner, the opportunity to express their opinion on the draft plan or programme and the environmental report.

4. Each Party shall determine the detailed arrangements for informing and consulting the environmental and health authorities referred to in paragraph 1.

Article 10

Transboundary consultations

1. Where a Party of origin considers that the implementation of a plan or programme is likely to have significant transboundary environmental, including health, effects or where a Party likely to be significantly affected so requests, the Party of origin shall as early as possible before the adoption of the plan or programme notify the affected Party.

2. This notification shall contain, inter alia:

(a) the draft plan or programme and the environmental report including information on its possible transboundary environmental, including health, effects; and

(b) information regarding the decision-making procedure, including an indication of a reasonable time schedule for the transmission of comments.

3. The affected Party shall, within the time specified in the notification, indicate to the Party of origin whether it wishes to enter into consultations before the adoption of the plan or programme and, if it so indicates, the Parties concerned shall enter into consultations concerning the likely transboundary environmental, including health, effects of implementing the plan or programme and the measures envisaged to prevent, reduce or mitigate adverse effects.

4. Where such consultations take place, the Parties concerned shall agree on detailed arrangements to ensure that the public concerned and the authorities referred to in article 9, paragraph 1, in the affected Party are informed and given an opportunity to forward their opinion on the draft plan or programme and the environmental report within a reasonable time frame.

Article 11

Decision

1. Each Party shall ensure that when a plan or programme is adopted due account is taken of:

(a) the conclusions of the environmental report;

(b) the measures to prevent, reduce or mitigate the adverse effects identified in the environmental report; and

(c) the comments received in accordance with Articles 8 to 10.

2. Each Party shall ensure that, when a plan or programme is adopted, the public, the authorities referred to in Article 9, paragraph 1, and the Parties consulted according to Article 10 are informed, and that the plan or programme is made available to them together with a statement summarising how the environmental, including health, considerations have been integrated into it, how the comments received in accordance with Articles 8 to 10 have been taken into account and the reasons for adopting it in the light of the reasonable alternatives considered.

Article 12

Monitoring

1. Each Party shall monitor the significant environmental, including health, effects of the implementation of the plans and programmes, adopted under Article 11 in order, inter alia, to identify, at an early stage, unforeseen adverse effects and to be able to undertake appropriate remedial action.

2. The results of the monitoring undertaken shall be made available, in accordance with national legislation, to the authorities referred to in Article 9, paragraph 1, and to the public.

Article 13

Policies and legislation

1. Each Party shall endeavour to ensure that environmental, including health, concerns are considered and integrated to the extent appropriate in the preparation of its proposals for policies and legislation that are likely to have significant effects on the environment, including health.

2. In applying paragraph 1, each Party shall consider the appropriate principles and elements of this Protocol.

3. Each Party shall determine, where appropriate, the practical arrangements for the consideration and integration of environmental, including health, concerns in accordance with paragraph 1, taking into account the need for transparency in decision-making.

4. Each Party shall report to the Meeting of the Parties to the Convention serving as the Meeting of the Parties to this Protocol on its application of this article.

Article 14

The meeting of the parties to the convention serving as the meeting of the parties to the protocol

1. The Meeting of the Parties to the Convention shall serve as the Meeting of the Parties to this Protocol. The first meeting of the Parties to the Convention serving as the Meeting of the Parties to this Protocol shall be convened not later than one year after the date of entry into force of this Protocol, and in conjunction with a meeting of the Parties to the Convention, if a meeting of the latter is scheduled within that period. Subsequent meetings of the Parties to the Convention serving as the Meeting of the Parties to this Protocol shall be held in conjunction with meetings of the Parties to the Convention, unless otherwise decided by the Meeting of the Parties to the Convention serving as the Meeting of the Parties to this Protocol.

2. Parties to the Convention which are not Parties to this Protocol may participate as observers in the proceedings of any session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to this Protocol. When the Meeting of the Parties to the Convention serves as the Meeting of the Parties to this Protocol, decisions under this Protocol shall be taken only by the Parties to this Protocol.

3. When the Meeting of the Parties to the Convention serves as the Meeting of the Parties to this Protocol, any member of the Bureau of the Meeting of the Parties representing a Party to the Convention that is not, at that time, a Party to this Protocol shall be replaced by another member to be elected by and from amongst the Parties to this Protocol.

