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Price: EUR 22

⁽¹⁾ Text with EEA relevance

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⁽¹⁾ Text with EEA relevance

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⁽¹⁾ Text with EEA relevance

I

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

REGULATIONS

COMMISSION REGULATION (EC) No 1241/2008

of 12 December 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 13 December 2008.

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

Done at Brussels, 12 December 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	MA	81,9
	TR	108,0
	ZZ	95,0
0707 00 05	JO	167,2
	MA	47,6
	TR	128,4
	ZZ	114,4
0709 90 70	MA	109,9
	TR	136,5
	ZZ	123,2
0805 10 20	AR	18,1
	BR	44,6
	CL	50,9
	MA	64,4
	TR	72,2
	ZA	42,5
	ZW	43,9
	ZZ	48,1
0805 20 10	MA	71,0
	TR	72,0
	ZZ	71,5
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	CN	54,6
	HR	54,2
	IL	70,6
	TR	56,2
	ZZ	58,9
0805 50 10	MA	64,0
	TR	69,2
	ZZ	66,6
0808 10 80	CA	89,2
	CL	43,7
	CN	76,4
	MK	35,3
	US	111,7
	ZA	123,2
	ZZ	79,9
0808 20 50	CN	49,6
	TR	104,0
	US	138,0
	ZZ	97,2

⁽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 1242/2008
of 8 December 2008
establishing a Community typology for agricultural holdings

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation 79/65/EEC of 15 June 1965 setting up a network for the collection of accountancy data on the incomes and business operation of agricultural holdings in the European Economic Community ⁽¹⁾, and in particular Articles 4(4), 6(2), and 7(3) thereof,

Whereas:

- (1) The production structures and systems are very diverse in the Community. In order to make the analyses of structural characteristics of the agricultural holdings and their economic results easier, an appropriate and homogeneous classification of agricultural holdings by economic size and type of farming was established by Commission Decision 85/377/EEC of 7 June 1985 establishing a Community typology for agricultural holdings ⁽²⁾.
- (2) The Community typology needs to be so arranged that homogeneous groups of holdings can be assembled in a greater or lesser degree of aggregation and that comparisons of the situation of holdings can be made.
- (3) Given the growing importance in the income of the farmers from gainful activities directly related to the holding other than the agricultural activities of the holding, a classification variable reflecting the importance of the other gainful activities (OGA) directly related to the holding should be included in the Community typology.
- (4) In order to achieve the objectives set by Articles 4(1), 6(1)(b) and 7(2) of Regulation 79/65/EEC, the implementing rules for the Community typology should be established. In addition, the Community typology should apply to returning holdings using the accountancy data collected through the Community Farm Accountancy Data Network (FADN).
- (5) Pursuant to Annex IV to Regulation (EC) No 1166/2008 of the European Parliament and of the Council of

19 November 2008 on farm structure surveys and the survey on agricultural production methods and repealing Council Regulation (EEC) No 571/88 ⁽³⁾ the farm structure survey carried out on the basis of a sample must be statistically representative in terms of the type and the size of the agricultural holdings in line with the Community typology. Therefore, the Community typology should also apply to holdings for which data are collected through the farm structure surveys.

- (6) The type of farming and the economic size of the holding should be determined on the basis of an economic criterion remaining always positive. Therefore it is appropriate to use the standard output. The standard outputs have to be established by product. The list of products for which standard outputs are to be calculated should be brought into line with the list of characteristics of the farm structure surveys established in accordance with Regulation (EC) No 1166/2008. In order to allow the application of the typology to the holdings in the FADN, a table of correspondence between the characteristics of the structure surveys and the headings of the farm return of the FADN needs to be established.
- (7) The standard outputs are based on average values over a reference period of five years, but they should regularly be updated to take account of economic trends so that the typology may continue meaningfully to be applied. The frequency of the update should be linked to the years in which farm structure surveys are carried out.
- (8) In order to draw up the selection plan of the returning holdings to be included in FADN 2010 it should be provided that the typology defined in this Regulation is already applied to the farm structure survey for 2007. Moreover, in order to ensure the comparability of the analyses on the situation of the agricultural holdings classified according to this typology, it should be provided that it should be applied to the farm structures surveys and FADN prior to 2010. Therefore a derogation needs to be included, providing that standard outputs are calculated for the reference period 2004.
- (9) The standard outputs and the data needed for their calculation are to be transmitted to the Commission by the liaison agency designated by each Member State in accordance with Article 6 of Regulation 79/65/EEC. It should be provided that the liaison agency can communicate directly to the Commission the relevant information through the information system established

⁽¹⁾ OJ 109, 23.6.1965, p. 1859/65.

⁽²⁾ OJ L 220, 17.8.1985, p. 1.

⁽³⁾ OJ L 321, 1.12.2008, p. 14.

by the Commission. Moreover it should be foreseen that this system allows the electronic exchange of information required on the basis of models available to the liaison agency through this system. It should also be provided that the Commission is to inform the Member States on the general conditions for implementing the computer system through the Community Committee of the Farm Accountancy Data Network.

- (10) For reasons of clarity and taking account of the fact that the Community typology is a measure of general application, rather than a measure addressed to specific recipients, it is appropriate to replace Decision 85/377/EEC by a Regulation.
- (11) The measures provided for in this Regulation are in accordance with the opinion of the Community Committee for the Farm Accountancy Data Network,

HAS ADOPTED THIS REGULATION:

Article 1

Subject-matter and scope

1. This Regulation sets up the 'Community typology for agricultural holdings', hereinafter referred to as 'typology', which is a uniform classification of holdings in the Community according to their type of farming and economic size and to the importance of the other gainful activities directly related to the holding.
2. The typology shall be used in particular for the presentation, by type of farming and by economic size class, of data collected through the Community farm structure surveys and the Community Farm Accountancy Data Network.

Article 2

Type of farming

1. For the purposes of this Regulation, the 'type of farming' of a holding shall be determined by the relative contribution of the standard output of the different characteristics of this holding to the total standard output of this one. The standard output shall be as laid down in Article 5.
2. Depending on the amount of detail required, the types of farming shall be divided into:
 - (a) general types of farming;
 - (b) principal types of farming;
 - (c) particular types of farming.

The classification of holdings by type of farming shall be as set out in Annex I.

Article 3

Economic size of the holding

The economic size of the holding shall be determined on the basis of the total standard output of the holding. It shall be expressed in euro. The method of calculating the economic size of the holding and the economic size classes shall be as set out in Annex II.

Article 4

Other gainful activities directly related to the holding

The importance of the gainful activities directly related to the holding other than the agricultural activities of the holding shall be determined on the basis of the percentage of those other gainful activities in the final output of the holding. This ratio shall be expressed as a percentage band. Those percentage bands shall be as laid down in Part C of Annex III.

The final output, the definition and the method of estimating that ratio are set out in Parts A and B of Annex III.

Article 5

Standard output and total standard output

1. For the purpose of this Regulation, 'standard output' shall mean the standard value of gross production.

The standard output shall be determined for each region referred to in Annex IV of this Regulation and for each crop and livestock characteristics of the farm structure survey referred to in Annex III of Regulation (EC) No 1166/2008.

The method of calculation for determining the standard outputs of each characteristic and the procedures for collecting the corresponding data are set out in Annex IV of this Regulation.

2. The total standard output of the holding shall correspond to the sum of the values obtained for each characteristic by multiplying the standard outputs per unit by the number of corresponding units.
3. For the purposes of calculating standard outputs for the farm structure survey for year N, 'reference period' shall mean the year N-3 covering the five successive years from year N-5 to year N-1.

The standard outputs shall be determined using average basic data calculated over a reference period of five years referred to in the first subparagraph. They shall be updated to take account of economic trends at least each time a farm structure survey is carried out.

The first reference period for which standard outputs shall be calculated corresponds to the reference period 2007 covering the calendar years 2005, 2006, 2007, 2008 and 2009 or the agricultural production years 2005/06, 2006/07, 2007/08, 2008/09 and 2009/10.

4. By way of derogation from paragraph 3, Member States shall calculate standard outputs for the reference period 2004 for the characteristics listed in the farm structure survey for 2007 as defined in Commission Regulation (EC) No 204/2006 ⁽¹⁾. In this case, the reference period shall cover either the calendar years 2003, 2004, 2005 or the agricultural production years 2003/04, 2004/05, 2005/06.

Article 6

Transmission to the Commission

1. The standard outputs and the data referred to in Part 3 of Annex IV shall be transmitted to the Commission (Eurostat) by the liaison agency designated by each Member State in accordance with Article 6 of Regulation 79/65/EEC or by the body to which this function has been delegated.

2. Member States shall transmit to the Commission the standard outputs for a reference period of year N and the data referred to in Part 3 of Annex IV before 31 December of the year N+3 or if necessary before a deadline established by the Commission after consultation of the Community Committee for the Farm Accountancy Data Network.

The standard outputs for the reference period 2004 shall be transmitted to the Commission by 31 December 2008.

3. For the transmission of the standard outputs and the data referred to in paragraph 1 Member States shall use the

computer systems made available by the Commission (Eurostat) enabling electronic exchanges of documents and information between it and the Member States.

4. The form and content of the documents needed for transmission shall be laid down by the Commission on the basis of models or questionnaires made available via the systems referred to in paragraph 3. The provisions relating to the attributes of the data referred to in paragraph 1 shall be defined within the context of the Community Committee for the Farm Accountancy Data Network.

Article 7

Repeal

1. Decision 85/377/EEC is repealed.

However, Decision 85/377/EEC shall continue to apply in order to classify the holdings of the Farm Accountancy Data Network till the accounting year 2009 included and of the farm structure survey referred to in Council Regulation (EEC) No 571/88 ⁽²⁾ till the survey for 2007 included.

2. References to the repealed Decision shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex V.

Article 8

Entry into force and application

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

It shall apply from the accounting year 2010 for the Farm Accountancy Data Network and for the farm structure survey as of the 2010 survey.

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

Done at Brussels, 8 December 2008.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 34, 7.2.2006, p. 3.

⁽²⁾ OJ L 56, 2.3.1988, p. 1.

ANNEX I

CLASSIFICATION OF AGRICULTURAL HOLDINGS BY TYPE OF FARMING

A. CLASSIFICATION SCHEME

Specialist holdings — crops

General type of farming	Principal type of farming	Particular type of farming
1. Specialist field crops	15. Specialist cereals, oilseeds and protein crops 16. General field cropping	151. Specialist cereals (other than rice), oilseeds and protein crops 152. Specialist rice 153. Cereals, oilseeds, protein crops and rice combined 161. Specialist root crops 162. Cereals, oilseeds, protein crops and root crops combined 163. Specialist field vegetables 164. Specialist tobacco 165. Specialist cotton 166. Various field crops combined
2. Specialist horticulture	21. Specialist horticulture indoor 22. Specialist horticulture outdoor 23. Other horticulture	211. Specialist vegetables indoor 212. Specialist flowers and ornamentals indoor 213. Mixed horticulture indoor specialist 221. Specialist vegetables outdoor 222. Specialist flowers and ornamentals outdoor 223. Mixed horticulture outdoor specialist 231. Specialist mushrooms 232. Specialist nurseries 233. Various horticulture
3. Specialist permanent crops	35. Specialist vineyards 36. Specialist fruit and citrus fruit 37. Specialist olives 38. Various permanent crops combined	351. Specialist quality wine 352. Specialist wine other than quality wine 353. Specialist table grapes 354. Other vineyards 361. Specialist fruit (other than citrus, tropical fruits and nuts) 362. Specialist citrus fruit 363. Specialist nuts 364. Specialist tropical fruits 365. Specialist fruit, citrus, tropical fruits and nuts: mixed production 370. Specialist olives 380. Various permanent crops combined

Specialist holdings — animal production

General type of farming	Principal type of farming	Particular type of farming
4. Specialist grazing livestock	45. Specialist dairying	450. Specialist dairying
	46. Specialist cattle — rearing and fattening	460. Specialist cattle — rearing and fattening
	47. Cattle — dairying, rearing and fattening combined	470. Cattle — dairying, rearing and fattening combined
	48. Sheep, goats and other grazing livestock	481. Specialist sheep 482. Sheep and cattle combined 483. Specialist goats 484. Various grazing livestock
5. Specialist granivores	51. Specialist pigs	511. Specialist pig rearing 512. Specialist pig fattening 513. Pig rearing and fattening combined
	52. Specialist poultry	521. Specialist layers 522. Specialist poultry-meat 523. Layers and poultry-meat combined
	53. Various granivores combined	530. Various granivores combined

Mixed holdings

General type of farming	Principal type of farming	Particular type of farming
6. Mixed cropping	61. Mixed cropping	611. Horticulture and permanent crops combined 612. Field crops and horticulture combined 613. Field crops and vineyards combined 614. Field crops and permanent crops combined 615. Mixed cropping, mainly field crops 616. Other mixed cropping
7. Mixed livestock holdings	73. Mixed livestock, mainly grazing livestock	731. Mixed livestock, mainly dairying 732. Mixed livestock, mainly non-dairying grazing livestock
	74. Mixed livestock, mainly granivores	741. Mixed livestock: granivores and dairying combined 742. Mixed livestock: granivores and non-dairying grazing livestock
8. Mixed crops — livestock	83. Field crops — grazing livestock combined	831. Field crops combined with dairying 832. Dairying combined with field crops 833. Field crops combined with non-dairying grazing livestock 834. Non-dairying grazing livestock combined with field crops
	84. Various crops and livestock combined	841. Field crops and granivores combined 842. Permanent crops and grazing livestock combined 843. Apiculture 844. Various mixed crops and livestock
9. Non-classified holdings	90. Non-classified holdings	900. Non-classified holdings

B. TABLE OF CORRESPONDENCE AND REGROUPING CODES

I. Correspondence between the headings of the farm structure surveys and the farm return of the Farm Accountancy Data Network (FADN)

Equivalent headings for the application of Standard Outputs		
Code to be used for the heading	2010, 2013, 2016 Community surveys on the structure of agricultural holdings (Regulation (EC) No 1166/2008)	FADN farm return (Regulation (EC) No 868/2008 on the farm return ⁽¹⁾)
I. Crops		
2.01.01.01.	Common wheat and spelt	120. Common wheat and spelt
2.01.01.02.	Durum wheat	121. Durum wheat
2.01.01.03.	Rye	122. Rye (including meslin)
2.01.01.04.	Barley	123. Barley
2.01.01.05.	Oats	124. Oats 125. Summer cereal mixes
2.01.01.06.	Grain maize	126. Grain maize (including humid grain maize)
2.01.01.07.	Rice	127. Rice
2.01.01.99.	Other cereals for the production of grain	128. Other cereals
2.01.02.	Dried pulses and protein crops for the production of grain (including seed and mixtures of cereals and pulses)	129. Protein crops
2.01.02.01.	Of which peas, field beans and sweet lupins	360. Peas, field beans and sweet lupins 361. Lentils, chickpeas and vetches 330. Other protein crops
2.01.03.	Potatoes (including early potatoes and seed potatoes)	130. Potatoes (including early potatoes and seed)
2.01.04.	Sugar beet (excluding seed)	131. Sugar beet (excluding seed)
2.01.05.	Fodder roots and brassicas (excluding seed)	144. Fodder roots and brassicas (excluding seeds)
2.01.06.01.	Tobacco	134. Tobacco
2.01.06.02.	Hops	133. Hops
2.01.06.03.	Cotton	347. Cotton
2.01.06.04.	Rape and turnip rape	331. Rape
2.01.06.05.	Sunflower	332. Sunflower
2.01.06.06.	Soya	333. Soya
2.01.06.07.	Linseed (oil flax)	364. Flax other than fibre flax
2.01.06.08.	Other oil seed crops	334. Other oil seeds
2.01.06.09.	Flax	373. Flax
2.01.06.10.	Hemp	374. Hemp

Equivalent headings for the application of Standard Outputs

Code to be used for the heading	2010, 2013, 2016 Community surveys on the structure of agricultural holdings (Regulation (EC) No 1166/2008)	FADN farm return (Regulation (EC) No 868/2008 on the farm return ⁽¹⁾)
2.01.06.11.	Other fibre crops	
2.01.06.12.	Aromatic plants, medicinal and culinary plants	345. Medicinal plants condiments, aromatics and spices, including tea, coffee and coffee chicory
2.01.06.99.	Other industrial crops not mentioned elsewhere	346. Sugar cane 348. Other industrial crops
2.01.07.	Fresh vegetables, melons and strawberries of which	
2.01.07.01.	Outdoor or under low (not accessible) protective cover	
2.01.07.01.01.	Open field	136. Field scale fresh vegetables, melons and strawberries grown in the open
2.01.07.01.02.	Market gardening	137. Fresh vegetables, melons, strawberries grown in market gardens in the open
2.01.07.02.	Under glass or other (accessible) protective cover	138. Fresh vegetables, melons and strawberries under shelter
2.01.08.	Flowers and ornamental plants (excluding nurseries):	
2.01.08.01.	Outdoor or under low (not accessible) protective cover	140. Flowers and ornamental plants grown in the open (excluding nurseries)
2.01.08.02.	Under glass or other (accessible) protective cover	141. Flowers and ornamental plants grown under shelter
2.01.09.	Plants harvested green	
2.01.09.01.	Temporary grass	147. Temporary grass
2.01.09.02.	Other plants harvested green	145. Other fodder plants
2.01.09.02.01.	Green maize	326. Fodder maize
2.01.09.02.02.	Leguminous plants AND	327. Other silage cereals AND
2.01.09.02.99.	Other plants harvested green not mentioned elsewhere	328. Other fodder plants
2.01.10.	Arable land seeds and seedlings	142. Grass seeds 143. Other seeds
2.01.11.	Other arable land crops	148. Other arable crops not included in headings 120 to 147 149. Land ready for sowing leased to others, including land made available to employees as a benefit in kind
2.01.12.01.	Fallow land without any subsidies	146. Fallows — Missing data Code 3: Fallow land without financial aid

Equivalent headings for the application of Standard Outputs

Code to be used for the heading	2010, 2013, 2016 Community surveys on the structure of agricultural holdings (Regulation (EC) No 1166/2008)	FADN farm return (Regulation (EC) No 868/2008 on the farm return ⁽¹⁾)
2.01.12.02.	Fallow land subject to the payment of subsidies, with no economic use	146. Fallows — Missing data Code 8: Not-cultivated land no longer used for production purposes for which the holding is entitled to financial aid
2.03.01.	Pasture and meadow, excluding rough grazing	150. Meadows and permanent pasture
2.03.02.	Rough grazing	151. Rough grazing
2.03.03.	Permanent grassland no longer used for production purposes and eligible for the payment of subsidies	314. Permanent grassland no longer used for production purposes and eligible for the payment of subsidies
2.04.01.	Fruit and berry plantations	152. Fruit and berry orchards
2.04.01.01.	Fruit species of which	
2.04.01.01.01.	Fruit of temperate climate zones	349. Pome fruit 350. Stone fruit
2.04.01.01.02.	Fruit of subtropical climate zones	353. Tropical and subtropical fruit
2.04.01.02.	Berry species	352. Small fruit and berries
2.04.01.03.	Nuts	351. Nuts
2.04.02.	Citrus plantations	153. Citrus fruit orchards
2.04.03.	Olive plantations	154. Olive groves
2.04.03.01.	Normally producing table olives	281. Table olives
2.04.03.02.	Normally producing olives for oil production	282. Olives for oil production 283. Olive oil
2.04.04.	Vineyards, of which normally producing:	155. Vines
2.04.04.01.	Quality wine	286. Grapes for quality wine with PDO 292. Grapes for quality wine with PGI 289. Quality wine with PDO 294. Quality wine with PGI
2.04.04.02.	Other wines	293. Grapes for other wines 288. Miscellaneous products of vines: grape must, juice, brandy, vinegar and others produced on the farm 295. Other wines
2.04.04.03.	Table grapes	285. Table grapes
2.04.04.04.	Raisins	291. Raisins
2.04.05.	Nurseries	157. Nurseries
2.04.06.	Other permanent crops	158. Other permanent crops
2.04.07.	Permanent crops under glass	156. Permanent crops grown under shelter
2.06.01.	Mushrooms	139. Mushrooms

Equivalent headings for the application of Standard Outputs

Code to be used for the heading	2010, 2013, 2016 Community surveys on the structure of agricultural holdings (Regulation (EC) No 1166/2008)	FADN farm return (Regulation (EC) No 868/2008 on the farm return ⁽¹⁾)
II. Livestock		
3.01.	Equidae	22. Equidae (all ages)
3.02.01.	Bovine animals, under one year old, male and female	23. Calves for fattening 24. Other cattle less than one year old
3.02.02.	Bovine animals, one but less than two years old, male	25. Male cattle, from one to less than two years old
3.02.03.	Bovine animals, one but less than two years old, female	26. Female cattle, from one to less than two years old
3.02.04.	Male bovine animals, two years old and over	27. Male cattle, two years old or more
3.02.05.	Heifers, two years old and over	28. Breeding heifers 29. Heifers for fattening
3.02.06.	Dairy cows	30. Dairy cows 31. Cull dairy cows
3.02.99.	Other cows	32. Other cows
3.03.01.	Sheep (all ages)	
3.03.01.01.	Breeding females	40. Ewes
3.03.01.99.	Other sheep	41. Other sheep
3.03.02.	Goats (all ages)	
3.03.02.01.	Breeding females	38. Goats, breeding females
3.03.02.99.	Other goats	39. Other goats
3.04.01.	Piglets having a live weight of under 20 kilograms	43. Piglets
3.04.02.	Breeding sows weighing 50 kilograms and over	44. Breeding sows
3.04.99.	Other pigs	45. Pigs for fattening 46. Other pigs
3.05.01.	Broilers	47. Table chickens
3.05.02.	Laying hens	48. Laying hens
3.05.03.	Other poultry	49. Other poultry
3.05.03.01.	Turkeys	
3.05.03.02.	Ducks	
3.05.03.03.	Geese	
3.05.03.04.	Ostriches	
3.05.03.99.	Other poultry, not mentioned elsewhere	
3.06.	Rabbits, breeding females	34. Rabbits, breeding females
3.07.	Bees	33. Bees

⁽¹⁾ OJ L 237, 4.9.2008, p. 18.