4. The Meeting of the Parties to the Convention serving as the Meeting of the Parties to this Protocol shall keep under regular review the implementation of this Protocol and, for this purpose, shall:

(a) review policies for and methodological approaches to strategic environmental assessment with a view to further improving the procedures provided for under this Protocol;

(b) exchange information regarding experience gained in strategic environmental assessment and in the implementation of this Protocol;

(c) seek, where appropriate, the services and cooperation of competent bodies having expertise pertinent to the achievement of the purposes of this Protocol;

(d) establish such subsidiary bodies as it considers necessary for the implementation of this Protocol;

(e) where necessary, consider and adopt proposals for amendments to this Protocol; and

(f) consider and undertake any additional action, including action to be carried out jointly under this Protocol and the Convention, that may be required for the achievement of the purposes of this Protocol.

5. The rules of procedure of the Meeting of the Parties to the Convention shall be applied *mutatis mutandis* under this Protocol, except as may otherwise be decided by consensus by the Meeting of the Parties serving as the Meeting of the Parties to this Protocol.

6. At its first meeting, the Meeting of the Parties to the Convention serving as the Meeting of the Parties to this Protocol shall consider and adopt the modalities for applying the procedure for the review of compliance with the Convention to this Protocol.

7. Each Party shall, at intervals to be determined by the Meeting of the Parties to the Convention serving as the Meeting of the Parties to this Protocol, report to the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol on measures that it has taken to implement the Protocol.

Article 15

Relationship to other international agreements

The relevant provisions of this Protocol shall apply without prejudice to the UNECE Conventions on Environmental Impact Assessment in a Transboundary Context and on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters.

Article 16

Right to vote

1. Except as provided for in paragraph 2 below, each Party to this Protocol shall have one vote.

2. Regional economic integration organisations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States which are Parties to this Protocol. Such organisations shall not exercise their right to vote if their member States exercise theirs, and vice versa.

Article 17

Secretariat

The secretariat established by Article 13 of the Convention shall serve as the secretariat of this Protocol and Article 13, paragraphs (a) to (c), of the Convention on the functions of the secretariat shall apply *mutatis mutandis* to this Protocol.

Article 18

Annexes

The annexes to this Protocol shall constitute an integral part thereof.

Article 19

Amendments to the protocol

1. Any Party may propose amendments to this Protocol.

2. Subject to paragraph 3, the procedure for proposing, adopting and the entry into force of amendments to the Convention laid down in paragraphs 2 to 5 of Article 14 of the Convention shall apply, *mutatis mutandis*, to amendments to this Protocol.

3. For the purpose of this Protocol, the three fourths of the Parties required for an amendment to enter into force for Parties having ratified, approved or accepted it, shall be calculated on the basis of the number of Parties at the time of the adoption of the amendment.

Article 20

Settlement of disputes

The provisions on the settlement of disputes of Article 15 of the Convention shall apply *mutatis mutandis* to this Protocol.

Article 21

Signature

This Protocol shall be open for signature at Kiev (Ukraine) from 21 to 23 May 2003 and thereafter at United Nations Headquarters in New York until 31 December 2003, by States members of the Economic Commission for Europe as well as States having consultative status with the Economic Commission for Europe pursuant to paragraphs 8 and 11 of Economic and Social Council Resolution 36 (IV) of 28 March 1947, and by regional economic integration organisations constituted by sovereign States members of the Economic Commission for Europe to which their member States have transferred competence over matters governed by this Protocol, including the competence to enter into treaties in respect of these matters.

Article 22

Depositary

The Secretary-General of the United Nations shall act as the Depositary of this Protocol.

Article 23

Ratification, acceptance, approval and accession

1. This Protocol shall be subject to ratification, acceptance or approval by signatory States and regional economic integration organisations referred to in Article 21.

2. This Protocol shall be open for accession as from 1 January 2004 by the States and regional economic integration organisations referred to in Article 21.

3. Any other State, not referred to in paragraph 2 above, that is a Member of the United Nations may accede to the Protocol upon approval by the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol.

4. Any regional economic integration organisation referred to in Article 21 which becomes a Party to this Protocol without any of its member States being a Party shall be bound by all the obligations under this Protocol. If one or more of such an organisation's member States is a Party to this Protocol, the organisation and its member States shall decide on their respective responsibilities for the performance of their obligations under this Protocol. In such cases, the organisation and its member States shall not be entitled to exercise rights under this Protocol concurrently.