II. Codes regrouping several characteristics included in the 2010, 2013 and 2016 farm structure surveys

- P45. *Cattle, dairying* = 3.02.01. (bovine animals under one year old male and females) + 3.02.03. (bovine animals, one but less than two years old, female) + 3.02.05. (heifers, two years old and over) + 3.02.06. (dairy cows)
- P46. *Cattle* = P45 (cattle, dairying) + 3.02.02. (bovine animals, one but less than two years old, male) + 3.02.04. (male bovine animals two years old and over) + 3.02.99. (other cows)
- GL *Grazing livestock* = 3.01. (equidae) + P46 (cattle) + 3.03.01.01. (sheep breeding females) + 3.03.01.99 (other sheep) + 3.03.02.01. (goats breeding females) + 3.03.02.99. (other goats)
- If GL=0 FCP1 *Forage for sale* = 2.01.05. (fodder roots and brassicas) + 2.01.09. (plants harvested green) + 2.03.01. (pasture and meadow, excluding rough grazings) + 2.03.02. (Rough grazings)
- FCP4 *Forage for grazing livestock* = 0
- P17 *Roots* = 2.01.03. (potatoes) + 2.01.04. (sugar beet) + 2.01.05. (fodder roots and brassicas)
- If GL>0 FCP1 *Forage for sale* = 0
- FCP4 *Forage for grazing livestock* = 2.01.05. (fodder roots and brassicas) + 2.01.09. (plants harvested green) + 2.03.01. (pasture and meadow, excluding rough grazings) + 2.03.02. (Rough grazings)
- P17 *Roots* = 2.01.03. (potatoes) + 2.01.04. (sugar beet)
- P151. *Cereals without rice* = 2.01.01.01. (common wheat and spelt) + 2.01.01.02. (durum wheat) + 2.01.01.03. (rye) + 2.01.01.04. (barley) + 2.01.01.05. (oats) + 2.01.01.06. (grain maize) + 2.01.01.99. (other cereals for the production of grain)
- P15. *Cereals* = P151 (cereals without rice) + 2.01.01.07. (rice)
- P16. *Oilseeds* = 2.01.06.04. (rape and turnip rape) + 2.01.06.05. (sunflower) + 2.01.06.06. (soya) + 2.01.06.07. (flax (linseed)) + 2.01.06.08. (other oil seed crops)
- P51. *Pigs* = 3.04.01. (piglets of less than 20 kilograms live weight) + 3.04.02. (breeding sows of 50 kilograms or more) + 3.04.99. (other pigs)
- P52. *Poultry* = 3.05.01. (broilers) + 3.05.02. (laying hens) + 3.05.03. (other poultry)
- P1. *General cropping* = P15 (cereals) + 2.01.02. (dried pulses and protein crops) + 2.01.03. (potatoes) + 2.01.04. (sugar beet) + 2.01.06.01. (tobacco) + 2.01.06.02. (hops) + 2.01.06.03. (cotton) + P16 (oilseeds) + 2.01.06.09. (flax) + 2.01.06.10. (hemp) + 2.01.06.11. (other fibre crops) + 2.01.06.12. (aromatic plants, medicinal and culinary plants) + 2.01.06.99. (other industrial crops not mentioned elsewhere) + 2.01.07.01.01. (fresh vegetables, melons, strawberries — outdoor or under low (not accessible) protective cover — open field) + 2.01.10. (arable land and seedlings) + 2.01.11. (other arable land) + 2.01.12.01. (fallow land without any subsidies) + FCP1 (forage for sale)
- P2. *Horticulture* = 2.01.07.01.02. (fresh vegetables, melons, strawberries — outdoor or under low (not accessible) protective cover — market gardening) + 2.01.07.02. (fresh vegetables, melons, strawberries — under glass or other (accessible) protective cover) + 2.01.08.01. (flowers and ornamental plants — outdoor or under low (not accessible) protective cover) + 2.01.08.02. (flowers and ornamental plants — under glass or other (accessible) protective cover) + 2.06.01. (mushrooms) + 2.04.05. (nurseries)
- P3. *Permanent crops* = 2.04.01. (fruit and berry plantations) + 2.04.02. (citrus plantations) + 2.04.03. (olive plantations) + 2.04.04. (vineyards) + 2.04.06. (other permanent crops) + 2.04.07. (permanent crops under glass)
- P4. *Grazing livestock and forage* = GL (grazing livestock) + FCP4 (forage for grazing livestock)
- P5. *Granivores* = P51 (pigs) + P52 (poultry) + 3.06. (rabbits, breeding females)

C. DEFINITION OF TYPES OF FARMING

The types of farming are defined by two features:

(a) **The nature of the characteristics concerned**

The characteristics refer to the list of characteristics surveyed in the 2010, 2013 and 2016 surveys on the structure of agricultural holdings: they are indicated by using the codes presented in the table of correspondence in Part B.I of this Annex or by a code regrouping several of those characteristics as set out in Part B.II of this Annex ⁽¹⁾.

(b) **The thresholds determining the class limits**

Unless otherwise indicated, these thresholds are expressed as fractions of the total standard output of the holding.

⁽¹⁾ The characteristics 2.01.05. (Fodder roots and brassicas), 2.01.09. (Plants harvested green), 2.01.12.01. (Fallow land without any subsidies), 2.01.12.02. (fallow land subject to the payments of subsidies, with no economic use), 2.02. (Kitchen gardens), 2.03.01. (Pasture and meadow, excluding rough grazing), 2.03.02. (Rough grazing), 2.03.03. (Permanent grassland no longer used for production purposes and eligible for the payment of subsidies), 3.02.01. (Bovine animals, under one year old, male and female), 3.03.01.99. (other sheep), 3.03.02.99. (other goats) and 3.04.01. (Piglets less than 20 kg live weight) are used only under certain conditions (see point 5 of Annex IV).

Specialist holdings — crop products

Types of farming					Definition	Code of characteristics and thresholds (ref. Part B of this Annex)	
General		Principal		Particular			
Code		Code					
1	Specialist field crops	15	Specialist cereals, oilseeds and protein crops		General cropping i.e. cereals, dried pulses and protein crops for the production of grain, oilseeds, potatoes, sugar beet, industrial plants, fresh vegetables, melons, strawberries open field, arable land seed and seedlings, other arable land, fallow land and forage for sale > 2/3	P1 > 2/3	
					Cereals, oilseeds, dried pulses and protein crops > 2/3	P15 + P16 + 2.01.02. > 2/3	
				151	Specialist cereals (other than rice) oilseeds and protein crops	Cereals, excluding rice, oilseeds, dried pulses and protein crops > 2/3	P151 + P16 + 2.01.02.. > 2/3
				152	Specialist rice	Rice > 2/3	2.01.01.07. > 2/3
				153	Cereals, oilseeds, protein crops and rice combined	Holdings in class 15, excluding those in classes 151 and 152	
			16	General field cropping		General cropping > 2/3; cereals, oilseeds, dried pulses and protein crops ≤ 2/3	P15 + P16 + 2.01.02. ≤ 2/3
		161			Specialist root crops	Potatoes, sugar beet and fodder roots and brassicas > 2/3	P17 > 2/3
		162			Cereals, oilseeds, protein crops and root crops combined	Cereals, oilseeds, dried pulses protein crops > 1/3; roots > 1/3	P15 + P16 + 2.01.02. > 1/3; P17 > 1/3
		163			Specialist field vegetables	Fresh vegetables, melons and strawberries open field > 2/3	2.01.07.01.01. > 2/3
		164			Specialist tobacco	Tobacco > 2/3	2.01.06.01. > 2/3
			165	Specialist cotton	Cotton > 2/3	2.01.06.03. > 2/3	
			166	Various field crops combined	Holdings in class 16, excluding those in 161, 162, 163, 164 and 165		
2	Specialist horti-culture	21	Specialist horti-culture indoor		Fresh vegetables, melons and strawberries — market gardening and under glass, flowers and ornamental plants — outdoor and under glass, mushroomns and nurseries > 2/3	P2 > 2/3	
					Fresh vegetables, melons and strawberries — under glass and flowers and ornamental plants under glass > 2/3	2.01.07.02. + 2.01.08.02. > 2/3	

Types of farming				Definition	Code of characteristics and thresholds (ref. Part B of this Annex)				
General		Principal	Particular						
Code		Code	Code						
		22	Specialist horticulture indoor	211	Specialist vegetables indoor	Fresh vegetables, melons and strawberries — under glass > 2/3	2.01.07.02. > 2/3		
				212	Specialist flowers and ornamentals indoor	Flowers and ornamental plants under glass > 2/3	2.01.08.02. > 2/3		
				213	Mixed horticulture indoor specialist	Holdings in class 21, excluding those in classes 211 and 212			
			Specialist horticulture outdoor	221	Specialist vegetables outdoor	Fresh vegetables, melons and strawberries market gardening, flowers and ornamental plants outdoor > 2/3	2.01.07.01.02. + 2.01.08.01. > 2/3		
				222	Specialist flowers and ornamentals outdoor	Fresh vegetables, melons and strawberries market gardening > 2/3	2.01.07.01.02. > 2/3		
				223	Mixed horticulture outdoor specialist	Flowers and ornamental plants outdoor > 2/3	2.01.08.01. > 2/3		
			Other horticulture	23		Holdings in class 22, excluding those in classes 221 and 222			
						Horticultural holdings with horticulture indoor ≤ 2/3 and horticulture outdoor ≤ 2/3	2.01.07.01.02. + 2.01.08.01. ≤ 2/3; 2.01.07.02. + 2.01.08.02. ≤ 2/3		
						Mushrooms > 2/3	2.06.01. > 2/3		
			231	Specialist mushrooms	Nurseries > 2/3	2.04.05. > 2/3			
			232	Specialist nurseries					
			233	Various horticulture	Holdings in class 23, excluding those in classes 231 and 232				
		3	Specialist permanent crops	35	Specialist vineyards		Fruit and berry plantations, citrus plantations, olives, vineyards, other permanent crops and permanent crops under glass > 2/3	P3 > 2/3	
						351	Specialist quality wine	Vineyards > 2/3	2.04.04. > 2/3
						352	Specialist wine other than quality wine	Vineyards normally producing quality wine > 2/3	2.04.04.01. > 2/3
	353					Specialist table grapes	Vineyards normally producing other wines > 2/3	2.04.04.02. > 2/3	
354	Other vineyards					Vineyards normally producing table grapes > 2/3	2.04.04.03. > 2/3		
					Holdings in class 35, excluding those in classes 351, 352 and 353				

Types of farming				Definition	Code of characteristics and thresholds (ref. Part B of this Annex)		
General		Principal				Particular	
Code		Code					
		36	Specialist fruit and citrus fruit	361	Specialist fruit (other than citrus, tropical fruits or nuts)	Fruit and berries and citrus fruit > 2/3	2.04.01. + 2.04.02. > 2/3
				362	Specialist citrus fruit	Fruit of temperate climate zones and berries > 2/3	2.04.01.01.01. + 2.04.01.02. > 2/3
				363	Specialist nuts	Citrus fruit > 2/3	2.04.02. > 2/3
				364	Specialist tropical fruits	Nuts > 2/3	2.04.01.03. > 2/3
				365	Specialist fruit, citrus, tropical fruits and nuts: mixed production	Tropical fruits > 2/3	2.04.01.01.02. > 2/3
	37	Specialist olives	370	Specialist olives	Holdings in class 36, excluding those in classes 361, 362, 363 and 364		
			380	Various permanent crops combined	Olives > 2/3	2.04.03. > 2/3	
					Holdings in class 3, excluding those in classes 35, 36 and 37		

Specialist holdings — Animal production

Types of farming				Definition	Code of characteristics and thresholds (ref. Part B of this Annex)
General		Principal			
Code		Code	Particular		
4	Specialist grazing livestock			Forage for grazing livestock (i.e. fodder roots and brassicas, plants harvested green, pasture and meadows, rough grazings) and grazing livestock (i.e. equidae, all types of cattle, sheep and goats) > 2/3	P4 > 2/3
		45	Specialist dairying	Dairy cows > 3/4 of total grazing livestock; grazing livestock > 1/3 of grazing livestock and forage	3.02.06. > 3/4 GL; GL > 1/3 P4
		46	Specialist cattle — rearing and fattening	All cattle (i.e. bovine animals under one year, bovine animals over one but under two and bovine animals two years old and over (male, heifers, dairy cows and other cows)) > 2/3 of grazing livestock; dairy cows ≤ 1/10 of grazing livestock; grazing livestock > 1/3 of grazing livestock and forage	P46 > 2/3 GL; 3.02.06. ≤ 1/10 GL; GL > 1/3 P4

Types of farming				Definition	Code of characteristics and thresholds (ref. Part B of this Annex)
General	Principal		Particular		
Code	Code		Code		
5		47	Cattle — dairying, rearing and fattening combined	All cattle > 2/3 of grazing livestock; dairy cows > 1/10 of grazing livestock; grazing livestock > 1/3 of grazing livestock and forage; excluding those holdings in class 45	P46 > 2/3 GL; 3.02.06. > 1/10 GL; GL > 1/3 P4; excluding 45
		48	Sheep, goats and other grazing livestock	All cattle ≤ 2/3 of grazing livestock	P46 ≤ 2/3
				Sheep > 2/3 of grazing livestock; grazing livestock > 1/3 of grazing livestock and forage	3.03.01. > 2/3 GL; GL > 1/3 P4
				All cattle > 1/3 of grazing livestock, sheep > 1/3 of grazing livestock and grazing livestock > 1/3 of grazing livestock and forage	P46 > 1/3 GL; 3.03.01. > 1/3 GL; GL > 1/3 P4
				Goats > 2/3 of grazing livestock; grazing livestock > 1/3 of grazing livestock and forage	3.03.02. > 2/3 GL; GL > 1/3 P4
	Specialist granivores			Holdings in class 48, excluding those in 481, 482 and 483	
		51	Specialist pigs	Granivores i.e.: Pigs (i.e. piglets, breeding sows, other pigs), poultry (i.e. broilers, laying hens, other poultry) and rabbits breeding females > 2/3	P5 > 2/3
				Pigs > 2/3	P51 > 2/3
				Breeding sows > 2/3	3.04.02. > 2/3
				Piglets and other pigs > 2/3	3.04.01. + 3.04.99. > 2/3
	Specialist poultry			Holdings in class 51, excluding those in classes 511 and 512	
		52		Poultry > 2/3	P52 > 2/3
				Laying hens > 2/3	3.05.02. > 2/3
				Broilers and other poultry > 2/3	3.05.01. + 3.05.03. > 2/3
				Holdings in class 52, excluding those in classes 521 and 522	
		53	Various granivores combined	Holdings in class 5, excluding those in classes 51 and 52	

Mixed holdings

Types of farming					Definition	Code of characteristics and thresholds (ref. Part B of this Annex)	
General		Principal		Particular			
Code		Code					
6	Mixed cropping	61	Mixed cropping		General cropping and horticulture and permanent crops > 2/3 but {general cropping ≤ 2/3 and horticulture ≤ 2/3 and permanent crops ≤ 2/3}	(P1 + P2 + P3) > 2/3; P1 ≤ 2/3; P2 ≤ 2/3; P3 ≤ 2/3	
				611	Horticulture and permanent crops combined	Horticulture > 1/3; permanent crops > 1/3	P2 > 1/3; P3 > 1/3
				612	Field crops and horticulture combined	General cropping > 1/3; horticulture > 1/3	P1 > 1/3; P2 > 1/3
				613	Field crops and vineyards combined	General cropping > 1/3; vineyards > 1/3	P1 > 1/3; 2.04.04. > 1/3
				614	Field crops and permanent crops combined	General cropping > 1/3; permanent crops > 1/3; vines ≤ 1/3	P1 > 1/3; P3 > 1/3; 2.04.04. ≤ 1/3
				615	Mixed cropping, mainly field crops	General cropping > 1/3; no other activity > 1/3	P1 > 1/3; P2 ≤ 1/3; P3 ≤ 1/3;
				616	Other mixed cropping	Holdings in class 61, excluding those in classes 611, 612, 613, 614 and 615	
7	Mixed livestock holdings	73	Mixed livestock, mainly grazing livestock		Grazing livestock and forage and granivores > 2/3; grazing livestock and forage ≤ 2/3; granivores ≤ 2/3	P4 + P5 > 2/3; P4 ≤ 2/3; P5 ≤ 2/3	
				731	Mixed livestock, mainly dairying	Grazing livestock and forage > granivores	P4 > P5
				732	Mixed livestock, mainly non-dairying grazing livestock	Cattle, dairying > 1/3 of grazing livestock; dairy cows > 1/2 of dairying cattle	P45 > 1/3 GL; 3.02.06. > 1/2 P45;
				741	Mixed livestock: granivores and dairying	Holdings in class 73, excluding those in class 731	
				742	Mixed livestock: granivores and non-dairying grazing livestock	Grazing livestock and forage ≤ Granivores	P4 ≤ P5
						Cattle, dairying > 1/3 of grazing livestock; granivores > 1/3, dairy cows > 1/2 of cattle, dairying	P45 > 1/3 GL; P5 > 1/3; 3.02.06. > 1/2 P45
						Holdings in class 74, excluding those in class 741	

Types of farming				Definition	Code of characteristics and thresholds (ref. Part B of this Annex)
General	Principal		Particular		
Code		Code			
8	Mixed crops — livestock	83	Field crops — grazing livestock combined	Holdings excluded from classes 1 to 7	P1 > 1/3; P4 > 1/3 P45 > 1/3 GL; 3.02.06. > 1/2 P45; P45 < P1 P45 > 1/3 GL; 3.02.06. > 1/2 P45; P45 ≥ P1 P1 > P4; excluding 831
				General cropping > 1/3; grazing livestock and forage > 1/3	
				Cattle, dairying > 1/3 of grazing livestock; dairy cows > 1/2 of cattle, dairying; cattle, dairying < general cropping	
				Cattle, dairying > 1/3 of grazing livestock; dairy cows > 1/2 of cattle, dairying; cattle, dairying ≥ general cropping	
	Various crops and livestock combined	84	Various crops and livestock combined	General cropping > grazing livestock and forage, excluding holdings in class 831	
				Holdings in class 83, excluding holdings in classes 831, 832 and 833	
				Holdings in class 8, excluding those in class 83	
				General cropping > 1/3; granivores > 1/3	
				Permanent crops > 1/3; grazing livestock and forage > 1/3	P1 > 1/3; P5 > 1/3 P3 > 1/3; P4 > 1/3 3.7. > 2/3
				Bees > 2/3	
				Holdings in class 84, excluding those in classes 841, 842 and 843	

Non-classified holdings

Types of farming				Definition	Code of characteristics and thresholds (ref. Part B of this Annex)
General	Principal		Particular		
Code		Code			
9	Non-classified holdings			Non-classified holdings	Total Standard Output = 0

ANNEX II

ECONOMIC SIZE OF HOLDINGS**A. ECONOMIC SIZE OF THE HOLDING**

The economic size of a holding is measured as the total standard output of the holding expressed in Euro.

B. ECONOMIC SIZE CLASSES OF HOLDINGS

Holdings are classified by size classes, the limits of which are set out below.

Classes	Limits in euro
I	less than 2 000 euro
II	from 2 000 to less than 4 000 euro
III	from 4 000 to less than 8 000 euro
IV	from 8 000 to less than 15 000 euro
V	from 15 000 to less than 25 000 euro
VI	from 25 000 to less than 50 000 euro
VII	from 50 000 to less than 100 000 euro
VIII	from 100 000 to less than 250 000 euro
IX	from 250 000 to less than 500 000 euro
X	from 500 000 to less than 750 000 euro
XI	from 750 000 to less than 1 000 000 euro
XII	from 1 000 000 to less than 1 500 000 euro
XIII	from 1 500 000 to less than 3 000 000 euro
XIV	equal to or greater than 3 000 000 euro

The rules laid down for the application in the field of the farm accountancy data network and the Community surveys of agricultural holdings may provide that size classes IV and V, VIII and IX, X and XI, from XII to XIV or from X to XIV are grouped together.

Member States, in implementing Article 4(1) of Regulation 79/65/EEC, should fix a threshold of economic size of holding for the field of survey of the farm accountancy data network coinciding with the limits of the size classes as shown above.

ANNEX III

OTHER GAINFUL ACTIVITIES DIRECTLY RELATED TO THE HOLDING**A. DEFINITION OF THE OTHER GAINFUL ACTIVITIES DIRECTLY RELATED THE HOLDING**

The gainful activities directly related to the holding other than the agricultural activities of the holding comprise all activities other than farm work, directly related to the holding and having an economic impact on the holding. Those are activities where either the resources of the holding (area, buildings, machinery, agricultural products, etc.) or the products of the holdings are used.

B. ESTIMATION OF THE IMPORTANCE OF THE OTHER GAINFUL ACTIVITIES (OGA) DIRECTLY RELATED TO THE HOLDING

The share of the OGA directly related to the holding in the final output of the holding is estimated as the share of the OGA directly related to the holding turnover in the total turnover of the holding (including direct payments) as follows:

$$\text{RATIO} = \frac{\text{Turnover of OGA directly related to the holding}}{\text{Total holding turnover (agricultural + OGA directly related to the holding) + direct payments}}$$

C. CLASSES REFLECTING THE IMPORTANCE OF THE OGA DIRECTLY RELATED TO THE HOLDING

Holdings are classified by classes reflecting the importance of OGA directly related to the holding in the final output, the limits of which are set out below.

Classes	Limits in percentage
I	From 0 % to 10 %
II	From more than 10 % to 50 %
III	From more than 50 % to less than a 100 %

ANNEX IV

STANDARD OUTPUTS (SOs)

1. DEFINITION OF AND PRINCIPLES FOR CALCULATING SOs

- (a) The **output** of an agricultural characteristic means the monetary value of gross agricultural production at farm-gate price.

The **standard output** (SO) means the value of output corresponding to the average situation in a given region for each agricultural characteristic.

- (b) **Output** is the sum of the value of the principal product(s) and of the secondary product(s).