5. In their instruments of ratification, acceptance, approval or accession, the regional economic integration organisations referred to in Article 21 shall declare the extent of their competence with respect to the matters governed by this Protocol. These organisations shall also inform the Depositary of any relevant modification to the extent of their competence.

Article 24

Entry into force

1. This Protocol shall enter into force on the 19th day after the date of deposit of the 60th instrument of ratification, acceptance, approval or accession.

2. For the purposes of paragraph 1 above, any instrument deposited by a regional economic integration organisation referred to in Article 21 shall not be counted as additional to those deposited by States members of such an organisation.

3. For each State or regional economic integration organisation referred to in Article 21 which ratifies, accepts or approves this Protocol or accedes thereto after the deposit of the 60th instrument of ratification, acceptance, approval or accession, the Protocol shall enter into force on the 19th day after the date of deposit by such State or organisation of its instrument of ratification, acceptance, approval or accession.

4. This Protocol shall apply to plans, programmes, policies and legislation for which the first formal preparatory act is subsequent to the date on which this Protocol enters into force. Where the Party under whose jurisdiction the preparation of a plan, programme, policy or legislation is envisaged is one for which paragraph 3 applies, this Protocol shall apply to plans, programmes, policies and legislation for which the first formal preparatory act is subsequent to the date on which this Protocol comes into force for that Party.

Article 25

Withdrawal

At any time after four years from the date on which this Protocol has come into force with respect to a Party, that Party may withdraw from the Protocol by giving written notification to the Depositary. Any such withdrawal shall take effect on the 19th day after the date of its receipt by the Depositary. Any such withdrawal shall not affect the application of Articles 5 to 9, 11 and 13 with respect to a strategic environmental assessment under this Protocol which has already been started, or the application of Article 10 with respect to a notification or request which has already been made, before such withdrawal takes effect.

Article 26

Authentic texts

The original of this Protocol, of which the English, French and Russian texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto, have signed this Protocol.

DONE at Kiev (Ukraine), this twenty-first day of May, two thousand and three.

ANNEX I

List of projects as referred to in Article 4, paragraph 2

1. Crude oil refineries (excluding undertakings manufacturing only lubricants from crude oil) and installations for the gasification and liquefaction of 500 metric tons or more of coal or bituminous shale per day.

2. Thermal power stations and other combustion installations with a heat output of 300 megawatts or more and nuclear power stations and other nuclear reactors (except research installations for the production and conversion of fissionable and fertile materials, whose maximum power does not exceed 1 kilowatt continuous thermal load).

3. Installations solely designed for the production or enrichment of nuclear fuels, for the reprocessing of irradiated nuclear fuels or for the storage, disposal and processing of radioactive waste.

4. Major installations for the initial smelting of cast-iron and steel and for the production of non-ferrous metals.

5. Installations for the extraction of asbestos and for the processing and transformation of asbestos and products containing asbestos: for asbestos-cement products, with an annual production of more than 20 000 metric tons of finished product; for friction material, with an annual production of more than 50 metric tons of finished product; and for other asbestos utilisation of more than 200 metric tons per year.

6. Integrated chemical installations.

7. Construction of motorways, express roads [1] and lines for long-distance railway traffic and of airports [2] with a basic runway length of 2 100 metres or more.

8. Large-diameter oil and gas pipelines.

9. Trading ports and also inland waterways and ports for inland-waterway traffic which permit the passage of vessels of over 1 350 metric tons.

10. Waste-disposal installations for the incineration, chemical treatment or landfill of toxic and dangerous wastes.

11. Large dams and reservoirs.

12. Groundwater abstraction activities in cases where the annual volume of water to be abstracted amounts to 10 million cubic metres or more.

13. Pulp and paper manufacturing of 200 air-dried metric tons or more per day.

14. Major mining, on-site extraction and processing of metal ores or coal.

15. Offshore hydrocarbon production.

16. Major storage facilities for petroleum, petrochemical and chemical products.

17. Deforestation of large areas.

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[1] For the purposes of this Protocol:
— 'Motorway' means a road specially designed and built for motor traffic, which does not serve properties bordering on it, and which:
(a) Is provided, except at special points or temporarily, with separate carriageways for the two directions of traffic, separated from each other by a dividing strip not intended for traffic or, exceptionally, by other means;
(b) Does not cross at level with any road, railway or tramway track, or footpath; and
(c) Is specially sign posted as a motorway.
— 'Express road' means a road reserved for motor traffic accessible only from interchanges or controlled junctions and on which, in particular, stopping and parking are prohibited on the running carriageway(s).