The values are calculated by multiplying production per unit by the farm-gate price. VAT, taxes on products and direct payments are not included.

- (c) **Production period**

The SOs correspond to a production period of 12 months (calendar year or agricultural production year).

For crop products and livestock products for which the period of production is less than or exceeds 12 months, a SO corresponding to growth or production in 12 months is calculated.

- (d) **Basic data and reference period**

The SOs are determined using the factors mentioned in point (b). To this end, the basic data are collected in the Member States for a reference period which covers five successive calendar years or agricultural production years. The reference period is the same for all Member States and is fixed by the Commission. For example SOs corresponding to the reference period '2007' cover the calendar years 2005, 2006, 2007, 2008 and 2009 or the agricultural production years 2005/06, 2006/07, 2007/08, 2008/09 and 2009/10.

- (e) **Units**

- (1) *Physical units:*

- (a) The SOs for crop characteristics are determined on the basis of area expressed in hectares.

For mushrooms, however, the SOs are determined on the basis of gross output for all the annual successive harvests and are expressed per 100 m² of area under crops. For their use in the context of the Farm Accountancy Data Network the SOs, determined in this way, are divided by the number of annual successive harvests, such number being communicated by the Member States.

- (b) The SOs relating to livestock characteristics are determined by head, except for poultry, for which they are determined in terms of 100 head, and for bees, for which they are determined by hive.

- (2) *Monetary units and rounding:*

The basic data for determining the SOs and the calculated SOs are established in euro. For the Member States not taking part in the Economic and Monetary Union, the SOs are converted into euro using the average exchange rates for the reference period as defined in point 1(d) of this Annex. These rates are communicated by the Commission to these Member States.

The SOs may be rounded to the nearest EUR 5 where appropriate.

2. BREAKDOWN OF SOs

- (a) **By crop and livestock characteristics**

The SOs are determined for all the agricultural characteristics corresponding to the headings of the Community farm structure surveys in the manner laid down in those surveys.

- (b) **Geographical breakdown**

— The SOs are determined at least on the basis of geographical units which are compatible with those used for the Community farm structure surveys and for the Farm Accountancy Data Network. Less favoured or mountain areas are not considered as a geographical unit.

— No SO is determined for characteristics which are not engaged in the region concerned.

3. COLLECTION OF DATA FOR DETERMINING SOs

- (a) The basic data for determining SOs are renewed at least each time a farm structure survey is carried out in the form of a census.

(b) Between two Community farm structure surveys carried out in the form of a census, the SOs are updated each time there is a farm structure survey. Such updating is effected:

- either by renewing the basic data in a manner similar to that specified under (a),
- or by using a method of calculation by which the SO may be updated. The principles applying to such a method are laid down at Community level.

4. EXECUTION

The Member States are responsible, in accordance with the provisions of this Annex, for collecting the basic data needed for calculating the SOs and for calculating them, for converting them into Euro and for collecting the data required for applying the updating method, if appropriate.

5. TREATMENT OF SPECIAL CASES

The following special rules are laid down for the calculation of SOs for certain types of characteristics:

(a) **Fallow land without any subsidies**

SO relating to fallow land without any subsidies is taken into account when calculating the total SO of the holding only when there are other positive SOs on the holding.

(b) **Fallow land subject to the payment of subsidies, with no economic use and permanent grassland no longer used for production purposes and eligible for the payment of subsidies**

Since the produce of land subject to subsidies with no economic use is limited to the direct payments, the SOs are regarded as equal to zero.

(c) **Kitchen gardens**

Since the produce of kitchen gardens is normally intended for the holder's own consumption and not for sale, the SOs are regarded as equal to zero.

(d) **Livestock**

For livestock the characteristics are split by category of age. The output corresponds to the value of growth of the animal during the time spent in the category. In other words, it corresponds to the difference between the value of the animal when it is leaving the category and its value when it is entering the category (named also the replacement value).

(e) **Bovine animals under one year old, male and female**

SOs relating to bovine animals under one year old are taken into account when calculating the total SO of the holding only when there are more bovine animals under one year than cows on the holding. Only the SOs relating to the surplus number of bovine animals under one year are taken into account.

(f) **Other sheep and other goats**

SOs relating to other sheep are taken into account when calculating the total SO of the holding only when there are no breeding sheep females on the holding.

SOs relating to other goats are taken into account when calculating the total SO of the holding only when there are no breeding goat females on the holding.

(g) **Piglets**

SOs relating to piglets are taken into account when calculating the total SO of the holding only when there are no breeding sows on the holding.

(h) **Forage**

If there are no grazing livestock (i.e. equidae, cattle, sheep or goats) on the holding, the forage (i.e. roots and brassicas, plants harvested green, pasture and meadows) is considered as intended for sale and is part of the general cropping output.

If there are grazing livestock on the farm, the forage is considered as intended to feed the grazing livestock and is part of the grazing livestock and forage output.

ANNEX V

Correlation Table

Decision 85/377/EEC	This Regulation
Article 1, first paragraph	Article 1(1)
Article 1, second paragraph	—
Articles 2(1) and 2(2)	—
Article 2(3)	Article 1(2)
Articles 3 to 5	—
Article 6	Article 2(1)
Article 7, first paragraph, introductory phrase	Article 2(2), introductory phrase
Article 7, first paragraph, first to third indents	Article 2(2), first subparagraph, points (a) to (c)
Article 7, first paragraph, fourth indent	—
Article 7, second paragraph	—
Article 7 third paragraph	Article 2(2), second subparagraph
Articles 8 and 9	Article 3
—	Articles 4 to 7
Article 10	—
Article 11	—
Article 12	—
—	Article 8
Annex I	Annex IV
Annex II	Annex I
Annex III	Annex II
—	Annex III
—	Annex V

COMMISSION REGULATION (EC) No 1243/2008

of 12 December 2008

amending Annexes III and VI to Directive 2006/141/EC as regards compositional requirements for certain infant formulae

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/398/EEC of 3 May 1989 on the approximation of the laws of the Member States relating to foodstuffs intended for particular nutritional uses ⁽¹⁾, and in particular the second indent of the third subparagraph of Article 4(1) thereof,

Whereas:

(1) Commission Directive 2006/141/EC of 22 December 2006 on infant formulae and follow-on formulae and amending Directive 1999/21/EC ⁽²⁾ lays down *inter alia* compositional criteria for infant formulae.

(2) Directive 2006/141/EC provides that only the substances listed in Annex III thereto may be used in the manufacture of infant formulae in order to satisfy the requirements on *inter alia* amino acids and other nitrogen compounds.

(3) Annex III of that Directive should be amended to permit the use of L-arginine and its hydrochloride in the infant formulae.

(4) Directive 2006/141/EC also provides that infant formulae manufactured from protein hydrolysates defined in point 2.2 of Annex I thereto with a protein content between the minimum and 0,56 g/100 kJ (2,25 g/100 kcal) are to be in accordance with the appropriate specifications set out in Annex VI. That Annex sets out specifications for the protein content and source and the processing of protein used in the manufacture of such infant formulae manufactured from hydrolysates of whey proteins derived from cows' milk protein.

(5) Commission Regulation (EC) No 1609/2006 of 27 October 2006 authorising the placing on the market of infant formulae based on hydrolysates of whey protein derived from cows' milk protein for a two-year period ⁽³⁾ authorises the placing on the market of infant formulae based on hydrolysates of cows' milk in accordance with specifications for the protein content, source, processing and quality set out in the Annex thereto. That authorisation expires on 27 October 2008.

(6) Directive 2006/141/EC provides on a permanent basis for the authorisation laid down in Regulation (EC) No 1609/2006. Annex VI to Directive 2006/141/EC set out the specifications for the protein content, protein source and protein processing for the infant formulae in question. However, the particular compositional requirements relating to the protein quality were not included in that Annex. The absence of such requirements would prevent the placing on the market of infant formulae manufactured from protein hydrolysates following the expiry of Regulation (EC) No 1609/2006.

(7) The missing specifications concerning protein quality, which were included in the authorisation laid down in Regulation (EC) No 1609/2006, should be added to Annex VI to Directive 2006/141/EC. That Annex should therefore be amended accordingly.

(8) In order to avoid any disruption on the market for infant formulae, this Regulation should apply from 28 October 2008.

(9) 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

Annexes III and VI to Directive 2006/141/EC are amended in accordance with the Annex to this Regulation.

⁽¹⁾ OJ L 186, 30.6.1989, p. 27.

⁽²⁾ OJ L 401, 30.12.2006, p. 1.

⁽³⁾ OJ L 299, 28.10.2006, p. 9.

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 28 October 2008.

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

Done at Brussels, 12 December 2008.

For the Commission
Androulla VASSILIOU
Member of the Commission

ANNEX

Annexes III and VI to Directive 2006/141/EC are amended as follows:

1. In Section 3 of Annex III, the following substance is inserted at the top of the list entitled 'Amino acids and other nitrogen compounds':

'L-arginine and its hydrochloride ⁽¹⁾

⁽¹⁾ L-arginine and its hydrochloride shall only be used in the manufacture of infant formulae referred to in the third subparagraph of Article 7(1).'

2. In Annex VI, the following point 4 is added:

'4. Protein quality

The indispensable and conditionally indispensable amino acids in breast milk, expressed in mg per 100 kJ and 100 kcal, are the following:

	Per 100 kJ ⁽¹⁾	Per 100 kcal
Arginine	16	69
Cystine	6	24
Histidine	11	45
Isoleucine	17	72
Leucine	37	156
Lysine	29	122
Methionine	7	29
Phenylalanine	15	62
Threonine	19	80
Tryptophan	7	30
Tyrosine	14	59
Valine	19	80

⁽¹⁾ 1 kJ = 0,239 kcal.'

COMMISSION REGULATION (EC) No 1244/2008

of 12 December 2008

amending Regulation (EC) No 1614/2000 derogating from Regulation (EEC) No 2454/93 in respect of the definition of the concept of originating products used for the purposes of the scheme of generalised preferences to take account of the special situation of Cambodia regarding certain exports of textiles to the Community

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽¹⁾, and in particular Article 247 thereof,

Having regard to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽²⁾, and in particular Article 76 thereof,

Whereas:

- (1) By Council Regulation (EC) No 980/2005 of 27 June 2005 applying a scheme of generalised tariff preferences ⁽³⁾, the Community granted generalised tariff preferences to Cambodia. Regulation (EC) No 980/2005 is due to lapse on 31 December 2008 but will be replaced as of 1 January 2009 by Council Regulation (EC) No 732/2008 ⁽⁴⁾, which confirms the granting by the Community of the said tariff preferences to Cambodia.
- (2) Regulation (EEC) No 2454/93 establishes the definition of the concept of originating products to be used for the purposes of the scheme of generalised tariff preferences. Regulation (EEC) No 2454/93 also provides for a derogation from that definition in favour of least-developed beneficiary countries benefiting from the generalised system of preferences (GSP) which submit an appropriate request to that effect to the Community.
- (3) Cambodia has benefited from such a derogation for certain textile products under Commission Regulation (EC) No 1614/2000 ⁽⁵⁾, which has been prolonged several times, and is due to expire on 31 December 2008.

- (4) By letters dated 31 July and 15 October 2008 Cambodia submitted a request for prolongation of the derogation in accordance with Article 76 of Regulation (EEC) No 2454/93.
- (5) When the validity of Regulation (EC) No 1614/2000 was last extended, by virtue of Commission Regulation (EC) No 1807/2006 ⁽⁶⁾, it was expected that new, simpler and more development-friendly GSP rules of origin would be applicable before expiry of the derogation. However new GSP rules of origin have not yet been adopted and it is now expected that such rules of origin will not be in place before the end of 2009.
- (6) The request demonstrates that the application of the rules of origin on sufficient working or processing and regional cumulation would affect significantly the ability of the Cambodian garment industry to continue its exports to the Community and deter investment. This would lead to further business closures and unemployment in that country. Furthermore, it seems that application of the GSP rules of origin currently applicable for even a short period would be liable to have the effect described.
- (7) The period of prolongation of the derogation should cover the time necessary to adopt and implement new GSP rules of origin. Since the conclusion of longer-term contracts benefiting from the derogation is of particular importance to the stability and growth of Cambodian industry, the prolongation granted should be sufficiently long to permit the economic operators to conclude such contracts.
- (8) As a consequence of the application of the future new rules of origin, the Cambodian products which are currently eligible for preferential tariff treatment only through application of the derogation should in future be able to qualify through application of the new rules of origin. The derogation will at that moment become superfluous. In order to ensure clarity for operators, it will therefore be necessary to repeal Regulation (EC) No 1614/2000 with effect from the date on which the new rules of origin apply.
- (9) The derogation should therefore be prolonged until the date of application of the new rules of origin to be laid down in Regulation (EEC) No 2454/93, but in any event it should cease to apply on 31 December 2010.

⁽¹⁾ OJ L 302, 19.10.1992, p. 1.

⁽²⁾ OJ L 253, 11.10.1993, p. 1.

⁽³⁾ OJ L 169, 30.6.2005, p. 1.

⁽⁴⁾ OJ L 211, 6.8.2008, p. 1.

⁽⁵⁾ OJ L 185, 25.7.2000, p. 46.

⁽⁶⁾ OJ L 343, 8.12.2006, p. 71.

- (10) Regulation (EC) No 1614/2000 should therefore be amended accordingly.
- (11) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

into the Community up to the annual quantities listed in the Annex against each product during the period from 15 July 2000 until the date of application of an amendment to Regulation (EEC) No 2454/93 in respect of the definition of the concept of originating products used for the purposes of the scheme of generalised preferences, but in any event that derogation shall cease to apply on 31 December 2010.'

HAS ADOPTED THIS REGULATION:

Article 1

Article 2 of Regulation (EC) No 1614/2000 is replaced by the following:

'Article 2

The derogation provided for in Article 1 shall apply to products transported directly from Cambodia and imported

Article 2

This Regulation shall enter into force on the seventh 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, 12 December 2008.

For the Commission

László KOVÁCS

Member of the Commission

COMMISSION REGULATION (EC) No 1245/2008

of 12 December 2008

amending Regulation (EC) No 1615/2000 derogating from Regulation (EEC) No 2454/93 in respect of the definition of the concept of originating products used for the purposes of the scheme of generalised preferences to take account of the special situation of Nepal regarding certain exports of textiles to the Community

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽¹⁾, and in particular Article 247 thereof,

Having regard to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽²⁾, and in particular Article 76 thereof,

Whereas:

(1) By Council Regulation (EC) No 980/2005 of 27 June 2005 applying a scheme of generalised tariff preferences ⁽³⁾, the Community granted generalised tariff preferences to Nepal. Regulation (EC) No 980/2005 is due to lapse on 31 December 2008 but will be replaced as of 1 January 2009 by Council Regulation (EC) No 732/2008 ⁽⁴⁾, which confirms the granting by the Community of the said tariff preferences to Nepal.

(2) Regulation (EEC) No 2454/93 establishes the definition of the concept of originating products to be used for the purposes of the scheme of generalised tariff preferences. Regulation (EEC) No 2454/93 also provides for a derogation from that definition in favour of least-developed beneficiary countries benefiting from the generalised system of preferences (GSP) which submit an appropriate request to that effect to the Community.

(3) Nepal has benefited from such a derogation for certain textile products under Commission Regulation (EC) No 1615/2000 ⁽⁵⁾, which has been prolonged several times, and is due to expire on 31 December 2008.

(4) By letters dated 9 July and 3 October 2008 Nepal submitted a request for prolongation of the derogation in accordance with Article 76 of Regulation (EEC) No 2454/93.

(5) When the validity of Regulation (EC) No 1615/2000 was last extended, by virtue of Commission Regulation (EC) No 1808/2006 ⁽⁶⁾, it was expected that new, simpler and more development-friendly GSP rules of origin would be applicable before expiry of the derogation. However new GSP rules of origin have not yet been adopted and it is now expected that such rules of origin will not be in place before the end of 2009.

(6) The request demonstrates that the application of the rules of origin on sufficient working or processing and regional cumulation would affect significantly the ability of the Nepalese garment industry to continue its exports to the Community and deter investment. This would lead to further business closures and unemployment in that country. Furthermore, it seems that application of the GSP rules of origin currently applicable for even a short period would be liable to have the effect described.

(7) The period of prolongation of the derogation should cover the time necessary to adopt and implement new GSP rules of origin. Since the conclusion of longer-term contracts benefiting from the derogation is of particular importance to the stability and growth of Nepalese industry, the prolongation granted should be sufficiently long to permit the economic operators to conclude such contracts.

(8) As a consequence of the application of the future new rules of origin, the Nepalese products which are currently eligible for preferential tariff treatment only through application of the derogation should in future be able to qualify through application of the new rules of origin. The derogation will at that moment become superfluous. In order to ensure clarity for operators, it will therefore be necessary to repeal Regulation (EC) No 1615/2000 with effect from the date on which the new rules of origin apply.

(9) The derogation should therefore be prolonged until the date of application of the new rules of origin to be laid down in Regulation (EEC) No 2454/93, but in any event it should cease to apply on 31 December 2010.

⁽¹⁾ OJ L 302, 19.10.1992, p. 1.

⁽²⁾ OJ L 253, 11.10.1993, p. 1.

⁽³⁾ OJ L 169, 30.6.2005, p. 1.

⁽⁴⁾ OJ L 211, 6.8.2008, p. 1.

⁽⁵⁾ OJ L 185, 25.7.2000, p. 54.

⁽⁶⁾ OJ L 343, 8.12.2006, p. 73.

- (10) Regulation (EC) No 1615/2000 should therefore be amended accordingly.
- (11) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

the Community up to the annual quantities listed in the Annex against each product during the period from 15 July 2000 until the date of application of an amendment to Regulation (EEC) No 2454/93 in respect of the definition of the concept of originating products used for the purposes of the scheme of generalised preferences, but in any event that derogation shall cease to apply on 31 December 2010.'

HAS ADOPTED THIS REGULATION:

Article 1

Article 2 of Regulation (EC) No 1615/2000 is replaced by the following text:

'Article 2

The derogation provided for in Article 1 shall apply to products transported directly from Nepal and imported into

Article 2

This Regulation shall enter into force on the seventh 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, 12 December 2008.

For the Commission

László KOVÁCS

Member of the Commission

COMMISSION REGULATION (EC) No 1246/2008**of 12 December 2008****amending Article 23(2) of and Annexes II and III to Council Regulation (EC) No 479/2008 with regard to the financial transfer of the common organisation of the market in wine to rural development**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Regulation (EC) No 479/2008 is hereby amended as follows:

Having regard to Council Regulation (EC) No 479/2008 of 29 April 2008 on the common organisation of the market in wine, amending Regulations (EC) No 1493/1999, (EC) No 1782/2003, (EC) No 1290/2005 and (EC) No 3/2008 and repealing Regulations (EEC) No 2392/86 and (EC) No 1493/1999 ⁽¹⁾, and in particular the second sentence of the second subparagraph of Article 23(3) thereof,

1. Article 23(2) shall be replaced by the following:

‘2. The following amounts shall be available in the given calendar years:

— 2009: EUR 40,66 million,

— 2010: EUR 82,11 million,

— from 2011 onwards: EUR 122,61 million.’

Whereas:

2. Annexes II and III shall be replaced by the text in the Annex to this Regulation.

(1) Slovenia and the United Kingdom have notified the Commission of the financial transfer of the budget for support programmes to the budget allocation for rural development.

(2) Article 23(2) of and Annexes II and III to Regulation (EC) No 479/2008 should therefore be amended accordingly,

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, 12 December 2008.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 148, 6.6.2008, p. 1.

ANNEX

‘ANNEX II

BUDGET FOR SUPPORT PROGRAMMES

(referred to in Article 8(1))

(EUR thousand)

Budget year	2009	2010	2011	2012	2013	From 2014 onwards
BG	15 608	21 234	22 022	27 077	26 742	26 762
CZ	2 979	4 076	4 217	5 217	5 151	5 155
DE	22 891	30 963	32 190	39 341	38 867	38 895
EL	14 286	19 167	19 840	24 237	23 945	23 963
ES	213 820	284 219	279 038	358 000	352 774	353 081
FR	171 909	226 814	224 055	284 299	280 311	280 545
IT (*)	238 223	298 263	294 135	341 174	336 736	336 997
CY	2 749	3 704	3 801	4 689	4 643	4 646
LT	30	37	45	45	45	45
LU	344	467	485	595	587	588
HU	16 816	23 014	23 809	29 455	29 081	29 103
MT	232	318	329	407	401	402
AT	8 038	10 888	11 313	13 846	13 678	13 688
PT	37 802	51 627	53 457	65 989	65 160	65 208
RO	42 100	42 100	42 100	42 100	42 100	42 100
SI	3 522	3 770	3 937	5 119	5 041	5 045
SK	2 938	4 022	4 160	5 147	5 082	5 085
UK	0	61	67	124	120	120

(*) The national ceilings in Annex VIII to Regulation (EC) No 1782/2003 for Italy corresponding to years 2008, 2009 and 2010 are reduced by EUR 20 million and those amounts have been included in the budget amounts of Italy for the years 2009, 2010 and 2011 as laid down in this table.

ANNEX III

BUDGET ALLOCATION FOR RURAL DEVELOPMENT
(referred to in Article 23(3))

(EUR thousand)

Budget year	2009	2010	From 2011 onwards
BG	—	—	—
CZ	—	—	—
DE	—	—	—
EL	—	—	—
ES	15 491	30 950	46 441
FR	11 849	23 663	35 512
IT	13 160	26 287	39 447
CY	—	—	—
LT	—	—	—
LU	—	—	—
HU	—	—	—
MT	—	—	—
AT	—	—	—
PT	—	—	—
RO	—	—	—
SI	—	1 050	1 050
SK	—	—	—
UK	160	160	160'

**COMMISSION REGULATION (EC) No 1247/2008
of 11 December 2008**

derogating from Regulations (EC) Nos 2402/96, 2058/96, 2305/2003, 955/2005, 969/2006, 1918/2006, 1964/2006, 1002/2007, 27/2008 and 1067/2008 as regards the dates for lodging import licence applications and issuing import licences in 2009 under the tariff quotas for sweet potatoes, manioc starch, manioc, cereals, rice and olive oil and derogating from Regulations (EC) Nos 382/2008, 1518/2003, 596/2004 and 633/2004 as regards the dates for issuing export licences in 2009 in the beef and veal, pigmeat, egg and poultrymeat sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 96/317/EC of 13 May 1996 concerning the conclusion of the results of consultations with Thailand under GATT Article XXIII ⁽¹⁾,

Having regard to Council Regulation (EC) No 1095/96 of 18 June 1996 on the implementation of the concessions set out in Schedule CXL drawn up in the wake of the conclusion of the GATT XXIV.6 negotiations ⁽²⁾, and in particular Article 1(1) thereof,

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) ⁽³⁾, and in particular Articles 144(1), 148 and 161(3), in conjunction with Article 4 thereof,

Whereas:

- (1) Commission Regulation (EC) No 2402/96 of 17 December 1996 opening and setting administrative rules for certain annual tariff quotas for sweet potatoes and manioc starch ⁽⁴⁾ lays down specific provisions for lodging import licence applications and issuing import licences for sweet potatoes under quotas 09.4013 and 09.4014 and for manioc starch under quotas 09.4064 and 09.4065.
- (2) Commission Regulation (EC) No 27/2008 of 15 January 2008 opening and providing for the administration of certain annual tariff quotas for products covered by CN codes 0714 10 91, 0714 10 98, 0714 90 11 and 0714 90 19 originating in certain third countries other

than Thailand ⁽⁵⁾ lays down specific provisions for lodging import licence applications and issuing import licences, for the products concerned, under quotas 09.4009, 09.4010, 09.4011, 09.4012 and 09.4021.

- (3) Commission Regulations (EC) Nos 1067/2008 of 30 October 2008 opening and providing for the administration of Community tariff quotas for common wheat of a quality other than high quality from third countries and derogating from Council Regulation (EC) No 1234/2007 ⁽⁶⁾, 2305/2003 of 29 December 2003 opening and providing for the administration of a Community tariff quota for imports of barley from third countries ⁽⁷⁾ and 969/2006 of 29 June 2006 opening and providing for the administration of a Community tariff quota for imports of maize from third countries ⁽⁸⁾ lay down specific provisions for lodging import licence applications and issuing import licences for common wheat of a quality other than high quality under quotas 09.4123, 09.4124 and 09.4125, for barley under quota 09.4126 and for maize under quota 09.4131.
- (4) Commission Regulations (EC) Nos 2058/96 of 28 October 1996 opening and providing for the management of a tariff quota for broken rice of CN code 1006 40 00 for production of food preparations of CN code 1901 10 ⁽⁹⁾, 1964/2006 of 22 December 2006 laying down detailed rules for the opening and administration of an import quota for rice originating in Bangladesh, pursuant to Council Regulation (EEC) No 3491/90 ⁽¹⁰⁾, 1002/2007 of 29 August 2007 laying down detailed rules for the application of Council Regulation (EC) No 2184/96 concerning imports into the Community of rice originating in and coming from Egypt ⁽¹¹⁾, and 955/2005 of 23 June 2005 opening a Community import quota for rice originating in Egypt ⁽¹²⁾ lay down specific provisions for lodging import licence applications and issuing import licences for broken rice under quota 09.4079, for rice originating in Bangladesh under quota 09.4517, for rice originating and coming from Egypt under quota 09.4094 and for rice originating in Egypt under quota 09.4097.

⁽¹⁾ OJ L 122, 22.5.1996, p. 15.

⁽²⁾ OJ L 146, 20.6.1996, p. 1.

⁽³⁾ OJ L 299, 16.11.2007, p. 1.

⁽⁴⁾ OJ L 327, 18.12.1996, p. 14.

⁽⁵⁾ OJ L 13, 16.1.2008, p. 3.

⁽⁶⁾ OJ L 290, 31.10.2008, p. 3.

⁽⁷⁾ OJ L 342, 30.12.2003, p. 7.

⁽⁸⁾ OJ L 176, 30.6.2006, p. 44.

⁽⁹⁾ OJ L 276, 29.10.1996, p. 7.

⁽¹⁰⁾ OJ L 408, 30.12.2006, p. 19.

⁽¹¹⁾ OJ L 226, 30.8.2007, p. 15.

⁽¹²⁾ OJ L 164, 24.6.2005, p. 5.

- (5) Commission Regulation (EC) No 1918/2006 of 20 December 2006 opening and providing for the administration of tariff quota for olive oil originating in Tunisia ⁽¹⁾ lays down specific provisions for lodging import licence applications and issuing import licences for olive oil under quota 09.4032.
- (6) In view of the public holidays in 2009, derogations should be made, at certain times, from Regulations (EC) Nos 2402/96, 2058/96, 2375/2002, 2305/2003, 955/2005, 969/2006, 1918/2006, 1964/2006, 1002/2007 and 27/2008 as regards the dates for lodging import licence applications and issuing import licences in order to ensure compliance with the quota volumes in question.
- (7) The second subparagraph of Article 12(1) of Commission Regulation (EC) No 382/2008 of 21 April 2008 on rules of application for import and export licences in the beef and veal sector ⁽²⁾, Article 3(3) of Commission Regulation (EC) No 1518/2003 of 28 August 2003 laying down detailed rules for implementing the system of export licences in the pigmeat sector ⁽³⁾, Article 3(3) of Commission Regulation (EC) No 596/2004 of 30 March 2004 laying down detailed rules for implementing the system of export licences in the egg sector ⁽⁴⁾ and Article 3(3) of Commission Regulation (EC) No 633/2004 of 30 March 2004 laying down detailed rules for implementing the system of export licences in the poultrymeat sector ⁽⁵⁾ provide that export licences are to be issued on the Wednesday following the week in which the licence applications are lodged, provided that the Commission has not taken any particular measure in the meantime.
- (8) In view of the public holidays in 2009 and the resulting impact on the publication of the *Official Journal of the European Union*, the period between the lodging of applications and the day on which the licences are to be issued will be too short to ensure proper management of the market. That period should therefore be extended.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Sweet potatoes

1. By way of derogation from Article 3 of Regulation (EC) No 2402/96, applications for import licences for sweet potatoes

⁽¹⁾ OJ L 365, 21.12.2006, p. 84.

⁽²⁾ OJ L 115, 29.4.2008, p. 10.

⁽³⁾ OJ L 217, 29.8.2003, p. 35.

⁽⁴⁾ OJ L 94, 31.3.2004, p. 33.

⁽⁵⁾ OJ L 100, 6.4.2004, p. 8.

under quotas 09.4013 and 09.4014 for 2009 may not be lodged before Tuesday 6 January 2009 or after Tuesday 15 December 2009.

2. By way of derogation from Article 8(1) of Regulation (EC) No 2402/96, import licences for sweet potatoes applied for on the date indicated in Annex I hereto under quotas 09.4013 and 09.4014 shall be issued on the date indicated therein, subject to the measures adopted pursuant to Article 7(2) of Commission Regulation (EC) No 1301/2006 ⁽⁶⁾.

Article 2

Manioc starch

1. By way of derogation from the first paragraph of Article 9 of Regulation (EC) No 2402/96, applications for import licences for manioc starch under quotas 09.4064 and 09.4065 for 2009 may not be lodged before Tuesday 6 January 2009 or after Tuesday 15 December 2009.

2. By way of derogation from Article 13(1) of Regulation (EC) No 2402/96, import licences for manioc starch applied for on the date indicated in Annex II hereto under quotas 09.4064 and 09.4065 shall be issued on the date indicated therein, subject to the measures adopted pursuant to Article 7(2) of Commission Regulation (EC) No 1301/2006.

Article 3

Manioc

1. By way of derogation from Article 8(1) of Regulation (EC) No 27/2008, applications for import licences for manioc under quotas 09.4009, 09.4010, 09.4011, 09.4012 and 09.4021 for 2009 may not be lodged before Monday 5 January 2009 or after 13:00 (Brussels time) on Wednesday 16 December 2009.

2. By way of derogation from Article 8(4) of Regulation (EC) No 27/2008, import licences for manioc applied for on the dates indicated in Annex III hereto under quotas 09.4009, 09.4010, 09.4011, 09.4012 and 09.4021 shall be issued on the date indicated therein, subject to the measures adopted pursuant to Article 7(2) of Regulation (EC) No 1301/2006.

Article 4

Cereals

1. By way of derogation from the second subparagraph of Article 4(1) of Regulation (EC) No 1067/2008, the first period for lodging applications for import licences for common wheat of a quality other than high quality under quotas 09.4123, 09.4124 and 09.4125 for 2009 shall not start until 1 January 2009. Such applications may not be lodged after 13:00 (Brussels time) on Friday 11 December 2009.

⁽⁶⁾ OJ L 238, 1.9.2006, p. 13.

2. By way of derogation from the second subparagraph of Article 3(1) of Regulation (EC) No 2305/2003, the first period for lodging applications for import licences for barley under quota 09.4126 for 2009 shall not start until 1 January 2009. Such applications may not be lodged after 13:00 (Brussels time) on Friday 11 December 2009.

3. By way of derogation from the second subparagraph of Article 4(1) of Regulation (EC) No 969/2006, the first period for lodging applications for import licences for maize under quota 09.4131 for 2009 shall not start until 1 January 2009. Such applications may not be lodged after 13:00 (Brussels time) on Friday 11 December 2009.

Article 5

Rice

1. By way of derogation from the third subparagraph of Article 2(1) of Regulation (EC) No 2058/96, the first period for lodging applications for import licences for broken rice under quota 09.4079 for 2009 shall not start until 1 January 2009. Such applications may not be lodged after 13:00 (Brussels time) on Friday 11 December 2009.

2. By way of derogation from the first subparagraph of Article 4(3) of Regulation (EC) No 1964/2006, the first period for lodging applications for import licences for rice originating in Bangladesh under quota 09.4517 for 2009 shall not start until 1 January 2009. Such applications may not be lodged after 13:00 (Brussels time) on Friday 11 December 2009.

3. By way of derogation from Article 2(3) of Regulation (EC) No 1002/2007, the first period for lodging applications for import licences for rice originating in and coming from Egypt under quota 09.4094 for 2009 shall not start until 1 January 2009. Such applications may not be lodged after 13:00 (Brussels time) on Friday 11 December 2009.

4. By way of derogation from Article 4(1) of Regulation (EC) No 955/2005, the first period for lodging applications for

import licences for rice originating in Egypt under quota 09.4097 for 2009 shall not start until 1 January 2009. Such applications may not be lodged after 13:00 (Brussels time) on Friday 11 December 2009.

Article 6

Olive oil

By way of derogation from Article 3(3) of Regulation (EC) No 1918/2006, import licences for olive oil applied for on Monday 6 or Tuesday 7 April 2009 under quota 09.4032 shall be issued on Friday 17 April 2009, subject to the measures adopted pursuant to Article 7(2) of Regulation (EC) No 1301/2006.

Article 7

Licences for exports of beef and veal, pigmeat, eggs and poultrymeat attracting refunds

By way of derogation from the second subparagraph of Article 12(1) of Regulation (EC) No 382/2008, Article 3(3) of Regulation (EC) No 1518/2003, Article 3(3) of Regulation (EC) No 596/2004 and Article 3(3) of Regulation (EC) No 633/2004, export licences applied for during the periods referred to in Annex IV hereto shall be issued on the corresponding dates set out therein.

The derogation provided for in the first paragraph shall apply only where none of the particular measures provided for in Article 12(2) and (3) of Regulation (EC) No 382/2008, Article 3(4) of Regulation (EC) No 1518/2003, Article 3(4) of Regulation (EC) No 596/2004 and Article 3(4) of Regulation (EC) No 633/2004 is taken before those dates of issue.

Article 8

This Regulation shall enter into force on the third 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, 11 December 2008.

For the Commission

Jean-Luc DEMARTY

Director-General for Agriculture and
Rural Development

ANNEX I

Import licences for sweet potatoes to be issued under quotas 09.4013 and 09.4014 for certain periods of 2009

Dates for lodging applications	Dates of issue of licences
Tuesday 7 April 2009	Friday 17 April 2009

ANNEX II

Import licences for manioc starch to be issued under quotas 09.4064 and 09.4065 for certain periods of 2009

Dates for lodging applications	Dates of issue of licences
Tuesday 7 April 2009	Friday 17 April 2009

ANNEX III

Import licences for manioc to be issued under quotas 09.4009, 09.4010, 09.4011, 09.4012 and 09.4021 for certain periods of 2009

Dates for lodging applications	Dates of issue of licences
Monday 6, Tuesday 7 and Wednesday 8 April 2009	Friday 17 April 2009

ANNEX IV

Periods for lodging export licence applications for beef and veal, pigmeat, eggs and poultrymeat	Dates of issue of licences
6 to 10 April 2009	16 April 2009
25 to 29 May 2009	4 June 2009
13 to 17 July 2009	23 July 2009
26 to 30 October 2009	5 November 2009

II

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

DECISIONS

COUNCIL

COUNCIL DECISION

of 8 December 2008

on the signing and the provisional application of an Agreement in the form of an Exchange of Letters between the European Community and the Republic of Belarus amending the Agreement between the European Community and the Republic of Belarus on trade in textile products

(2008/939/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

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),

Having regard to the proposal from the Commission,

Whereas:

Article 1

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 between the European Community and the Republic of Belarus amending the Agreement between the European Community and the Republic of Belarus on trade in textile products initialled on 1 April 1993, as last amended and extended by the agreement in the form of an Exchange of Letters initialled on 19 October 2007 on behalf of the Community subject to its conclusion.

- (1) The Commission has negotiated on behalf of the Community an Agreement in the form of an Exchange of Letters to extend for one year the existing Agreement and Protocols on trade in textile products with the Republic of Belarus, with some adjustments of the quantitative limits.

The text of the Agreement in the form of an Exchange of Letters is attached to this Decision.

Article 2

- (2) The Agreement in the form of an Exchange of Letters should be applied on a provisional basis as of 1 January 2009, pending the completion of procedures required for its conclusion, subject to reciprocal provisional application by the Republic of Belarus.

Subject to reciprocity, the Agreement in the form of an Exchange of Letters shall be applied on a provisional basis from 1 January 2009, pending its formal conclusion.

Article 3

- (3) The Agreement in the form of an Exchange of Letters should be signed on behalf of the Community,

1. If the Republic of Belarus fails to respect paragraph 2.4 of the Agreement in the form of an Exchange of Letters, the quota for 2009 will be reduced to the levels applicable in 2008.

2. The decision to implement paragraph 1 shall be taken in accordance with the procedures referred to in Article 17 of Council Regulation (EEC) No 3030/93 of 12 October 1993 on common rules for imports of certain textile products from third countries ⁽¹⁾.

Article 4

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

It shall take effect on the day following its publication in the *Official Journal of the European Union*.

Done at Brussels, 8 December 2008.

For the Council
The President
B. KOUCHNER

⁽¹⁾ OJ L 275, 8.11.1993, p. 1.

AGREEMENT**in the form of an Exchange of Letters between the European Community and the Republic of Belarus amending the Agreement between the European Community and the Republic of Belarus on trade in textile products***A. Letter from the European Community*

Sir,

1. I have the honour to refer to the Agreement between the European Community and the Republic of Belarus on trade in textile products initialled on 1 April 1993, as last amended and extended by the Agreement in the form of an Exchange of Letters initialled on 19 October 2007 (hereafter referred to as the 'Agreement').
2. In view of the expiry of the Agreement on 31 December 2008 and in accordance with Article 19(1) of the Agreement, the European Community and the Republic of Belarus agree to extend the duration of the Agreement, for a further period of one year, subject to the following amendments and conditions:

- 2.1. The text of Article 19(1) of the Agreement shall read as follows:

'This Agreement shall enter into force on the first day of the month following the date on which the Parties notify each other of the completion of the procedures necessary for that purpose. It shall be applicable until 31 December 2009.'

- 2.2. Annex II which sets out the quantitative restrictions for exports from the Republic of Belarus to the European Community is replaced by Appendix 1 to this Letter.
- 2.3. The Annex to Protocol C which sets out the quantitative restrictions for exports from the Republic of Belarus to the European Community after OPT operations in the Republic of Belarus is replaced for the period of 1 January 2009 to 31 December 2009 by Appendix 2 to this letter.
- 2.4. Imports into Belarus of textile and clothing products of European Community origin shall be subject in 2009 to custom duties not exceeding those provided for the year 2003 in Appendix 4 of the Agreement in the form of an Exchange of Letters between the European Community and the Republic of Belarus initialled on 11 November 1999, which is amended by Appendix 3 to this letter. The amendment concerns only tariff lines 5407 72, 5606 00 10, 5905 00, 5906 91, 6309 00, 6310 10 and 6310 90. In 2009, tariffs applied by Belarus for these products will be as follows: 5407 72 — 4 %, 5606 00 10 — 0 %, 5905 00 — 4 %, 5906 91 — 0 %, 6309 00 — 20 %, 6310 10 — 20 %, 6310 90 — 20 %.

In the case of non-application of these rates the Community will have the right to reintroduce for the period of the Agreement remaining unexpired on a pro-rata basis the levels for quantitative restrictions applicable for 2008 as specified in the Exchange of Letters initialled on 19 October 2007.

3. The European Community and Belarus recall their agreement to enter into consultations not later than six months before the expiration of the present Agreement with a view to possibly concluding a new agreement.
4. Should the Republic of Belarus become a Member of the World Trade Organisation (WTO) before the date of the expiry of the Agreement, the agreements and rules of the WTO shall be applied from the date of the Republic of Belarus' accession to the WTO.
5. I should be obliged if you could kindly confirm the acceptance of your Government of the foregoing. Should this be the case, this Agreement in the form of an Exchange of Letters shall enter into force on the first day of the month following the day on which the Parties have notified each other that the legal procedures necessary to this end have been completed. In the meantime, it shall be applied provisionally from 1 January 2009 on the condition of reciprocity.

Please accept, Sir, the assurance of my highest consideration.

For the European Community

Appendix 1

'ANNEX II

Belarus	Category	Unit	Quota as from 1 January 2009
Group IA	1	tonnes	1 586
	2	tonnes	6 643
	3	tonnes	242
Group IB	4	T pieces	1 839
	5	T pieces	1 105
	6	T pieces	1 705
	7	T pieces	1 377
	8	T pieces	1 160
Group IIA	20	tonnes	329
	22	tonnes	524
Group IIB	15	T pieces	1 726
	21	T pieces	930
	24	T pieces	844
	26/27	T pieces	1 117
	29	T pieces	468
	73	T pieces	329
Group IIIB	67	tonnes	359
Group IV	115	tonnes	420
	117	tonnes	2 312
	118	tonnes	471

T pieces: thousand of pieces.'

Appendix 2

'ANNEX TO PROTOCOL C

Category	Unit	As from 1 January 2009
4	1 000 pieces	6 610
5	1 000 pieces	9 215
6	1 000 pieces	12 290
7	1 000 pieces	9 225
8	1 000 pieces	3 140
15	1 000 pieces	5 387
21	1 000 pieces	3 584
24	1 000 pieces	922
26/27	1 000 pieces	4 492
29	1 000 pieces	1 820
73	1 000 pieces	6 979'

Appendix 3

Appendix 4

Maximum rates of duties applicable for imports into the Republic of Belarus of textile products from the European Community

CN code	Rate of duty %				
	2000	2001	2002	2003	2009
5001 00	4	4	4	4	4
5002 00	4	4	4	4	4
5003 00	4	4	4	4	4
5004 00	4	4	4	4	4
5005 00	4	4	4	4	4
5006 00	4	4	4	4	4
5007 10	4	4	4	4	4
5007 20	4	4	4	4	4
5007 90	4	4	4	4	4
5101 11	4	4	4	4	4
5101 19	4	4	4	4	4
5101 21	4	4	4	4	4
5101 29	4	4	4	4	4
5101 30	4	4	4	4	4
5102 11	4	4	4	4	4
5102 19	4	4	4	4	4
5102 20	4	4	4	4	4
5103 10	4	4	4	4	4
5103 20	4	4	4	4	4
5103 30	4	4	4	4	4
5104 00	4	4	4	4	4
5105 10	4	4	4	4	4
5105 21	4	4	4	4	4
5105 29	4	4	4	4	4
5105 31	4	4	4	4	4
5105 39	4	4	4	4	4
5105 40	4	4	4	4	4
5106 10	4	4	4	4	4
5106 20	4	4	4	4	4
5107 10	4	4	4	4	4
5107 20	4	4	4	4	4
5108 10	4	4	4	4	4
5108 20	4	4	4	4	4
5109 10	4	4	4	4	4
5109 90	4	4	4	4	4
5110 00	4	4	4	4	4
5111 11	15	12	10	8	8
5111 19	15	12	10	8	8
5111 20	15	12	10	8	8
5111 30	15	12	10	8	8
5111 90	15	12	10	8	8
5112 11	15	12	10	8	8
5112 19	15	12	10	8	8
5112 20	15	12	10	8	8
5112 30	15	12	10	8	8
5112 90	15	12	10	8	8
5113 00	0	0	0	0	0
5201 00	0	0	0	0	0
5202 10	0	0	0	0	0
5202 91	0	0	0	0	0