[2] For the purposes of this Protocol, 'airport' means an airport which complies with the definition in the 1944 Chicago Convention setting up the International Civil Aviation Organisation (Annex 14).

ANNEX II

Any other projects referred to in Article 4, paragraph 2

1. Projects for the restructuring of rural land holdings.

2. Projects for the use of uncultivated land or seminatural areas for intensive agricultural purposes.

3. Water management projects for agriculture, including irrigation and land drainage projects.

4. Intensive livestock installations (including poultry).

5. Initial afforestation and deforestation for the purposes of conversion to another type of land use.

6. Intensive fish farming.

7. Nuclear power stations and other nuclear reactors ([1]) including the dismantling or decommissioning of such power stations or reactors (except research installations for the production and conversion of fissionable and fertile materials whose maximum power does not exceed 1 kilowatt continuous thermal load), as far as not included in Annex I.

8. Construction of overhead electrical power lines with a voltage of 220 kilovolts or more and a length of 15 kilometres or more and other projects for the transmission of electrical energy by overhead cables.

9. Industrial installations for the production of electricity, steam and hot water.

10. Industrial installations for carrying gas, steam and hot water.

11. Surface storage of fossil fuels and natural gas.

12. Underground storage of combustible gases.

13. Industrial briquetting of coal and lignite.

14. Installations for hydroelectric energy production.

15. Installations for the harnessing of wind power for energy production (wind farms).

16. Installations, as far as not included in Annex I, designed:

    — for the production or enrichment of nuclear fuel,

    — for the processing of irradiated nuclear fuel,

    — for the final disposal of irradiated nuclear fuel,

    — solely for the final disposal of radioactive waste,

    — solely for the storage (planned for more than 10 years) of irradiated nuclear fuels in a different site than the production site, or

    — for the processing and storage of radioactive waste.

17. Quarries, open cast mining and peat extraction, as far as not included in Annex I.

18. Underground mining, as far as not included in Annex I.

19. Extraction of minerals by marine or fluvial dredging.

20. Deep drillings (in particular geothermal drilling, drilling for the storage of nuclear waste material, drilling for water supplies), with the exception of drillings for investigating the stability of the soil.

21. Surface industrial installations for the extraction of coal, petroleum, natural gas and ores, as well as bituminous shale.

22. Integrated works for the initial smelting of cast iron and steel, as far as not included in Annex I.

23. Installations for the production of pig iron or steel (primary or secondary fusion) including continuous casting.

24. Installations for the processing of ferrous metals (hot-rolling mills, smitheries with hammers, application of protective fused metal coats).

25. Ferrous metal foundries.

26. Installations for the production of non-ferrous crude metals from ore, concentrates or secondary raw materials by metallurgical, chemical or electrolytic processes, as far as not included in Annex I.

27. Installations for the smelting, including the alloyage, of non-ferrous metals excluding precious metals, including recovered products (refining, foundry casting, etc.), as far as not included in Annex I.

28. Installations for surface treatment of metals and plastic materials using an electrolytic or chemical process.

29. Manufacture and assembly of motor vehicles and manufacture of motor-vehicle engines.

30. Shipyards.

31. Installations for the construction and repair of aircraft.

32. Manufacture of railway equipment.

33. Swaging by explosives.

34. Installations for the roasting and sintering of metallic ores.

35. Coke ovens (dry coal distillation).

36. Installations for the manufacture of cement.

37. Installations for the manufacture of glass including glass fibre.

38. Installations for smelting mineral substances including the production of mineral fibres.

39. Manufacture of ceramic products by burning, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain.

40. Installations for the production of chemicals or treatment of intermediate products, as far as not included in Annex I.

41. Production of pesticides and pharmaceutical products, paint and varnishes, elastomers and peroxides.

42. Installations for the storage of petroleum, petrochemical, or chemical products, as far as not included in Annex I.

43. Manufacture of vegetable and animal oils and fats.

44. Packing and canning of animal and vegetable products.

45. Manufacture of dairy products.

46. Brewing and malting.

47. Confectionery and syrup manufacture.

48. Installations for the slaughter of animals.

49. Industrial starch manufacturing installations.

50. Fish-meal and fish-oil factories.

51. Sugar factories.

52. Industrial plants for the production of pulp, paper and board, as far as not included in Annex I.

53. Plants for the pretreatment or dyeing of fibres or textiles.

54. Plants for the tanning of hides and skins.

55. Cellulose-processing and production installations.

56. Manufacture and treatment of elastomer-based products.

57. Installations for the manufacture of artificial mineral fibres.

58. Installations for the recovery or destruction of explosive substances.

59. Installations for the production of asbestos and the manufacture of asbestos products, as far as not included in Annex I.