CN code	Rate of duty %				
	2000	2001	2002	2003	2009
5202 99	0	0	0	0	0
5203 00	0	0	0	0	0
5204 11	5	5	5	4	4
5204 19	5	5	5	4	4
5204 20	5	5	5	4	4
5205 11	5	5	5	4	4
5205 12	5	5	5	4	4
5205 13	5	5	5	4	4
5205 14	5	5	5	4	4
5205 15	5	5	5	4	4
5205 21	5	5	5	4	4
5205 22	5	5	5	4	4
5205 23	5	5	5	4	4
5205 24	5	5	5	4	4
5205 26	5	5	5	4	4
5205 27	5	5	5	4	4
5205 28	5	5	5	4	4
5205 31	5	5	5	4	4
5205 32	5	5	5	4	4
5205 33	5	5	5	4	4
5205 34	5	5	5	4	4
5205 35	5	5	5	4	4
5205 41	5	5	5	4	4
5205 42	5	5	5	4	4
5205 43	5	5	5	4	4
5205 44	5	5	5	4	4
5205 46	5	5	5	4	4
5205 47	5	5	5	4	4
5205 48	5	5	5	4	4
5206 11	5	5	5	4	4
5206 12	5	5	5	4	4
5206 13	5	5	5	4	4
5206 14	5	5	5	4	4
5206 15	5	5	5	4	4
5206 21	5	5	5	4	4
5206 22	5	5	5	4	4
5206 23	5	5	5	4	4
5206 24	5	5	5	4	4
5206 25	5	5	5	4	4
5206 31	5	5	5	4	4
5206 32	5	5	5	4	4
5206 33	5	5	5	4	4
5206 34	5	5	5	4	4
5206 35	5	5	5	4	4
5206 41	5	5	5	4	4
5206 42	5	5	5	4	4
5206 43	5	5	5	4	4
5206 44	5	5	5	4	4
5206 45	5	5	5	4	4
5207 10	5	5	5	4	4
5207 90	5	5	5	4	4
5208 11	14	12	10	8	8
5208 12	14	12	10	8	8
5208 13	14	12	10	8	8
5208 19	14	12	10	8	8
5208 21	14	12	10	8	8
5208 22	14	12	10	8	8

CN code	Rate of duty %				
	2000	2001	2002	2003	2009
5208 23	14	12	10	8	8
5208 29	14	12	10	8	8
5208 31	14	12	10	8	8
5208 32	14	12	10	8	8
5208 33	14	12	10	8	8
5208 39	14	12	10	8	8
5208 41	14	12	10	8	8
5208 42	14	12	10	8	8
5208 43	14	12	10	8	8
5208 49	14	12	10	8	8
5208 51	14	12	10	8	8
5208 52	14	12	10	8	8
5208 59	14	12	10	8	8
5209 11	14	12	10	8	8
5209 12	14	12	10	8	8
5209 19	14	12	10	8	8
5209 21	14	12	10	8	8
5209 22	14	12	10	8	8
5209 29	14	12	10	8	8
5209 31	14	12	10	8	8
5209 32	14	12	10	8	8
5209 39	14	12	10	8	8
5209 41	14	12	10	8	8
5209 42	14	12	10	8	8
5209 43	14	12	10	8	8
5209 49	14	12	10	8	8
5209 51	14	12	10	8	8
5209 52	14	12	10	8	8
5209 59	14	12	10	8	8
5210 11	14	12	10	8	8
5210 19	14	12	10	8	8
5210 21	14	12	10	8	8
5210 29	14	12	10	8	8
5210 31	14	12	10	8	8
5210 32	14	12	10	8	8
5210 39	15	12	10	8	8
5210 41	14	12	10	8	8
5210 49	14	12	10	8	8
5210 51	14	12	10	8	8
5210 59	14	12	10	8	8
5211 11	14	12	10	8	8
5211 12	14	12	10	8	8
5211 19	14	12	10	8	8
5211 20	14	12	10	8	8
5211 31	14	12	10	8	8
5211 32	14	12	10	8	8
5211 39	14	12	10	8	8
5211 41	15	12	10	8	8
5211 42	14	12	10	8	8
5211 43	14	12	10	8	8
5211 49	14	12	10	8	8
5211 51	15	12	10	8	8
5211 52	14	12	10	8	8
5211 59	14	12	10	8	8
5212 11	14	12	10	8	8
5212 12	14	12	10	8	8
5212 13	14	12	10	8	8

CN code	Rate of duty %				
	2000	2001	2002	2003	2009
5212 14	14	12	10	8	8
5212 15	14	12	10	8	8
5212 21	14	12	10	8	8
5212 22	14	12	10	8	8
5212 23	14	12	10	8	8
5212 24	14	12	10	8	8
5212 25	14	12	10	8	8
5301 10	4	4	4	4	4
5301 21	4	4	4	4	4
5301 29	4	4	4	4	4
5301 30	4	4	4	4	4
5302 10	4	4	4	4	4
5302 90	4	4	4	4	4
5303 10	4	4	4	4	4
5303 90	4	4	4	4	4
5305 00	4	4	4	4	4
5306 10	5	5	5	4	4
5306 20	5	5	5	4	4
5307 10	4	4	4	4	4
5307 20	4	4	4	4	4
5308 10	4	4	4	4	4
5308 20	4	4	4	4	4
5308 90	4	4	4	4	4
5309 11	9	9	8	8	8
5309 19	9	9	8	8	8
5309 21	9	9	8	8	8
5309 29	9	9	8	8	8
5310 10	9	9	8	8	8
5310 90	9	9	8	8	8
5311 00	9	9	8	8	8
5401 10	4	4	4	4	4
5401 20	4	4	4	4	4
5402 11	10	10	10	10	10
5402 19	10	10	10	10	10
5402 20	10	10	10	10	10
5402 31	10	10	10	10	10
5402 32	10	10	10	10	10
5402 33	10	10	10	10	10
5402 34	10	10	10	10	10
5402 39	10	10	10	10	10
5402 44	0	0	0	0	0
5402 45	0	0	0	0	0
5402 46	0	0	0	0	0
5402 47	10	10	10	10	10
5404 48	0	0	0	0	0
5402 49	0	0	0	0	0
5402 51	0	0	0	0	0
5402 52	10	10	10	10	10
5402 59	0	0	0	0	0
5402 61	0	0	0	0	0
5402 62	0	0	0	0	0
5402 69	0	0	0	0	0
5403 10	4	4	4	4	4
5403 31	10	10	10	10	10
5403 32	4	4	4	4	4
5403 33	4	4	4	4	4
5403 39	4	4	4	4	4

CN code	Rate of duty %				
	2000	2001	2002	2003	2009
5403 41	4	4	4	4	4
5403 42	4	4	4	4	4
5403 49	4	4	4	4	4
5404 11	5	5	5	5	5
5404 12	5	5	5	5	5
5404 19	5	5	5	5	5
5404 90	5	4	4	4	4
5405 00	5	4	4	4	4
5406 00	4	4	4	4	4
5407 10	9	8	8	8	8
5407 20	9	8	8	8	8
5407 30	9	8	8	8	8
5407 41	9	8	8	8	8
5407 42	9	8	8	8	8
5407 43	9	8	8	8	8
5407 44	9	8	8	8	8
5407 51	9	8	8	8	8
5407 52	9	8	8	8	8
5407 53	9	8	8	8	8
5407 54	9	8	8	8	8
5407 61	9	8	8	8	8
5407 69	9	8	8	8	8
5407 71	9	8	8	8	8
5407 72	9	8	8	8	4
5407 73	9	8	8	8	8
5407 74	9	8	8	8	8
5407 81	9	8	8	8	8
5407 82	9	8	8	8	8
5407 83	9	8	8	8	8
5407 84	9	8	8	8	8
5407 91	9	8	8	8	8
5407 92	9	8	8	8	8
5407 93	9	8	8	8	8
5407 94	9	8	8	8	8
5408 10	9	8	8	8	8
5408 21	9	8	8	8	8
5408 22	9	8	8	8	8
5408 23	9	8	8	8	8
5408 24	9	8	8	8	8
5408 31	9	8	8	8	8
5408 32	9	8	8	8	8
5408 33	9	8	8	8	8
5408 34	9	8	8	8	8
5501 10	4	4	4	4	4
5501 20	5	5	5	5	5
5501 30	5	5	5	5	5
5501 40	4	4	4	4	4
5501 90	4	4	4	4	4
5502 00	4	4	4	4	4
5503 11	0	0	0	0	0
5503 19	0	0	0	0	0
5503 20	0	0	0	0	0
5503 30	5	5	5	5	5
5503 40	0	0	0	0	0
5503 90	0	0	0	0	0
5504 10	4	4	4	4	4
5504 90	4	4	4	4	4

CN code	Rate of duty %				
	2000	2001	2002	2003	2009
5505 10	5	5	5	5	5
5505 20	5	5	5	5	5
5506 10	4	4	4	4	4
5506 20	4	4	4	4	4
5506 30	4	4	4	4	4
5506 90	4	4	4	4	4
5507 00	4	4	4	4	4
5508 10	4	4	4	4	4
5508 20	4	4	4	4	4
5509 11	5	5	5	4	4
5509 12	5	5	5	4	4
5509 21	5	5	5	4	4
5509 22	5	5	5	4	4
5509 31	5	5	5	4	4
5509 32	5	5	5	4	4
5509 41	5	5	5	4	4
5509 42	5	5	5	4	4
5509 51	5	5	5	4	4
5509 52	5	5	5	4	4
5509 53	5	5	5	4	4
5509 59	5	5	5	4	4
5509 61	5	5	5	4	4
5509 62	5	5	5	4	4
5509 69	5	5	5	4	4
5509 91	5	5	5	4	4
5509 92	5	5	5	4	4
5509 99	5	5	5	4	4
5510 11	5	5	5	4	4
5510 12	5	5	5	4	4
5510 20	5	5	5	4	4
5510 30	5	5	5	4	4
5510 90	5	5	5	4	4
5511 10	5	5	5	4	4
5511 20	5	5	5	4	4
5511 30	5	5	5	4	4
5512 11	9	8	8	8	8
5512 19	9	8	8	8	8
5512 21	9	8	8	8	8
5512 29	9	8	8	8	8
5512 91	9	8	8	8	8
5512 99	9	8	8	8	8
5513 11	9	8	8	8	8
5513 12	9	9	8	8	8
5513 13	9	9	8	8	8
5513 19	9	9	8	8	8
5513 21	9	9	8	8	8
5513 23	9	9	8	8	8
5513 29	9	9	8	8	8
5513 31	9	9	8	8	8
5513 39	9	9	8	8	8
5513 41	9	9	8	8	8
5513 49	9	8	8	8	8
5514 11	9	9	8	8	8
5514 12	9	8	8	8	8
5514 19	9	9	8	8	8
5514 21	9	9	8	8	8
5514 22	9	9	8	8	8

CN code	Rate of duty %				
	2000	2001	2002	2003	2009
5514 23	9	9	8	8	8
5514 29	9	9	8	8	8
5514 30	9	9	8	8	8
5514 41	9	9	8	8	8
5514 42	9	9	8	8	8
5514 43	9	8	8	8	8
5514 49	9	8	8	8	8
5515 11	9	8	8	8	8
5515 12	9	8	8	8	8
5515 13	9	8	8	8	8
5515 19	9	8	8	8	8
5515 21	9	8	8	8	8
5515 22	9	8	8	8	8
5515 29	9	8	8	8	8
5515 91	9	8	8	8	8
5515 99	9	8	8	8	8
5516 11	9	9	8	8	8
5516 12	9	9	8	8	8
5516 13	9	9	8	8	8
5516 14	9	9	8	8	8
5516 21	9	9	8	8	8
5516 22	9	9	8	8	8
5516 23	9	8	8	8	8
5516 24	9	9	8	8	8
5516 31	9	9	8	8	8
5516 32	9	9	8	8	8
5516 33	9	9	8	8	8
5516 34	9	9	8	8	8
5516 41	9	9	8	8	8
5516 42	9	9	8	8	8
5516 43	9	9	8	8	8
5516 44	9	9	8	8	8
5516 91	9	9	8	8	8
5516 92	9	9	8	8	8
5516 93	9	9	8	8	8
5516 94	9	9	8	8	8
5601 10	4	4	4	4	4
5601 21	4	4	4	4	4
5601 22	4	4	4	4	4
5601 29	4	4	4	4	4
5601 30	4	4	4	4	4
5602 10	4	4	4	4	4
5602 21	4	4	4	4	4
5602 29	10	4	4	4	4
5602 90	4	4	4	4	4
5603 11	4	4	4	4	4
5603 12	4	4	4	4	4
5603 13	4	4	4	4	4
5603 14	4	4	4	4	4
5603 91	4	4	4	4	4
5603 92	4	4	4	4	4
5603 93	4	4	4	4	4
5603 94	4	4	4	4	4
5604 10	4	4	4	4	4
5604 90	4	4	4	4	4
5605 00	4	4	4	4	4
5606 00 10	4	4	4	4	0

CN code	Rate of duty %				
	2000	2001	2002	2003	2009
5606 00 91	4	4	4	4	4
5606 00 99	4	4	4	4	4
5607 21	8	8	8	8	8
5607 29	8	8	8	8	8
5607 41	20	20	20	20	20
5607 49	5	5	5	5	5
5607 50	5	5	5	5	5
5607 90	8	8	8	8	8
5608 11	4	4	4	4	4
5608 19	4	4	4	4	4
5608 90	4	4	4	4	4
5609 00	4	4	4	4	4
5701 10	25	18	12	8	8
5701 90	8	8	8	8	8
5702 10	25	18	12	8	8
5702 20	8	8	8	8	8
5702 31	8	8	8	8	8
5702 32	25	18	12	8	8
5702 39	8	8	8	8	8
5702 41	8	8	8	8	8
5702 42	25	18	12	8	8
5702 49	8	8	8	8	8
5702 50	8	8	8	8	8
5702 91	8	8	8	8	8
5702 92	25	18	12	8	8
5702 99	25	18	12	8	8
5703 10	25	18	12	8	8
5703 20	25	18	12	8	8
5703 30	25	18	12	8	8
5703 90	25	18	12	8	8
5704 10	8	8	8	8	8
5704 90	25	18	12	8	8
5705 00	25	18	12	8	8
5801 10	18	15	10	8	8
5801 21	18	15	10	8	8
5801 22	18	15	10	8	8
5801 23	18	15	10	8	8
5801 24	18	15	10	8	8
5801 25	15	12	10	8	8
5801 26	15	12	10	8	8
5801 31	18	15	10	8	8
5801 32	18	15	10	8	8
5801 33	18	15	10	8	8
5801 34	18	15	10	8	8
5801 35	15	12	10	8	8
5801 36	15	12	10	8	8
5801 90	18	15	10	8	8
5802 11	18	15	10	8	8
5802 19	18	15	10	8	8
5802 20	18	15	10	8	8
5802 30	18	15	10	8	8
5803 00	18	15	10	8	8
5804 10	15	12	10	8	8
5804 21	18	15	10	8	8
5804 29	18	15	10	8	8
5804 30	18	15	10	8	8
5805 00	18	15	10	8	8

CN code	Rate of duty %				
	2000	2001	2002	2003	2009
5806 10	15	12	10	8	8
5806 20	15	12	10	8	8
5806 31	18	15	10	8	8
5806 32	15	12	10	8	8
5806 39	15	12	10	8	8
5806 40	15	12	10	8	8
5807 10	18	15	10	8	8
5807 90	18	15	10	8	8
5808 10	18	15	10	8	8
5808 90	15	12	10	8	8
5809 00	15	12	10	8	8
5810 10	18	15	10	8	8
5810 91	15	12	10	8	8
5810 92	15	12	10	8	8
5810 99	15	12	10	8	8
5811 00	15	12	10	8	8
5901 10	4	4	4	4	4
5901 90	4	4	4	4	4
5902 10	4	4	4	4	4
5902 20	4	4	4	4	4
5902 90	5	5	5	5	5
5903 10	4	4	4	4	4
5903 20	4	4	4	4	4
5903 90	4	4	4	4	4
5904 10	8	8	8	8	8
5904 90	8	8	8	8	8
5905 00	8	8	8	8	4
5906 10	4	4	4	4	4
5906 91	4	4	4	4	0
5906 99	4	4	4	4	4
5907 00	4	4	4	4	4
5908 00	4	4	4	4	4
5909 00	4	4	4	4	4
5910 00	4	4	4	4	4
5911 10	4	4	4	4	4
5911 20	4	4	4	4	4
5911 31	4	4	4	4	4
5911 32	4	4	4	4	4
5911 40	4	4	4	4	4
5911 90	4	4	4	4	4
6001 10	4	4	4	4	4
6001 21	9	8	8	8	8
6001 22	4	4	4	4	4
6001 29	4	4	4	4	4
6001 91	4	4	4	4	4
6001 92	9	8	8	8	8
6001 99	9	8	8	8	8
6002 40	9	8	8	8	8
6002 90	9	8	8	8	8
6003 10	9	8	8	8	8
6003 20	9	8	8	8	8
6003 30	9	8	8	8	8
6003 40	9	8	8	8	8
6003 90	9	8	8	8	8
6004 10	9	8	8	8	8
6004 90	9	8	8	8	8
6005 21	9	8	8	8	8

CN code	Rate of duty %				
	2000	2001	2002	2003	2009
6005 22	9	8	8	8	8
6005 23	9	8	8	8	8
6005 24	9	8	8	8	8
6005 31	9	8	8	8	8
6005 32	9	8	8	8	8
6005 33	9	8	8	8	8
6005 34	9	8	8	8	8
6005 41	9	8	8	8	8
6005 42	9	8	8	8	8
6005 43	9	8	8	8	8
6005 44	9	8	8	8	8
6005 90	9	8	8	8	8
6006 10	9	8	8	8	8
6006 21	9	8	8	8	8
6006 22	9	8	8	8	8
6006 23	9	8	8	8	8
6006 24	9	8	8	8	8
6006 31	9	8	8	8	8
6006 32	9	8	8	8	8
6006 33	9	8	8	8	8
6006 34	9	8	8	8	8
6006 41	9	8	8	8	8
6006 42	9	8	8	8	8
6006 43	9	8	8	8	8
6006 44	9	8	8	8	8
6006 90	9	8	8	8	8
6101 20	25	18	12	12	12
6101 30	25	18	12	12	12
6101 90	25	18	12	12	12
6102 10	25	18	12	12	12
6102 20	25	18	12	12	12
6102 30	25	18	12	12	12
6102 90	25	18	12	12	12
6103 10	25	18	12	12	12
6103 22	25	18	12	12	12
6103 23	25	18	12	12	12
6103 29	25	18	12	12	12
6103 31	25	18	12	12	12
6103 32	25	18	12	12	12
6103 33	25	18	12	12	12
6103 39	25	18	12	12	12
6103 41	25	18	12	12	12
6103 42	25	18	12	12	12
6103 43	25	18	12	12	12
6103 49	25	18	12	12	12
6104 13	25	18	12	12	12
6104 19	25	18	12	12	12
6104 22	25	18	12	12	12
6104 23	25	18	12	12	12
6104 29	25	18	12	12	12
6104 31	25	18	12	12	12
6104 32	25	18	12	12	12
6104 33	25	18	12	12	12
6104 39	25	18	12	12	12
6104 41	25	18	12	12	12
6104 42	25	18	12	12	12
6104 43	25	18	12	12	12

CN code	Rate of duty %				
	2000	2001	2002	2003	2009
6104 44	25	18	12	12	12
6104 49	25	18	12	12	12
6104 51	25	18	12	12	12
6104 52	25	18	12	12	12
6104 53	25	18	12	12	12
6104 59	25	18	12	12	12
6104 61	25	18	12	12	12
6104 62	25	18	12	12	12
6104 63	25	18	12	12	12
6104 69	25	18	12	12	12
6105 10	25	18	12	12	12
6105 20	25	18	12	12	12
6105 90	25	18	12	12	12
6106 10	25	18	12	12	12
6106 20	25	18	12	12	12
6106 90	25	18	12	12	12
6107 11	25	18	12	12	12
6107 12	25	18	12	12	12
6107 19	25	18	12	12	12
6107 21	25	18	12	12	12
6107 22	25	18	12	12	12
6107 29	25	18	12	12	12
6107 91	25	18	12	12	12
6107 99	25	18	12	12	12
6108 11	25	18	12	12	12
6108 19	25	18	12	12	12
6108 21	25	18	12	12	12
6108 22	25	18	12	12	12
6108 29	25	18	12	12	12
6108 31	25	18	12	12	12
6108 32	25	18	12	12	12
6108 39	25	18	12	12	12
6108 91	25	18	12	12	12
6108 92	25	18	12	12	12
6108 99	25	18	12	12	12
6109 10	25	18	12	12	12
6109 90	25	18	12	12	12
6110 11	25	18	12	12	12
6110 12	25	18	12	12	12
6110 19	25	18	12	12	12
6110 20	25	18	12	12	12
6110 30	25	18	12	12	12
6110 90	25	18	12	12	12
6111 20	25	18	12	12	12
6111 30	25	18	12	12	12
6111 90	25	18	12	12	12
6112 11	25	18	12	12	12
6112 12	25	18	12	12	12
6112 19	25	18	12	12	12
6112 20	25	18	12	12	12
6112 31	25	18	12	12	12
6112 39	25	18	12	12	12
6112 41	25	18	12	12	12
6112 49	25	18	12	12	12
6113 00	25	18	12	12	12
6114 20	25	18	12	12	12
6114 30	25	18	12	12	12

CN code	Rate of duty %				
	2000	2001	2002	2003	2009
6114 90	25	18	12	12	12
6115 10	13	12	12	12	12
6115 21	13	12	12	12	12
6115 22	13	12	12	12	12
6115 29	13	12	12	12	12
6115 30	13	12	12	12	12
6115 94	13	12	12	12	12
6115 95	13	12	12	12	12
6115 96	13	12	12	12	12
6115 99	13	12	12	12	12
6116 10	13	12	12	12	12
6116 91	13	12	12	12	12
6116 92	13	12	12	12	12
6116 93	13	12	12	12	12
6116 99	13	12	12	12	12
6117 10	25	18	12	12	12
6117 80	25	18	12	12	12
6117 90	25	18	12	12	12
6201 11	25	18	12	12	12
6201 12	25	18	12	12	12
6201 13	25	18	12	12	12
6201 19	25	18	12	12	12
6201 91	25	18	12	12	12
6201 92	25	18	12	12	12
6201 93	25	18	12	12	12
6201 99	25	18	12	12	12
6202 11	25	18	12	12	12
6202 12	25	18	12	12	12
6202 13	25	18	12	12	12
6202 19	25	18	12	12	12
6202 91	25	18	12	12	12
6202 92	25	18	12	12	12
6202 93	25	18	12	12	12
6202 99	25	18	12	12	12
6203 11	25	18	12	12	12
6203 12	25	18	12	12	12
6203 19	25	18	12	12	12
6203 22	25	18	12	12	12
6203 23	25	18	12	12	12
6203 29	25	18	12	12	12
6203 31	25	18	12	12	12
6203 32	25	18	12	12	12
6203 33	25	18	12	12	12
6203 39	25	18	12	12	12
6203 41	25	18	12	12	12
6203 42	25	18	12	12	12
6203 43	25	18	12	12	12
6203 49	25	18	12	12	12
6204 11	25	18	12	12	12
6204 12	25	18	12	12	12
6204 13	25	18	12	12	12
6204 19	25	18	12	12	12
6204 21	25	18	12	12	12
6204 22	25	18	12	12	12
6204 23	25	18	12	12	12
6204 29	25	18	12	12	12
6204 31	25	18	12	12	12