60. Knackers' yards.

61. Test benches for engines, turbines or reactors.

62. Permanent racing and test tracks for motorised vehicles.

63. Pipelines for transport of gas or oil, as far as not included in Annex I.

64. Pipelines for transport of chemicals with a diameter of more than 800 mm and a length of more than 40 km.

65. Construction of railways and intermodal transhipment facilities, and of intermodal terminals, as far as not included in Annex I.

66. Construction of tramways, elevated and underground railways, suspended lines or similar lines of a particular type used exclusively or mainly for passenger transport.

67. Construction of roads, including realignment and/or widening of any existing road, as far as not included in Annex I.

68. Construction of harbours and port installations, including fishing harbours, as far as not included in Annex I.

69. Construction of inland waterways and ports for inland-waterway traffic, as far as not included in Annex I.

70. Trading ports, piers for loading and unloading connected to land and outside ports, as far as not included in Annex I.

71. Canalisation and flood-relief works.

72. Construction of airports [2] and airfields, as far as not included in Annex I.

73. Waste-disposal installations (including landfill), as far as not included in Annex I.

74. Installations for the incineration or chemical treatment of non-hazardous waste.

75. Storage of scrap iron, including scrap vehicles.

76. Sludge deposition sites.

77. Groundwater abstraction or artificial groundwater recharge, as far as not included in Annex I.

78. Works for the transfer of water resources between river basins.

79. Waste-water treatment plants.

80. Dams and other installations designed for the holding back or for the long-term or permanent storage of water, as far as not included in Annex I.

81. Coastal work to combat erosion and maritime works capable of altering the coast through the construction, for example, of dykes, moles, jetties and other sea defence works, excluding the maintenance and reconstruction of such works.

82. Installations of long-distance aqueducts.

83. Ski runs, ski lifts and cable cars and associated developments.

84. Marinas.

85. Holiday villages and hotel complexes outside urban areas and associated developments.

86. Permanent campsites and caravan sites.

87. Theme parks.

88. Industrial estate development projects.

89. Urban development projects, including the construction of shopping centres and car parks.

90. Reclamation of land from the sea.

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(1) For the purposes of this Protocol, nuclear power stations and other nuclear reactors cease to be such an installation when all nuclear fuel and other radioactively contaminated elements have been removed permanently from the installation site.

(2) For the purposes of this Protocol, 'airport' means an airport which complies with the definition in the 1944 Chicago Convention setting up the International Civil Aviation Organisation (Annex 14).

ANNEX III

Criteria for determining of the likely significant environmental, including health, effects referred to in Article 5, paragraph 1

1. The relevance of the plan or programme to the integration of environmental, including health, considerations in particular with a view to promoting sustainable development.

2. The degree to which the plan or programme sets a framework for projects and other activities, either with regard to location, nature, size and operating conditions or by allocating resources.

3. The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.

4. Environmental, including health, problems relevant to the plan or programme.

5. The nature of the environmental, including health, effects such as probability, duration, frequency, reversibility, magnitude and extent (such as geographical area or size of population likely to be affected).

6. The risks to the environment, including health.

7. The transboundary nature of effects.

8. The degree to which the plan or programme will affect valuable or vulnerable areas including landscapes with a recognised national or international protection status.

ANNEX IV

Information referred to in Article 7, paragraph 2

1. The contents and the main objectives of the plan or programme and its link with other plans or programmes.

2. The relevant aspects of the current state of the environment, including health, and the likely evolution thereof should the plan or programme not be implemented.

3. The characteristics of the environment, including health, in areas likely to be significantly affected.

4. The environmental, including health, problems which are relevant to the plan or programme.

5. The environmental, including health, objectives established at international, national and other levels which are relevant to the plan or programme, and the ways in which these objectives and other environmental, including health, considerations have been taken into account during its preparation.

6. The likely significant environmental, including health, effects ([1]) as defined in Article 2, paragraph 7.

7. Measures to prevent, reduce or mitigate any significant adverse effects on the environment, including health, which may result from the implementation of the plan or programme.

8. An outline of the reasons for selecting the alternatives dealt with and a description of how the assessment was undertaken including difficulties encountered in providing the information to be included such as technical deficiencies or lack of knowledge.