CN code	Rate of duty %				
	2000	2001	2002	2003	2009
6204 32	25	18	12	12	12
6204 33	25	18	12	12	12
6204 39	25	18	12	12	12
6204 41	25	18	12	12	12
6204 42	25	18	12	12	12
6204 43	25	18	12	12	12
6204 44	25	18	12	12	12
6204 49	25	18	12	12	12
6204 51	25	18	12	12	12
6204 52	25	18	12	12	12
6204 53	25	18	12	12	12
6204 59	25	18	12	12	12
6204 61	25	18	12	12	12
6204 62	25	18	12	12	12
6204 63	25	18	12	12	12
6204 69	25	18	12	12	12
6205 20	25	18	12	12	12
6205 30	25	18	12	12	12
6205 90	25	18	12	12	12
6206 10	25	18	12	12	12
6206 20	25	18	12	12	12
6206 30	25	18	12	12	12
6206 40	25	18	12	12	12
6206 90	25	18	12	12	12
6207 11	25	18	12	12	12
6207 19	25	18	12	12	12
6207 21	25	18	12	12	12
6207 22	25	18	12	12	12
6207 29	25	18	12	12	12
6207 91	25	18	12	12	12
6207 99	25	18	12	12	12
6208 11	25	18	12	12	12
6208 19	25	18	12	12	12
6208 21	25	18	12	12	12
6208 22	25	18	12	12	12
6208 29	25	18	12	12	12
6208 91	25	18	12	12	12
6208 92	25	18	12	12	12
6208 99	25	18	12	12	12
6209 20	25	18	12	12	12
6209 30	25	18	12	12	12
6209 90	25	18	12	12	12
6210 10	25	18	12	12	12
6210 20	25	18	12	12	12
6210 30	25	18	12	12	12
6210 40	25	18	12	12	12
6210 50	25	18	12	12	12
6211 11	25	18	12	12	12
6211 12	25	18	12	12	12
6211 20	25	18	12	12	12
6211 32	25	18	12	12	12
6211 33	25	18	12	12	12
6211 39	25	18	12	12	12
6211 41	25	18	12	12	12
6211 42	25	18	12	12	12
6211 43	25	18	12	12	12
6211 49	25	18	12	12	12

CN code	Rate of duty %				
	2000	2001	2002	2003	2009
6212 10	25	18	12	12	12
6212 20	25	18	12	12	12
6212 30	25	18	12	12	12
6212 90	25	18	12	12	12
6213 20	25	18	12	12	12
6213 90	25	18	12	12	12
6214 10	25	18	12	12	12
6214 20	25	18	12	12	12
6214 30	25	18	12	12	12
6214 40	25	18	12	12	12
6214 90	25	18	12	12	12
6215 10	25	18	12	12	12
6215 20	25	18	12	12	12
6215 90	25	18	12	12	12
6216 00	25	18	12	12	12
6217 10	25	18	12	12	12
6217 90	25	18	12	12	12
6301 10	25	18	12	12	12
6301 20	25	18	12	12	12
6301 30	25	18	12	12	12
6301 40	25	18	12	12	12
6301 90	25	18	12	12	12
6302 10	25	18	12	12	12
6302 21	25	18	12	12	12
6302 22	25	18	12	12	12
6302 29	25	18	12	12	12
6302 31	25	18	12	12	12
6302 32	25	18	12	12	12
6302 39	25	18	12	12	12
6302 40	25	18	12	12	12
6302 51	25	18	12	12	12
6302 53	25	18	12	12	12
6302 59	25	18	12	12	12
6302 60	25	18	12	12	12
6302 91	25	18	12	12	12
6302 93	25	18	12	12	12
6302 99	25	18	12	12	12
6303 12	25	18	12	12	12
6303 19	25	18	12	12	12
6303 91	25	18	12	12	12
6303 92	25	18	12	12	12
6303 99	25	18	12	12	12
6304 11	25	18	12	12	12
6304 19	25	18	12	12	12
6304 91	25	18	12	12	12
6304 92	25	18	12	12	12
6304 93	25	18	12	12	12
6304 99	25	18	12	12	12
6305 10	4	4	4	4	4
6305 20	4	4	4	4	4
6305 32	4	4	4	4	4
6305 33	18	15	12	12	12
6305 39	5	4	4	4	4
6305 90	5	4	4	4	4
6306 12	25	18	12	12	12
6306 19	25	18	12	12	12
6306 22	25	18	12	12	12

CN code	Rate of duty %				
	2000	2001	2002	2003	2009
6306 29	12	12	12	12	12
6306 30	12	12	12	12	12
6306 40	12	12	12	12	12
6306 91	12	12	12	12	12
6306 99	12	12	12	12	12
6307 10	25	18	12	12	12
6307 20	25	18	12	12	12
6307 90	25	18	12	12	12
6308 00	25	18	12	12	12
6309 00	25	18	12	12	20
6310 10	25	18	12	12	20
6310 90	25	18	12	12	20'

B. Letter from the Government of the Republic of Belarus

Sir,

I have the honour to acknowledge receipt of your letter of ... which reads as follows:

- ‘1. I have the honour to refer to the Agreement between the European Community and the Republic of Belarus on trade in textile products initialled on 1 April 1993, as last amended and extended by the Agreement in the form of an Exchange of Letters initialled on 19 October 2007 (hereafter referred to as the “Agreement”).
2. In view of the expiry of the Agreement on 31 December 2008 and in accordance with Article 19(1) of the Agreement, the European Community and the Republic of Belarus agree to extend the duration of the Agreement, for a further period of one year, subject to the following amendments and conditions:
 - 2.1. The text of Article 19(1) of the Agreement shall read as follows:

“This Agreement shall enter into force on the first day of the month following the date on which the Parties notify each other of the completion of the procedures necessary for that purpose. It shall be applicable until 31 December 2009.”
 - 2.2. Annex II which sets out the quantitative restrictions for exports from the Republic of Belarus to the European Community is replaced by Appendix 1 to this Letter.
 - 2.3. The Annex to Protocol C which sets out the quantitative restrictions for exports from the Republic of Belarus to the European Community after OPT operations in the Republic of Belarus is replaced for the period of 1 January 2009 to 31 December 2009 by Appendix 2 to this Letter.
 - 2.4. Imports into Belarus of textile and clothing products of European Community origin shall be subject in 2009 to custom duties not exceeding those provided for the year 2003 in Appendix 4 of the Agreement in the form of an Exchange of Letters between the European Community and the Republic of Belarus initialled on 11 November 1999, which is amended by Appendix 3 to this letter. The amendment concerns only tariff lines 5407 72, 5606 00 10, 5905 00, 5906 91, 6309 00, 6310 10 and 6310 90. In 2009, tariffs applied by Belarus for these products will be as follows: 5407 72 — 4 %, 5606 00 10 — 0 %, 5905 00 — 4 %, 5906 91 — 0 %, 6309 00 — 20 %, 6310 10 — 20 %, 6310 90 — 20 %.

In the case of non-application of these rates the Community will have the right to reintroduce for the period of the Agreement remaining unexpired on a pro-rata basis the levels for quantitative restrictions applicable for 2008 as specified in the Exchange of Letters initialled on 19 October 2007.

3. The European Community and Belarus recall their agreement to enter into consultations not later than six months before the expiration of the present Agreement with a view to possibly concluding a new agreement.
4. Should the Republic of Belarus become a Member of the World Trade Organisation (WTO) before the date of the expiry of the Agreement, the agreements and rules of the WTO shall be applied from the date of the Republic of Belarus’ accession to the WTO.
5. I should be obliged if you could kindly confirm the acceptance of your Government of the foregoing. Should this be the case, this Agreement in the form of an Exchange of Letters shall enter into force on the first day of the month following the day on which the Parties have notified each other that the legal procedures necessary to this end have been completed. In the meantime, it shall be applied provisionally from 1 January 2009 on the condition of reciprocity.

Please accept, Sir, the assurance of my highest consideration.’

I have the honour to confirm that my Government is in agreement with the content of your letter.

Please accept, Sir, the assurance of my highest consideration.

For the Government of the Republic of Belarus

COMMISSION

COMMISSION DECISION

of 21 October 2008

laying down standard reporting requirements for national programmes for the eradication, control and monitoring of certain animal diseases and zoonoses co-financed by the Community

(notified under document number C(2008) 6032)

(Text with EEA relevance)

(2008/940/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, and in particular Article 24(10) thereof,

Whereas:

(1) Decision 90/424/EEC lays down the procedures governing the Community's financial contribution towards the programmes for the eradication, control and monitoring of animal diseases and zoonoses.

(2) Pursuant to Article 24(1) of Decision 90/424/EEC, a Community financial measure is to be introduced to reimburse the expenditure incurred by the Member States for the financing of national programmes for the eradication, control and monitoring of the animal diseases and zoonoses listed in the Annex to that Decision.

(3) Following the adoption of Commission Decision 2008/341/EC of 25 April 2008 laying down Community criteria for national programmes for the eradication, control and monitoring of certain animal diseases and zoonoses ⁽²⁾ and in order to further improve the process of submission, approval and assessment of progress during the implementation of the programmes, Commission Decision 2008/425/EC

of 25 April 2008 laying down standard requirements for the submission by Member States of national programmes for the eradication, control and monitoring of certain animal diseases and zoonoses for Community financing ⁽³⁾ has updated those standard requirements to make them consistent with those criteria.

(4) Point 7(e) of the Annex to Decision 2008/341/EC provides that eradication programmes submitted by the Member States to the Commission for co-financing are to contain rules for adequate compensation to farmers for animals which have to be slaughtered or culled in the framework of the programme and for the products which have to be destroyed.

(5) It is appropriate to provide that in the absence of such rules compensation should be paid within 90 days, in order to avoid reduction in Community financial support.

(6) Decision 90/424/EEC provides that Member States are to submit, for each approved programme, intermediate technical and financial reports and, by 30 April each year at the latest, an annual detailed technical report, including the assessment of the results achieved and a detailed account of expenditure incurred for the previous year.

(7) An evaluation system is in place for the purposes of assessing progress made during implementation of eradication and control programmes. The evaluation system includes a reporting system to provide epidemiological data from the programmes based on Commission Decision 2002/677/EC of 22 August 2002 laying down standard reporting requirements for programmes of eradication and control of animal diseases co-financed by the Community and repealing Decision 2000/322/EC ⁽⁴⁾.

⁽¹⁾ OJ L 224, 18.8.1990, p. 19.

⁽²⁾ OJ L 115, 29.4.2008, p. 44.

⁽³⁾ OJ L 159, 18.6.2008, p. 1.

⁽⁴⁾ OJ L 229, 27.8.2002, p. 24.

(8) Following the adoption of Decision 2008/425/EC, harmonisation of the reporting system is desirable and Decision 2002/677/EC should be repealed and replaced by this Decision.

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

HAS ADOPTED THIS DECISION:

Article 1

Member States shall, in accordance with this Decision, submit intermediate and final reports as regards eradication, control and monitoring programmes adopted pursuant to Article 24 of Decision 90/424/EEC.

Article 2

For the purpose of this Decision, the following definitions shall apply:

- (a) 'intermediate reports' means intermediate technical and financial reports evaluating the running programmes, to be submitted to the Commission as provided for in Article 24(7)(a) of Decision 90/424/EEC;
- (b) 'final reports' means detailed technical and financial reports to be submitted to the Commission by 30 April each year at the latest for the entire year of application of the programmes, as provided for in Article 24(7)(b) of Decision 90/424/EEC;
- (c) 'payment applications' means the payment applications relating to the expenditure incurred by a Member State, to be submitted to the Commission, as provided for in Article 24(8) of Decision 90/424/EEC.

Article 3

1. With regards to running programmes approved for Community co-financing in accordance with Article 24(5) of Decision 90/424/EEC, an intermediate report shall be submitted to the Commission by 31 July each year at the latest.

2. The intermediate reports shall include:

- (a) in respect of bovine tuberculosis, bovine brucellosis, ovine and caprine brucellosis (*B. melitensis*), Enzootic Bovine Leucosis (EBL), Aujeszky's disease, Bluetongue in endemic or high risk areas, African swine fever, swine vesicular disease, classical swine fever, Anthrax, Contagious bovine pleuropneumonia, Echinococcosis, Trichinellosis, Vero-

toxigenic *E. coli*, all the relevant information, including at least, the information specified in Annexes I, II, III IV and VII, as appropriate;

- (b) in respect of rabies, all the relevant information, including at least, the information specified in Annexes I and VII, as appropriate;

- (c) in respect of Salmonellosis (zoonotic salmonella), all the relevant information, including at least, the information specified in Annexes I, V.A and VII as appropriate;

- (d) in respect of Transmissible spongiform encephalopathies (TSE), all the relevant information, including at least, the information specified in Annex VIII, as appropriate;

- (e) in respect of Avian influenza in poultry and wild birds all the relevant information, including at least, the information specified in Annex IX, as appropriate;

- (f) in respect of aquaculture animal diseases such as Infectious haematopoietic necrosis (IHN), Infectious salmon anaemia (ISA), Viral haemorrhagic septicaemia (VHS), Koi herpes virus infection (KHV), Infection with *Bonamia ostreae*, Infection with *Marteilia refringens*, White spot disease in crustacean, all the relevant information, including at least, the information specified in Annex X, as appropriate.

Article 4

1. Final reports shall include:

- (a) in respect of bovine tuberculosis, bovine brucellosis, ovine and caprine brucellosis (*B. melitensis*), Enzootic Bovine Leucosis (EBL), Aujeszky's disease, Bluetongue in endemic or high risk areas, African swine fever, swine vesicular disease, classical swine fever, Anthrax, Contagious bovine pleuropneumonia, Echinococcosis, Trichinellosis, Vero-toxigenic *E. coli*, the payment application and all relevant information, including at least, the information specified in Annexes II, III, IV, V, VI, VII and in the specific Annexes VII.A, VII.B, VII.C or VII.D, as appropriate;

- (b) in respect of rabies, the payment application and all relevant information, including at least, the information specified in Annexes VII and VII.E, as appropriate;

- (c) in respect of Salmonellosis (zoonotic salmonella), the payment application and all relevant information, including at least, the information specified in Annexes V.A, VI, VII and VII.F, as appropriate;

(d) in respect of Transmissible spongiform encephalopathies (TSE), the payment application and all relevant information, including at least, the information specified in Annexes VIII, as appropriate;

(e) in respect of Avian influenza in poultry and wild birds, the payment application and all relevant information, including at least, the information specified in Annexes IX, as appropriate;

(f) in respect of aquaculture animal diseases such as Infectious haematopoietic necrosis (IHN), Infectious salmon anaemia (ISA), Viral haemorrhagic septicaemia (VHS), Koi herpes virus infection (KHV), Infection with *Bonamia ostreae*, Infection with *Marteilia refringens*, White spot disease in crustaceans, the payment application and all relevant information, including at least, the information specified in Annex X, as appropriate.

2. For the purpose of completing the table laid down in Annexes VII C, D and F and without prejudice to Article 4(2) of Commission Regulation (EC) No 296/96 ⁽¹⁾, Member States should indicate in the column 'compensation' the compensation granted between 1 day and 90 calendar days after the slaughter of the animal or the destruction of the products or after the presentation of the completed claim by the owner. Where the

authorities concerned make compensation payments outside of the 90 days (from 91 to 210 calendar days) reduction in Community financial support shall apply.

Article 5

Decision 2002/677/EC is repealed.

Article 6

This Decision shall apply to programmes for the eradication, control and monitoring of animal diseases to be implemented as from 1 January 2009.

Article 7

This Decision is addressed to the Member States.

Done at Brussels, 21 October 2008.

For the Commission

Androulla VASSILIOU

Member of the Commission

⁽¹⁾ OJ L 39, 17.2.1996, p. 5.

ANNEX I

REQUIREMENTS FOR INTERMEDIATE TECHNICAL AND FINANCIAL EVALUATION

Member State:

Date:

Disease/zoonosis ^(a):

Animal species:

Minimum content of the evaluation:

1. technical and financial evaluation:

- 1.1. confirmation that all legislation concerning the implementation of the programme was in force at the beginning of the programme (if not, evaluation of the situation);
- 1.2. evaluation of the implementation of budgetary requirements necessary for the running of the programme;
- 1.3. estimation of the money already spent in the context of the programme for the co-financed measures;
- 1.4. preview of the money to be spent in the whole year under report for the co-financed measures.

^(a) Disease or zoonosis and animal species if necessary.

ANNEX II

DATA ON HERDS ^(a)
(one table per disease/species)

Member State: Date: Year: Reporting period: ☐ Intermediate report ☐ Final report

Disease ^(b): Animal species: ☐ Final report

[illegible]

^(a) Herds equal flocks, or holdings as appropriate.

(^b) Disease and animal species if necessary.

(c) Region as defined in the approved eradication programme of the Member State.

(d) Total number of herds existing in the region, including eligible herds and non-eligible herds for the programme.

(f) Check means to perform a herd level test under the programme for the respective disease with the purpose of maintaining, upgrading, etc., the health status of the herd. In this column a herd should not be counted twice even if has been checked more than once.

⁽¹⁾ Herds with at least one positive animal during the period independent of the number of times the herd has been checked.

(g) Herds whose status in the previous period was Unknown, Not free-negative, Free, Officially Free or suspended and have at least one positive animal in this period.

^(h) Data of the previous year in the corresponding period.

ANNEX III

DATA ON ANIMALS
(one table per disease/species)

Member State: Date: Year: Reporting period: ☐ Intermediate report ☐ Final report

Disease ^(a): Animal species:

Region ^(b)	Total number of animals ^(c)	Number of animals to be tested under the programme	Number of animals ^(d) tested	Number of animals tested individually ^(e)	Number of positive animals	Slaughtering		Indicators	
						Number of animals with positive result slaughtered or culled	Total number of animals slaughtered ^(f)	% coverage at animal level	% positive animals Animal prevalence
1	2	3	4	5	6	7	8	$9 = (4/3) \times 100$	$10 = (6/4) \times 100$
Total									
Total — 1 ^(g)									

^(a) Disease and animal species if necessary.
^(b) Region as defined in the approved eradication programme of the Member State.
^(c) Total number of animals existing in the region, including eligible herds and non-eligible herds for the programme.
^(d) Includes animals tested individually or under bulk level scheme.
^(e) Include only animals tested individually; do not include animals tested by bulk level samples (e.g. milk bulk tank tests).
^(f) Include all positive animal slaughtered and also the negative animals slaughtered under the programme.
^(g) Data of the previous year in the corresponding period.

ANNEX IV

DATA ON VACCINATION PROGRAMMES

(one table per disease/species)

Member State: Date: Year: Reporting period:
☐ Intermediate report

Final report

Disease ^(a): Species:

[illegible]

(a) Disease and species if necessary.

^(b) Region as defined in the approved eradication programme of the Member State.

(c) Herds equal flocks, or holdings as appropriate.

^(d) As defined in the programme.

(^e) Data of the previous year in the corresponding period.

DATA ON STATUS OF HERDS AT THE END OF THE PERIOD

(one table per disease/species)

Member State:
Date:
Year:

Disease (a): Species:

Region ^(b)	Status of herds and animals under the programme ^(c)													
	Total number of herds and animals under the programme		Unknown ^(d)		Not free or not officially free				Free or officially free suspended ^(g)		Free ^(h)		Officially free ⁽ⁱ⁾	
					Last check positive ^(e)		Last check negative ^(f)							
	Herds	Animals ^(j)	Herds	Animals ^(j)	Herds	Animals ^(j)	Herds	Animals ^(j)	Herds	Animals ^(j)	Herds	Animals ^(j)	Herds	Animals ^(j)
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

(a) Disease and animal species if necessary.

^(b) Region as defined in the approved eradication programme of the Member State.

(c) At the end of the reporting period.

(d) Unknown: No previous checking results available.

(^e) Not Free and last check positive: herd checked with at least one positive result in the latest check.

(f) Not Free and last check negative: herd checked with negative results in the latest check but not being 'free' or 'officially free'.

(%) Suspended as defined in Community legislation for the respective disease at the end of the reporting period.

^(h) Free herd as defined in Community legislation for the respective disease.

(/ free herd as defined in Community legislation for the respective disease. Officially free herd as defined in Community legislation for the respective disease.

(f) Include animals under the programme in the herds with the referred status (left column)

(k) Total of the previous year in the corresponding reporting period.

ANNEX V.A

DATA ON ZOONOTIC SALMONELLA

— Intermediate technical report
— Final technical report

Member State: Date: Year: Reporting period: ☐ Intermediate report
Salmonella serotypes ^(a): Animal Species: Region ^(h): ☐ Final report

Type of flock ^(b)	Total number of flocks ^(c)	Total number of animals	Total number of flocks under the programme	Total number of animals under the programme	Number of flocks checked ^(d)	Number of positive flocks ^(e)		Number of flocks depopulated		Total number of animals slaughtered or destroyed		Quantity of the eggs destroyed (number or kg)		Quantity of eggs channelled to egg products (number or kg)	
						Serotypes targeted in the control programme ^(f)	Other serotypes ^(g)	Serotypes targeted in the control programme ^(f)	Other serotypes ^(g)	Serotypes targeted in the control programme ^(f)	Other serotypes ^(g)	Serotypes targeted in the control programme ^(f)	Other serotypes ^(g)	Serotypes targeted in the control programme ^(f)	Other serotypes ^(g)

^(a) Specify the serotypes covered by the control programmes, e.g. *S. Enteritidis*, *S. Typhimurium*, other serotypes (specify).
^(b) Eg. breeding flocks (rearing, adult flocks), production flocks, laying hen flocks, broiler flocks, breeding turkeys, broiler turkeys, breeding pigs, slaughter pigs etc. Flocks equal herds as appropriate.
^(c) Total number of flocks existing in the region, including eligible flocks and non-eligible flocks for the programme.
^(d) Check means to perform a flock level test under the programme for the presence of zoonotic Salmonella. In this column a flock should not be counted twice even if has been checked more than once.
^(e) If a flock has been checked, in accordance with footnote (d), more than once, a positive sample should be taken into account only once.
^(f) *Salmonella Enteritidis* or *Salmonella Typhimurium*, *Salmonella Hadar*, *Salmonella Virchow*, *Salmonella Infantis* or any serovars targeted in the control programme.
^(g) *Salmonella* serovars other than specified and targeted in the control programme.
^(h) Region or country as appropriate.