9. Measures envisaged for monitoring environmental, including health, effects of the implementation of the plan or programme.

10. The likely significant transboundary environmental, including health, effects.

11. A non-technical summary of the information provided.

([1]) These effects should include secondary, cumulative, synergistic, short-, medium- and long-term, permanent and temporary, positive and negative effects.

ANNEX V

Information referred to in Article 8, paragraph 5

1. The proposed plan or programme and its nature.

2. The authority responsible for its adoption.

3. The envisaged procedure, including:

   (a) The commencement of the procedure;

   (b) The opportunities for the public to participate;

   (c) The time and venue of any envisaged public hearing;

   (d) The authority from which relevant information can be obtained and where the relevant information has been deposited for examination by the public;

   (e) The authority to which comments or questions can be submitted and the time schedule for the transmittal of comments or questions; and

   (f) What environmental, including health, information relevant to the proposed plan or programme is available.

4. Whether the plan or programme is likely to be subject to a transboundary assessment procedure.

COUNCIL DECISION

of 18 November 2008

appointing two German alternate members of the Committee of the Regions

(2008/872/EC)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal of the German Government,

Whereas:

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

(2) Two seats as alternate members of the Committee of the Regions have become vacant following the expiry of the mandates of Mr Stefan KRAXNER and Ms Ulrike KUHLO,

HAS DECIDED AS FOLLOWS:

Article 1

The following are hereby appointed to the Committee of the Regions as alternate members for the remainder of the current term of office, which runs until 25 January 2010:

— Mr Roland HEINTZE, Mitglied der Hamburger Bürgerschaft,

— Mr Roland RIESE, Mitglied des Niedersächsischen Landtages.

Article 2

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

Done at Brussels, 18 November 2008.

For the Council
The President
M. BARNIER

[1] OJ L 56, 25.2.2006, p. 75.

AGREEMENTS

COUNCIL

Information relating to the entry into force of an Agreement between the European Community and the Government of Cuba on the conclusion of GATT Article XXIV:6 negotiations

The above Agreement between the European Community and the Government of Cuba (OJ L 308, 19.11.2008) will enter into force on 24 December 2008.

III

(Acts adopted under the EU Treaty)

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

COUNCIL COMMON POSITION 2008/873/CFSP

of 18 November 2008

renewing the restrictive measures against Côte d'Ivoire

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

(1) On 13 December 2004, the Council adopted Common Position 2004/852/CFSP concerning restrictive measures against Côte d'Ivoire [1] in order to implement the measures imposed against Côte d'Ivoire by United Nations Security Council Resolution (UNSCR) 1572 (2004).

(2) On 23 January 2006, the Council adopted Common Position 2006/30/CFSP [2] renewing the restrictive measures imposed against Côte d'Ivoire by Common Position 2004/852/CFSP for a further period of twelve months and supplementing them with the restrictive measures imposed by point 6 of UNSCR 1643 (2005). On 12 February 2007, the Council adopted Common Position 2007/92/CFSP [3] renewing those restrictive measures until 31 October 2007.

(3) On 22 November 2007, the Council adopted Common Position 2007/761/CFSP [4] extending until 31 October 2008 the restrictive measures against Côte d'Ivoire.

(4) On 29 October 2008, following a review of the measures imposed by UNSCR 1572 (2004) and 1643 (2005), the United Nations Security Council adopted UNSCR 1842 (2008) renewing the restrictive measures against Côte d'Ivoire until 31 October 2009.

(5) The measures imposed by Common Position 2004/852/CFSP and Common Position 2006/30/CFSP should therefore be renewed with effect from 1 November 2008 in order to give effect to UNSCR 1842 (2008),

HAS ADOPTED THIS COMMON POSITION:

Article 1

The measures imposed by Common Position 2004/852/CFSP and Common Position 2006/30/CFSP shall be renewed with effect from 1 November 2008.

Article 2

This Common Position shall take effect on the date of its adoption. It shall be amended or repealed, as appropriate, in the light of determinations made by the United Nations Security Council.

Article 3

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

Done at Brussels, 18 November 2008.

For the Council
The President
M. BARNIER

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[1] OJ L 368, 15.12.2004, p. 50.
[2] OJ L 19, 24.1.2006, p. 36.
[3] OJ L 41, 13.2.2007, p. 16.
[4] OJ L 305, 23.11.2007, p. 61.