ANNEX VI

REQUIREMENTS FOR FINAL REPORTS

Member State:

Date:

Disease/zoonosis ^(a): Animal species:Minimum content of the report ^(b):

1. Submission of data (Annexes II, III, IV, V and Va, as appropriate)
2. Technical evaluation of the situation:
 - 2.1. Epidemiological maps for each disease/infection
 - 2.2. Information on diagnostic test used (table A):

Table A

Disease/species	Test ^(c)	Type of sample ^(d)	Type of test ^(e)	Number of tests performed

- 2.3. Data on infection:

Disease/species	Number of herds infected	Number of animals infected

- 2.4. Reasons for suspension the free or officially free status for each disease (table B):

Table B

Disease/species	Reason ^(f)	Number of herds suspended

- 2.5. Achievement of targets and technical difficulties
- 2.6. Additional epidemiological information: information on epidemiological inquiries, abortions, lesions found in abattoir or necropsy, human cases, etc.
3. Financial aspects:
 - 3.1. Completed tables of Annex VII
 - 3.2. Overview over the money spent in the context of the programme
 - 3.3. Detailed listing of the eligible costs.

^(a) Disease or zoonosis and animal species if necessary.

^(b) For programmes on zoonotic salmonella only points 1, 2.2, 2.3, 2.5, 2.6, and 3 should be covered.

^(c) Indicate: skin test, RB, FC, iELISA, cELISA, isolation, PCR, bacteriological analysis, other (specify).

^(d) Indicate if necessary: blood serum, blood, plasma, milk, milk bulk tank, suspect lesion, foetus, faeces, eggs, dead chickens, meconium, others (specify).

^(e) Indicate: screening test, confirmatory test, complementary test, routine test, others (specify).

^(f) Indicate the motive:

- non-negative result in diagnostic test,
- does not fulfil the routine testing frequency,
- entering animals in the herd with insufficient status,
- the disease is suspected,
- others (specify).

ANNEX VII

INTERMEDIATE/FINAL FINANCIAL REPORT AND PAYMENT APPLICATION

(one table per disease/zoonoses/species)

Member State: Date: Year: Reporting period: ☐ Intermediate report

Disease/zoonosis: Species: ☐ Final report

Region ^(a)	Measures eligible for co-financing ^(b)			
	Compensation	Laboratory analysis or other diagnostic test of official samples	Vaccines	Other (please specify)
1	2	3	4	5
				6
Total				

^(a) Region as defined in the approved eradication programme of the Member State.
^(b) Data to be given in national currency, VAT excluded.

We certify that:

- this expenditure was actually incurred, accurately accounted for and eligible under the provisions of Decision/Regulation (EC) No ... (mention specific financing decision),
- all supporting documents relating to the expenditure are available for inspection, notably to justify the level of compensation for animals,
- no other Community contribution was requested for this programme and all revenue accruing from operations under the programme is declared to the Commission,
- the programme was executed in accordance with the relevant Community legislation, in particular the rules on competition, the award of public contracts and State aid,
- control procedures apply, in particular to verify the accuracy of the amounts declared, to prevent, detect and correct irregularities.

Date:
Name and signature of operational director:

ANNEX VII.A

ANNEX TO THE FINAL FINANCIAL REPORT FOR PIGS PROGRAMMES

Member State:

Period of reference:

Year:
Species:

Aujeszky's disease — Classical swine fever — African swine fever — Swine vesicular disease ⁽¹⁾

Region ⁽²⁾	Measures eligible for co-financing ⁽³⁾										
	Laboratory analysis and other diagnostic tests						Vaccination				
	Number of tests or laboratory analysis (type of test or analysis to be specified)		Cost of tests or laboratory analysis (type of test or analysis to be specified)				Number of vaccine doses and baits (type of vaccine to be specified)		Cost of vaccine doses and baits (type of vaccine to be specified)		Cost of distribution (type of distribution to be specified)
	ELISA	Other (to be specified)	Other (to be specified)	ELISA	Other (to be specified)	Other (to be specified)					
Total	0	0	0	0,00	0,00	0,00	0	0,00	0,00	0,00	0,00

⁽¹⁾ One programme per table. Please keep only the concerned programme by deleting the others.

⁽²⁾ Region as defined in the approved eradication programme of the Member State.

⁽³⁾ Data to be given in national currency, VAT excluded.

(1) One programme per table. Please keep only the concerned programme by deleting the others.

(²) Region as defined in the approved eradication programme of the Member State.

⁽³⁾ Data to be given in national currency, VAT excluded.

(²) Data to be given in national currency, VAT excluded.

PART 2

ANNEX TO THE FINAL FINANCIAL REPORT FOR BOVINE PROGRAMMES

Member State:

Period of reference:

Year:
Species:

Bovine brucellosis — Bovine tuberculosis — Enzootic bovine leucosis⁽¹⁾

Measures eligible for co-financing ⁽¹⁾															
Laboratory analysis and other diagnostic tests															
Region ⁽²⁾	Number of tests or laboratory analysis (type of test or analysis to be specified)						Cost of tests or laboratory analysis (type of test or analysis to be specified)						Vaccination		
	ELISA	Rose Bengale	Complement fixation test	Tuberculin test	A.G.I.D.	Other (to be specified)	ELISA	Rose Bengale	Comple- ment fixation test	Tuberculin test	A.G.I.D.	Other (to be specified)	Number of vaccine doses (type of vaccine to be specified)	Cost of vaccine doses (type of vaccine to be specified)	

⁽¹⁾ One programme per table. Please keep only the concerned programme by deleting the others.

(2) Region as defined in the approved eradication programme of the Member State.

(3) Data to be given in national currency, VAT excluded.

ANNEX TO THE FINAL FINANCIAL REPORT FOR MELITENSIS PROGRAMME

Member State:

Year:

Period of reference:

Species:

Ovine and caprine brucellosis

Region (1)	Measures eligible for co-financing (2)												
	Laboratory analysis and other diagnostic tests								Vaccination				
	Number of tests or laboratory analysis (type of test or analysis to be specified)				Cost of tests or laboratory analysis (type of test or analysis to be specified)				Number of vaccine doses (type of vaccine to be specified)			Cost of vaccine doses (type of vaccine to be specified)	
	Rose	Bengale	Complement fixation test	Other (to be specified)	Other (to be specified)	Rose	Bengale	Complement fixation test	Other (to be specified)	Other (to be specified)			
											</		

⁽¹⁾ Region as defined in the approved eradication programme of the Member State.

(²) Data to be given in national currency, VAT excluded.

ANNEX TO THE FINAL FINANCIAL REPORT FOR RABIES PROGRAMME

Year: Species:

¹⁾ Region as defined in the approved eradication programme of the Member State.
²⁾ Data to be given in national currency, VAT excluded.

PART 1

ANNEX TO THE FINAL FINANCIAL REPORT FOR SALMONELLA PROGRAMME

Member State:

Year:

Period of reference:

Species:

Salmonella

Measures eligible for co-financing ⁽²⁾													
Compensation													
Region ⁽¹⁾	Number of animals and eggs by range of compensation				Cost of animals and eggs by range of compensation				Compensation made by 90 calendar days	Compensation made between 121 and 150 calendar days	Compensation made between 151 and 180 calendar days	Compensation made between 181 and 210 calendar days	Total compensated
	Destroyed animals ⁽²⁾	Heat-treated animals ⁽²⁾	Incubated hatching eggs	Destroyed non incubated hatching eggs	Heat-treated non incubated hatching eggs	Destroyed non incubated hatching eggs	Incubated hatching eggs	Heat-treated non incubated hatching eggs					

⁽¹⁾ Region as defined in the approved eradication programme of the Member State.

⁽²⁾ Data to be given in national currency, VAT excluded.

(3) Please, specify animal species and category such as breeders, laying hens, broilers, breeding turkeys, slaughter pigs, etc.

ANNEX TO THE FINAL FINANCIAL REPORT FOR SALMONELLA

Salmonella

Region ⁽¹⁾	Measures eligible for co-financing ⁽²⁾							
	Laboratory analysis and other diagnostic tests				Vaccination			
	Number of bacteriological tests (type of test to be specified)		Cost of bacteriological tests (type of test to be specified)		Number of vaccine doses (type of vaccine to be specified)		Cost of vaccine doses (type of vaccine to be specified)	
Total	0	0	0	0,00	0,00	0	0,00	0,00

(2) Data to be given in national currency, VAT excluded.

ANNEX VIII
INTERMEDIATE/FINAL TECHNICAL AND FINANCIAL REPORT AND PAYMENT APPLICATIONS

Member State: Date: Year: Reporting period: ☐ Intermediate report
Disease ^(a): ☐ Final report

Table A

TSE Monitoring				Year:
Tests on bovine animals				
	Number of tests	Unit cost	Total cost	
Tests on animals referred to in Annex III, Chapter A, Part I, points 2.1.3 and 4 to Regulation (EC) No 999/2001 of the European Parliament and of the Council ⁽¹⁾				
Tests on animals referred to in Annex III, Chapter A, Part I, points 2.2 to Regulation (EC) No 999/2001				
Total				
Tests on ovine animals				
	Number of tests	Unit cost	Total cost	
Tests on animals referred to in Annex III, Chapter A, Part II, point 2 to Regulation (EC) No 999/2001				
Tests on animals referred to in Annex III, Chapter A, Part II, point 3 to Regulation (EC) No 999/2001				
Tests on animals referred to in Annex III, Chapter A, Part II, point 5 to Regulation (EC) No 999/2001				
Tests performed according to the different requirements of Annex VII, Chapter A to Regulation (EC) No 999/2001				
Others (specify)				
Total				

^(a) Disease and species if necessary.

Tests on caprine animals			
	Number of tests	Unit cost	Total cost
Tests on animals referred to in Annex III, Chapter A, Part II, point 2 to Regulation (EC) No 999/2001			
Tests on animals referred to in Annex III, Chapter A, Part II, point 3 to Regulation (EC) No 999/2001			
Tests on animals referred to in Annex III, Chapter A, Part II, point 5 to Regulation (EC) No 999/2001			
Tests performed according to the different requirements of Annex VII, Chapter A to Regulation (EC) No 999/2001			
Others (specify)			
Tests on animals of other species			
Tests on animals of other species (specify separately each species)			
Total			
Genotyping			
	Number of tests	Unit cost	Total cost
Genotyping of animals referred to in Annex III, Chapter A, Part II, point 8.1 to Regulation (EC) No 999/2001			
Genotyping of animals referred to in Annex III, Chapter A, Part II, point 8.2 to Regulation (EC) No 999/2001			
Primary molecular testing with a discriminatory immuno-blotting			
	Number of tests	Unit cost	Total cost
Tests on animals referred to in Annex X, Chapter C, point 3.2(c)(i) to Regulation (EC) No 999/2001			

(1) OJ L 147, 31.5.2001, p. 1.

Table B

TSE Eradication			
Member State:		Month:	Year:
BSE culling			
		Number of animals	Unit cost
Animals killed under the requirements of Annex VII, Chapter A, point 2.1 to Regulation (EC) No 999/2001			Total cost
Scrapie			
Culling			
		Number of animals	Unit cost
Animals killed under the requirements of Annex VII, Chapter A to Regulation (EC) No 999/2001			Total cost
Genotyping			
		Number of tests	Unit cost
Animals genotyped under the requirements of Annex VII, Chapter A, point 2.3 to Regulation (EC) No 999/2001			Total cost
Ewes genotyped under the framework of a breeding programme referred to in Article 6a of Regulation (EC) No 999/2001			
Rams genotyped under the framework of a breeding programme referred to in Article 6a of Regulation (EC) No 999/2001			
Total			

We certify that:

- this expenditure was actually incurred, accurately accounted for and eligible under the provisions of Decision/Regulation (EC) No (mention specific financing decision),
- all supporting documents relating to the expenditure are available for inspection, notably to justify the level of compensation for animals,
- no other Community contribution was requested for this programme and all revenue accruing from operations under the programme is declared to the Commission,
- the programme was executed in accordance with the relevant Community legislation, in particular the rules on competition, the award of public contracts and state aid,
- control procedures apply, in particular to verify the accuracy of the amounts declared, to prevent, detect and correct irregularities.

Date:

Name and signature of operational director:

ANNEX IX

INTERMEDIATE/FINAL TECHNICAL AND FINANCIAL REPORT AND PAYMENT APPLICATIONS

Member State: Date: Year: Reporting period: ☐ Intermediate report

Disease: Species: ☐ Final report

PART A: TECHNICAL REPORT

Table 1

Poultry holdings ^(a) (except ducks and geese) sampled

Serological investigation according to point B of Annex I to Commission Decision 2007/268/EC ⁽¹⁾ on holdings of broilers (only when at risk)/fattening turkeys/chicken breeders/turkey breeders/laying hens/free range laying hens/rates/farmed feathered game (pheasants, partridges, quails ...)/backyard flocks/others (keep as appropriate)

PLEASE USE ONE FORM PER POULTRY CATEGORY					
NUTS 2 code ^(b)	Total number of holdings ^(c)	Total number of holdings sampled	Number of samples per holding	Total number of tests performed per method	Methods of laboratory analysis
		</			

ANNEX X

INTERMEDIATE/FINAL TECHNICAL AND FINANCIAL REPORT

Member State: Date: Year: Reporting period: ☐ Intermediate report

Disease ^(a): Species: ☐ Final report

PART A: TECHNICAL REPORT

1. Diseases

1.1. Fish	<input type="checkbox"/> VHS <input type="checkbox"/> IHN <input type="checkbox"/> ISA <input type="checkbox"/> KHV
1.2. Molluscs	<input type="checkbox"/> <i>Marteilia refringens</i> <input type="checkbox"/> <i>Bonamia ostreae</i>
1.3. Crustaceans	<input type="checkbox"/> White spot disease

2. General information on the programmes

2.1. Competent Authority ⁽¹⁾	
2.2. Organisation, supervision of all stakeholders involved in the programme ⁽²⁾	
2.3. Duration of the programme	

⁽¹⁾ A description shall be provided of the structure, competencies, duties and powers of the Competent Authority or Competent Authorities involved.
⁽²⁾ A description shall be provided of the authorities in charge of the supervision and coordination of the programme and the different operators involved.

^(a) Disease and species if necessary.

3. Data on testing animals

Member State, Zone or Compartment ^(b)

Disease:
Year:

Farm or mollusc farming area	Number of samplings	Number of clinical inspections	Water temperature at sampling/Inspection	Species at sampling	Species sampled	Number of animals sampled (total and by species)	Number of tests	Positive results of laboratorial examination	Positive results of clinical inspections
Total									Total

4. Data on testing farms or farming areas

Disease: Year:

[illegible]

^(a) Member State, zone or compartment as defined in the approved programme.

(b) Total number of farms or mollusc farming areas existing in the Member State, Zone or Compartment as defined in the approved programme.

(c) Check means to perform a farm/mollusc farming area level test under the programme for the purpose of upgrading the health status of the farm/mollusc farming area. In this column a farm/mollusc farming area should not be counted twice even if has been checked more than once.

area should not be counted twice even if it has been checked more than once.

(d) Farms or mollusc farming areas with at least one positive animal during the period independent of the number of times the farms or mollusc farming areas has been checked.

(f) Farms or mollusc farming areas with at least one positive animal during the period independent of the number of farms or mollusc farming areas has been checked.

in this period.

In the case of programmes submitted before 1 August 2008, Farms or mollusc farming areas which were not positive to the disease in question in the previous period and have at least one positive animal in this period.

① Animals \times 1 000 or total weight of animals removed and disposed of.

^(b) Member State, zone or compartment as defined in the approved programme.

PART B: FINANCIAL REPORT

Table A

Detailed analysis of the cost of the programme

Costs related to	Specification	Number of units	Unitary cost in EUR	Total amount in EUR	Community (1) funding requested (yes/no)
1. Testing					
1.1. Cost of the analysis	Test:				
	Test:				
	Test:				
1.2. Cost of sampling					
1.3. Other costs					
2. Vaccination or treatment					
2.1. Purchase of vaccine/treatment					
2.2. Distribution costs					
2.3. Administering costs					
2.4. Control costs					
3. Removal and disposal of the aquaculture animals					
3.1. Compensation of animals					
3.2. Transport costs					
3.3. Disposal costs					

COMMISSION DECISION

of 8 December 2008

concerning the non-inclusion of certain active substances in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing these substances

(notified under document number C(2008) 7803)

(Text with EEA relevance)

(2008/941/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Article 8(2) of Directive 91/414/EEC provides that a Member State may, during a period of 12 years following the notification of that Directive, authorise the placing on the market of plant protection products containing active substances not listed in Annex I to that Directive that are already on the market two years after the date of notification, while those substances are gradually being examined within the framework of a programme of work.
- (2) Commission Regulations (EC) No 1112/2002 ⁽²⁾ and (EC) No 2229/2004 ⁽³⁾ lay down the detailed rules for the implementation of the fourth stage of the programme of work referred to in Article 8(2) of Directive 91/414/EEC and establish a list of active substances to be assessed with a view to their possible inclusion in Annex I to Directive 91/414/EEC. That list includes the substances added in the Annex to this Decision.
- (3) Within two months from receipt of the draft assessment report the notifiers concerned voluntarily withdrew, in accordance with Article 24e of Regulation (EC) No 2229/2004, their support for the inclusion of those substances.
- (4) The Commission has examined the draft assessment reports, the recommendations from the rapporteur

Member States and the comments from other Member States and has come to the conclusion that Articles 24b and 24f do not apply. Consequently, Article 24e applies.

- (5) The substances listed in the Annex to this Decision should therefore not be included in Annex I to Directive 91/414/EEC.
- (6) As the non-inclusion of these substances is not based on the presence of clear indications of harmful effects as laid down in Annex VII to Regulation (EC) No 2229/2004, Member States should have the possibility to maintain authorisations until 31 December 2010, in accordance with Article 25(3) of Regulation (EC) No 2229/2004.
- (7) Any period of grace granted by a Member State for the disposal, storage, placing on the market and use of existing stocks of plant protection products containing the listed substances should be limited to 12 months in order to allow existing stocks to be used in one further growing season.
- (8) This Decision does not prejudice the submission of a new application under Article 6(2) of Directive 91/414/EEC and Commission Regulation (EC) No 33/2008 of 17 January 2008 laying down detailed rules for the application of Council Directive 91/414/EEC as regards a regular and an accelerated procedure for the assessment of active substances which were part of the programme of work referred to in Article 8(2) of that Directive but have not been included into its Annex I ⁽⁴⁾ in accordance with the accelerated procedure provided for in Articles 13 to 22 of that Regulation.
- (9) Articles 13 to 22 of Regulation (EC) No 33/2008 provide for an accelerated procedure for such new application. That procedure allows notifiers whose substance has not been included based on their withdrawal, to make a new application in accordance with the accelerated procedure set out in Regulation (EC) No 33/2008. When submitting the new application under this procedure notifiers are allowed to submit only the additional data necessary to address the specific issues for which a need for further information was identified during the risk assessment. The notifier has received the draft assessment report which identifies those data.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.

⁽²⁾ OJ L 168, 27.6.2002, p. 14.

⁽³⁾ OJ L 379, 24.12.2004, p. 13.

⁽⁴⁾ OJ L 15, 18.1.2008, p. 5.

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

HAS ADOPTED THIS DECISION:

Article 1

The substances listed in the Annex to this Decision shall not be included as active substances in Annex I to Directive 91/414/EEC.

Article 2

Member States shall withdraw authorisations for plant protection products containing one or several of the substances listed in the Annex by 31 December 2010 at the latest.

Article 3

Any period of grace granted by Member States in accordance with the provisions of Article 4(6) of Directive 91/414/EEC shall expire on 31 December 2011 at the latest.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 8 December 2008.

For the Commission

Androulla VASSILIOU

Member of the Commission

ANNEX

LIST OF ACTIVE SUBSTANCES REFERRED TO IN ARTICLE 1

Active substance	Draft assessment report communicated to the notifier on
1-Decanol	7 April 2008
6-Benzyladenine	25 February 2008
Aluminium sulphate	31 March 2008
Azadirachtine	18 February 2008
Bromadiolone	11 July 2008
Ethoxyquin	13 March 2008
Fatty alcohols	3 April 2008
Indolylacetic acid	13 March 2008
Indolylbutyric acid	13 March 2008
Lime sulphur	31 March 2008
Naphthylacetic acid	3 March 2008
1-Naphthylacetamide	3 March 2008
Propisochlor	16 May 2008
Quassia	17 March 2008
Zinc phosphide	11 July 2008

COMMISSION DECISION

of 9 December 2008

adjusting the weightings applicable from 1 August, 1 September, 1 October, 1 November and 1 December 2007, and from 1 January 2008 to the remuneration of officials, temporary staff and contract staff of the European Communities serving in third countries

(2008/942/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

corresponding exchange rate has exceeded 5 % since weightings were last laid down or adjusted,

Having regard to the Treaty establishing the European Community,

HAS DECIDED AS FOLLOWS:

Having regard to the Staff Regulations of officials of the European Communities and the conditions of employment of other servants of the Communities laid down by Regulation (EEC, Euratom, ECSC) No 259/68 ⁽¹⁾, and in particular the second paragraph of Article 13 of Annex X thereto,

Sole Article

The weightings applied to the remuneration of officials, temporary staff and contract staff of the European Communities serving in third countries, payable in the currency of the country of employment, shall be adjusted for certain countries as shown in the Annex hereto. It contains six monthly tables showing which countries are affected and the applicable dates for each one (1 August 2007, 1 September 2007, 1 October 2007, 1 November 2007, 1 December 2007 and 1 January 2008).

Whereas:

The exchange rates used for the calculation of this remuneration shall be established in accordance with the detailed rules for the implementation of the Financial Regulation and correspond to the dates of application of the weightings.

(1) Pursuant to the first paragraph of Article 13 of Annex X to the Staff Regulations, the weightings to be applied from 1 July 2007 to the remuneration of officials, temporary staff and contract staff of the European Communities serving in third countries payable in the currency of their country of employment were laid down by Council Regulation (EC) No 624/2008 ⁽²⁾.

Done at Brussels, 9 December 2008.

(2) Some of these weightings need to be adjusted in accordance with the second paragraph of Article 13 of Annex X to the Staff Regulations, with effect from 1 August, 1 September, 1 October, 1 November and 1 December 2007, and from 1 January 2008, since the statistics available to the Commission show that in certain third countries the variation in the cost of living measured on the basis of the weighting and the

For the Commission
Benita FERRERO-WALDNER
Member of the Commission

⁽¹⁾ OJ L 56, 4.3.1968, p. 1.

⁽²⁾ OJ L 172, 2.7.2008, p. 1.

ANNEX

AUGUST 2007

Place of employment	Exchange rate August 2007 (*)	Weighting August 2007 (**)	Economic parity August 2007
Bangladesh	94,2022	49,9	47,03
Ghana	1,279	67,5	0,863
Sudan	2,77849	53,6	1,489

SEPTEMBER 2007

Place of employment	Exchange rate September 2007 (*)	Weighting September 2007 (**)	Economic parity September 2007
Kazakhstan (Astana) ⁽¹⁾	170,67	71,8	122,6
Paraguay	6 968	76,0	5 298
Yemen ⁽²⁾	271,551	72,1	195,7

OCTOBER 2007

Place of employment	Exchange rate October 2007 (*)	Weighting October 2007 (**)	Economic parity October 2007
Eritrea	21,4263	45,5	9,744
Guinea (Conakry) ⁽³⁾	5 398,58	63,8	3 445
India	56,215	54,3	30,52

NOVEMBER 2007

Place of employment	Exchange rate November 2007 (*)	Weighting November 2007 (**)	Economic parity November 2007
Armenia	465,26	116,1	540,1
Cambodia	5 832	69,1	4 029
Gabon	655,957	116,6	765
Lesotho	9,4923	59,1	5,612
Madagascar	2 586,65	77,6	2 008
Venezuela ⁽⁴⁾	3 097,51	64,1	1 987
Yemen ⁽²⁾	286,558	64,5	184,7

DECEMBER 2007

Place of employment	Exchange rate December 2007 (*)	Weighting December 2007 (**)	Economic parity December 2007
Djibouti	261,925	90,9	238
Jamaica	104,777	83,6	87,59
Tonga	2,8039	87,0	2,438
Trinidad and Tobago	9,2323	67,0	6,19

JANUARY 2008

Place of employment	Exchange rate January 2008 (*)	Weighting January 2008 (**)	Economic parity January 2008
Algeria	97,9677	90,0	88,13
Chile	718,74	66,2	476
Gambia	32,75	69,7	22,82
Ghana	1,3895	65,3	0,907
Guinea (Conakry) ⁽³⁾	6 072,9	59,6	3 618
Kazakhstan (Astana) ⁽¹⁾	173,75	75,3	130,9
Swaziland	10,0012	58,0	5,805
Tajikistan	5,08916	65,2	3,319
Venezuela ⁽⁴⁾	3 158,78	67,4	2 130
Yemen ⁽²⁾	289,84	59,9	173,6

(*) EUR 1 = national currency.

(**) Brussels = 100 %.

⁽¹⁾ The Astana coefficient is adjusted twice within the period covered by this decision: in September 2007 and January 2008.

⁽²⁾ The Yemen coefficient is adjusted three times within the period covered by this decision: in September 2007, November 2007 and January 2008.

⁽³⁾ The Conakry coefficient is adjusted twice within the period covered by this decision: in October 2007 and January 2008.

⁽⁴⁾ The Venezuela coefficient is adjusted twice within the period covered by this decision: in November 2007 and January 2008.

COMMISSION DECISION

of 12 December 2008

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

(notified under document number C(2008) 8083)

(Text with EEA relevance)

(2008/943/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

bone oil the rapporteur Member State was Belgium and all relevant information was submitted in October 2006.

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) Article 8(2) of Directive 91/414/EEC provides that a Member State may, during a period of 12 years following the notification of that Directive, authorise the placing on the market of plant protection products containing active substances not listed in Annex I to that Directive that are already on the market two years after the date of notification, while those substances are gradually being examined within the framework of a programme of work.
- (2) Commission Regulations (EC) No 1112/2002 ⁽²⁾ and (EC) No 2229/2004 ⁽³⁾ lay down the detailed rules for the implementation of the fourth stage of the programme of work referred to in Article 8(2) of Directive 91/414/EEC and establish a list of active substances to be assessed with a view to their possible inclusion in Annex I to Directive 91/414/EEC. That list includes bone oil.
- (3) For bone oil acid the effects on human health and the environment have been assessed in accordance with the provisions laid down in Regulations (EC) No 1112/2002 and (EC) No 2229/2004 for a range of uses proposed by the notifier. Moreover, those Regulations designate the rapporteur Member States which have to submit the relevant assessment reports and recommendations to the European Food Safety Authority (EFSA) in accordance with Article 20 of Regulation (EC) No 2229/2004. For

- (4) The Commission examined bone oil in accordance with Article 24a of Regulation (EC) No 2229/2004. A draft review report for that substance was reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health and finalised on 26 September 2008 in the format of the Commission review report.
- (5) During the examination of this active substance by the Committee, taking into account comments received from Member States, it was concluded that there are clear indications that it may be expected that it has harmful effects on human health and in particular the crucial missing data does not allow to set reliable acceptable daily intake (ADI) and acute reference dose (ARfD) and such values are necessary to conduct the risk assessment. In addition, the operator exposure is greater than 100 % of the acceptable operator exposure level (AOEL) in all modelled scenarios. Moreover, other concerns which were identified by the rapporteur Member State in its assessment report are included in the review report for the substance.
- (6) The Commission invited the notifier to submit its comments on the results of the examination of bone oil and on its intention or not to further support the substance. The notifier submitted its comments which have been carefully examined. However, despite the arguments put forward by the notifier, the concerns identified could not be eliminated, and assessments made on the basis of the information submitted have not demonstrated that it may be expected that, under the proposed conditions of use, plant protection products containing bone oil satisfy in general the requirements laid down in Article 5(1)(a) and (b) of Directive 91/414/EEC.
- (7) Bone oil should therefore not be included in Annex I to Directive 91/414/EEC.
- (8) Measures should be taken to ensure that authorisations granted for plant protection products containing bone oil are withdrawn within a fixed period of time and are not renewed and that no new authorisations for such products are granted.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.

⁽²⁾ OJ L 168, 27.6.2002, p. 14.

⁽³⁾ OJ L 379, 24.12.2004, p. 13.

- (9) Any period of grace granted by a Member State for the disposal, storage, placing on the market and use of existing stocks of plant protection products containing bone oil should be limited to 12 months in order to allow existing stocks to be used in one further growing season, which ensures that plant protection products containing bone oil remain available for 18 months from the adoption of this Decision.
- (10) This Decision does not prejudice the submission of an application for bone oil in accordance with Article 6(2) of Directive 91/414/EEC and Commission Regulation (EC) No 33/2008 of 17 January 2008 laying down detailed rules for the application of Council Directive 91/414/EEC as regards a regular and an accelerated procedure for the assessment of active substances which were part of the programme of work referred to in Article 8(2) of that Directive but have not been included into its Annex I⁽¹⁾, in view of a possible inclusion in its Annex I.
- (11) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Bone oil shall not be included as an active substance in Annex I to Directive 91/414/EEC.

Article 2

Member States shall ensure that:

- (a) authorisations for plant protection products containing bone oil are withdrawn by 12 June 2009;
- (b) no authorisations for plant protection products containing bone oil are granted or renewed from the date of publication of this Decision.

Article 3

Any period of grace granted by Member States in accordance with the provisions of Article 4(6) of Directive 91/414/EEC, shall be as short as possible and shall expire on 12 June 2010 at the latest.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 12 December 2008.

For the Commission

Androulla VASSILIOU

Member of the Commission

⁽¹⁾ OJ L 15, 18.1.2008, p. 5.

III

(Acts adopted under the EU Treaty)

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

COUNCIL COMMON POSITION 2008/944/CFSP

of 8 December 2008

defining common rules governing control of exports of military technology and equipment

THE COUNCIL OF THE EUROPEAN UNION,

Preventing and Combating Illicit Trafficking in Conventional Arms.

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

Whereas:

- (1) Member States intend to build on the Common Criteria agreed at the Luxembourg and Lisbon European Councils in 1991 and 1992, and on the European Union Code of Conduct on Arms Exports adopted by the Council in 1998.
- (2) Member States recognise the special responsibility of military technology and equipment exporting States.
- (3) Member States are determined to set high common standards which shall be regarded as the minimum for the management of, and restraint in, transfers of military technology and equipment by all Member States, and to strengthen the exchange of relevant information with a view to achieving greater transparency.
- (4) Member States are determined to prevent the export of military technology and equipment which might be used for internal repression or international aggression or contribute to regional instability.
- (5) Member States intend to reinforce cooperation and to promote convergence in the field of exports of military technology and equipment within the framework of the Common Foreign and Security Policy (CFSP).
- (6) Complementary measures have been taken against illicit transfers, in the form of the EU Programme for
- (7) The Council adopted on 12 July 2002 Joint Action 2002/589/CFSP on the European Union's contribution to combating the destabilising accumulation and spread of small arms and light weapons ⁽¹⁾.
- (8) The Council adopted on 23 June 2003 Common Position 2003/468/CFSP ⁽²⁾ on the control of arms brokering.
- (9) The European Council adopted in December 2003 a strategy against the proliferation of weapons of mass destruction, and in December 2005 a strategy to combat illicit accumulation and trafficking of SALW and their ammunition, which imply an increased common interest of Member States of the European Union in a coordinated approach to the control of exports of military technology and equipment.
- (10) The UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects was adopted in 2001.
- (11) The United Nations Register of Conventional Arms was established in 1992.
- (12) States have a right to transfer the means of self-defence, consistent with the right of self-defence recognised by the UN Charter.
- (13) The wish of Member States to maintain a defence industry as part of their industrial base as well as their defence effort is acknowledged.

⁽¹⁾ OJ L 191, 19.7.2002, p. 1.

⁽²⁾ OJ L 156, 25.6.2003, p. 79.

- (14) The strengthening of a European defence technological and industrial base, which contributes to the implementation of the Common Foreign and Security Policy, in particular the Common European Security and Defence Policy, should be accompanied by cooperation and convergence in the field of military technology and equipment.
- (15) Member States intend to strengthen the European Union's export control policy for military technology and equipment through the adoption of this Common Position, which updates and replaces the European Union Code of Conduct on Arms Exports adopted by the Council on 8 June 1998.
- (16) On 13 June 2000, the Council adopted the Common Military List of the European Union, which is regularly reviewed, taking into account, where appropriate, similar national and international lists ⁽¹⁾.
- (17) The Union must ensure the consistency of its external activities as a whole in the context of its external relations, in accordance with Article 3, second paragraph of the Treaty; in this respect the Council takes note of the Commission proposal to amend Council Regulation (EC) No 1334/2000 of 22 June 2000 setting up a Community regime for the control of exports of dual use items and technology ⁽²⁾.

HAS ADOPTED THIS COMMON POSITION:

Article 1

1. Each Member State shall assess the export licence applications made to it for items on the EU Common Military List mentioned in Article 12 on a case-by-case basis against the criteria of Article 2.
2. The export licence applications as mentioned in paragraph 1 shall include:
 - applications for licences for physical exports, including those for the purpose of licensed production of military equipment in third countries,
 - applications for brokering licences,
 - applications for 'transit' or 'transhipment' licences,
 - applications for licences for any intangible transfers of software and technology by means such as electronic media, fax or telephone.

Member States' legislation shall indicate in which case an export licence is required with respect to these applications.

Article 2

Criteria

1. Criterion One: Respect for the international obligations and commitments of Member States, in particular the sanctions adopted by the UN Security Council or the European Union, agreements on non-proliferation and other subjects, as well as other international obligations.

An export licence shall be denied if approval would be inconsistent with, *inter alia*:

- (a) the international obligations of Member States and their commitments to enforce United Nations, European Union and Organisation for Security and Cooperation in Europe arms embargoes;
- (b) the international obligations of Member States under the Nuclear Non-Proliferation Treaty, the Biological and Toxin Weapons Convention and the Chemical Weapons Convention;
- (c) the commitment of Member States not to export any form of anti-personnel landmine;
- (d) the commitments of Member States in the framework of the Australia Group, the Missile Technology Control Regime, the Zangger Committee, the Nuclear Suppliers Group, the Wassenaar Arrangement and The Hague Code of Conduct against Ballistic Missile Proliferation.

2. Criterion Two: Respect for human rights in the country of final destination as well as respect by that country of international humanitarian law.

— Having assessed the recipient country's attitude towards relevant principles established by international human rights instruments, Member States shall:

- (a) deny an export licence if there is a clear risk that the military technology or equipment to be exported might be used for internal repression;
- (b) exercise special caution and vigilance in issuing licences, on a case-by-case basis and taking account of the nature of the military technology or equipment, to countries where serious violations of human rights have been established by the competent bodies of the United Nations, by the European Union or by the Council of Europe;

⁽¹⁾ Last amended 10 March 2008, OJ C 98, 18.4.2008, p. 1.

⁽²⁾ OJ L 159, 30.6.2000, p. 1.

For these purposes, technology or equipment which might be used for internal repression will include, *inter alia*, technology or equipment where there is evidence of the use of this or similar technology or equipment for internal repression by the proposed end-user, or where there is reason to believe that the technology or equipment will be diverted from its stated end-use or end-user and used for internal repression. In line with Article 1 of this Common Position, the nature of the technology or equipment will be considered carefully, particularly if it is intended for internal security purposes. Internal repression includes, *inter alia*, torture and other cruel, inhuman and degrading treatment or punishment, summary or arbitrary executions, disappearances, arbitrary detentions and other major violations of human rights and fundamental freedoms as set out in relevant international human rights instruments, including the Universal Declaration on Human Rights and the International Covenant on Civil and Political Rights.

— Having assessed the recipient country's attitude towards relevant principles established by instruments of international humanitarian law, Member States shall:

- (c) deny an export licence if there is a clear risk that the military technology or equipment to be exported might be used in the commission of serious violations of international humanitarian law.

3. Criterion Three: Internal situation in the country of final destination, as a function of the existence of tensions or armed conflicts.

Member States shall deny an export licence for military technology or equipment which would provoke or prolong armed conflicts or aggravate existing tensions or conflicts in the country of final destination.

4. Criterion Four: Preservation of regional peace, security and stability.

Member States shall deny an export licence if there is a clear risk that the intended recipient would use the military technology or equipment to be exported aggressively against another country or to assert by force a territorial claim. When considering these risks, Member States shall take into account *inter alia*:

- (a) the existence or likelihood of armed conflict between the recipient and another country;
- (b) a claim against the territory of a neighbouring country which the recipient has in the past tried or threatened to pursue by means of force;

- (c) the likelihood of the military technology or equipment being used other than for the legitimate national security and defence of the recipient;

- (d) the need not to affect adversely regional stability in any significant way.

5. Criterion Five: National security of the Member States and of territories whose external relations are the responsibility of a Member State, as well as that of friendly and allied countries.

Member States shall take into account:

- (a) the potential effect of the military technology or equipment to be exported on their defence and security interests as well as those of Member State and those of friendly and allied countries, while recognising that this factor cannot affect consideration of the criteria on respect for human rights and on regional peace, security and stability;

- (b) the risk of use of the military technology or equipment concerned against their forces or those of Member States and those of friendly and allied countries.

6. Criterion Six: Behaviour of the buyer country with regard to the international community, as regards in particular its attitude to terrorism, the nature of its alliances and respect for international law.

Member States shall take into account, *inter alia*, the record of the buyer country with regard to:

- (a) its support for or encouragement of terrorism and international organised crime;
- (b) its compliance with its international commitments, in particular on the non-use of force, and with international humanitarian law;
- (c) its commitment to non-proliferation and other areas of arms control and disarmament, in particular the signature, ratification and implementation of relevant arms control and disarmament conventions referred to in point (b) of Criterion One.

7. Criterion Seven: Existence of a risk that the military technology or equipment will be diverted within the buyer country or re-exported under undesirable conditions.

In assessing the impact of the military technology or equipment to be exported on the recipient country and the risk that such technology or equipment might be diverted to an undesirable end-user or for an undesirable end use, the following shall be considered:

- (a) the legitimate defence and domestic security interests of the recipient country, including any participation in United Nations or other peace-keeping activity;
- (b) the technical capability of the recipient country to use such technology or equipment;
- (c) the capability of the recipient country to apply effective export controls;
- (d) the risk of such technology or equipment being re-exported to undesirable destinations, and the record of the recipient country in respecting any re-export provision or consent prior to re-export which the exporting Member State considers appropriate to impose;
- (e) the risk of such technology or equipment being diverted to terrorist organisations or to individual terrorists;
- (f) the risk of reverse engineering or unintended technology transfer.

8. Criterion Eight: Compatibility of the exports of the military technology or equipment with the technical and economic capacity of the recipient country, taking into account the desirability that states should meet their legitimate security and defence needs with the least diversion of human and economic resources for armaments.

Member States shall take into account, in the light of information from relevant sources such as United Nations Development Programme, World Bank, International Monetary Fund and Organisation for Economic Cooperation and Development reports, whether the proposed export would seriously hamper the sustainable development of the recipient country. They shall consider in this context the recipient country's relative levels of military and social expenditure, taking into account also any EU or bilateral aid.

Article 3

This Common Position shall not affect the right of Member States to operate more restrictive national policies.

Article 4

1. Member States shall circulate details of applications for export licences which have been denied in accordance with the criteria of this Common Position together with an expla-

nation of why the licence has been denied. Before any Member State grants a licence which has been denied by another Member State or States for an essentially identical transaction within the last three years, it shall first consult the Member State or States which issued the denial(s). If following consultations, the Member State nevertheless decides to grant a licence, it shall notify the Member State or States issuing the denial(s), giving a detailed explanation of its reasoning.

2. The decision to transfer or deny the transfer of any military technology or equipment shall remain at the national discretion of each Member State. A denial of a licence is understood to take place when the Member State has refused to authorise the actual sale or export of the military technology or equipment concerned, where a sale would otherwise have come about, or the conclusion of the relevant contract. For these purposes, a notifiable denial may, in accordance with national procedures, include denial of permission to start negotiations or a negative response to a formal initial enquiry about a specific order.

3. Member States shall keep such denials and consultations confidential and not use them for commercial advantage.

Article 5

Export licences shall be granted only on the basis of reliable prior knowledge of end use in the country of final destination. This will generally require a thoroughly checked end-user certificate or appropriate documentation and/or some form of official authorisation issued by the country of final destination. When assessing applications for licences to export military technology or equipment for the purposes of production in third countries, Member States shall in particular take account of the potential use of the finished product in the country of production and of the risk that the finished product might be diverted or exported to an undesirable end user.

Article 6

Without prejudice to Regulation (EC) No 1334/2000, the criteria in Article 2 of this Common Position and the consultation procedure provided for in Article 4 are also to apply to Member States in respect of dual-use goods and technology as specified in Annex I to Regulation (EC) No 1334/2000 where there are serious grounds for believing that the end-user of such goods and technology will be the armed forces or internal security forces or similar entities in the recipient country. References in this Common Position to military technology or equipment shall be understood to include such goods and technology.

Article 7

In order to maximise the effectiveness of this Common Position, Member States shall work within the framework of the CFSP to reinforce their cooperation and to promote their convergence in the field of exports of military technology and equipment.

Article 8

1. Each Member State shall circulate to other Member States in confidence an annual report on its exports of military technology and equipment and on its implementation of this Common Position.

2. An EU Annual Report, based on contributions from all Member States, shall be submitted to the Council and published in the 'C' series of the *Official Journal of the European Union*.

3. In addition, each Member State which exports technology or equipment on the EU Common Military List shall publish a national report on its exports of military technology and equipment, the contents of which will be in accordance with national legislation, as applicable, and will provide information for the EU Annual Report on the implementation of this Common Position as stipulated in the User's Guide.

Article 9

Member States shall, as appropriate, assess jointly through the CFSP framework the situation of potential or actual recipients of exports of military technology and equipment from Member States, in the light of the principles and criteria of this Common Position.

Article 10

While Member States, where appropriate, may also take into account the effect of proposed exports on their economic, social, commercial and industrial interests, these factors shall not affect the application of the above criteria.

Article 11

Member States shall use their best endeavours to encourage other States which export military technology or equipment to apply the criteria of this Common Position. They shall regularly exchange experiences with those third states applying the criteria on their military technology and

equipment export control policies and on the application of the criteria.

Article 12

Member States shall ensure that their national legislation enables them to control the export of the technology and equipment on the EU Common Military List. The EU Common Military List shall act as a reference point for Member States' national military technology and equipment lists, but shall not directly replace them.

Article 13

The User's Guide to the European Code of Conduct on Exports of Military Equipment, which is regularly reviewed, shall serve as guidance for the implementation of this Common Position.

Article 14

This Common Position shall take effect on the date of its adoption.

Article 15

This Common Position shall be reviewed three years after its adoption.

Article 16

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

Done at Brussels, 8 December 2008.

For the Council

The President

B. KOUCHNER

NOTE TO THE READER

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

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