

Official Journal

of the European Union

L 72



English edition

Legislation

Volume 52

18 March 2009

Contents

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

REGULATIONS

Commission Regulation (EC) No 208/2009 of 17 March 2009 establishing the standard import values for determining the entry price of certain fruit and vegetables 1

★ **Commission Regulation (EC) No 209/2009 of 17 March 2009 establishing a prohibition of fishing for anglerfish in VIIIc, IX and X; EC waters of CEECAF 34.1.1 by vessels flying the flag of France** 3

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

DECISIONS

Council

2009/242/EC:

★ **Council Decision of 16 March 2009 appointing one Italian member of the Committee of the Regions** 5

Commission

2009/243/EC:

- ★ **Commission Decision of 3 March 2009 on the Community position as regards Decision No 1/2008 of the ECAA Joint Committee set up under the Multilateral Agreement between the European Community and its Member States, Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the former Yugoslav Republic of Macedonia, Iceland, Montenegro, Norway, Romania, Serbia and the United Nations Interim Administration Mission in Kosovo on the establishment of a European Common Aviation Area, amending Annex I to the Agreement** 6

2009/244/EC:

- ★ **Commission Decision of 16 March 2009 concerning the placing on the market, in accordance with Directive 2001/18/EC of the European Parliament and of the Council, of a carnation (*Dianthus caryophyllus* L., line 123.8.12) genetically modified for flower colour (notified under document number C(2009) 1673) ⁽¹⁾** 18

European Central Bank

2009/245/EC:

- ★ **Decision of the European Central Bank of 6 March 2009 concerning derogations that may be granted under Regulation (EC) No 958/2007 concerning statistics on the assets and liabilities of investment funds (ECB/2007/8) (ECB/2009/4)** 21



⁽¹⁾ Text with EEA relevance

I

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

REGULATIONS

COMMISSION REGULATION (EC) No 208/2009**of 17 March 2009****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules for Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector ⁽²⁾, and in particular Article 138(1) thereof,

Whereas:

Regulation (EC) No 1580/2007 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XV, Part A thereto,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 138 of Regulation (EC) No 1580/2007 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 18 March 2009.

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

Done at Brussels, 17 March 2009.

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	IL	148,7
	JO	79,4
	MA	42,3
	TN	134,4
	TR	102,8
	ZZ	101,5
0707 00 05	EG	139,2
	JO	158,4
	MA	69,5
	MK	118,9
	TR	157,7
	ZZ	128,7
0709 90 70	JO	249,0
	MA	55,0
	TR	127,2
	ZZ	143,7
0709 90 80	EG	88,5
	ZZ	88,5
0805 10 20	EG	46,1
	IL	58,5
	MA	56,6
	TN	49,5
	TR	74,7
	ZZ	57,1
0805 50 10	TR	62,4
	ZZ	62,4
0808 10 80	AR	96,8
	BR	74,0
	CA	95,8
	CL	76,8
	CN	68,2
	MK	21,2
	US	125,2
	UY	68,9
	ZA	82,7
ZZ	78,8	
0808 20 50	AR	66,5
	CL	155,5
	CN	35,6
	US	104,6
	ZA	94,8
	ZZ	91,4

⁽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 209/2009**of 17 March 2009****establishing a prohibition of fishing for anglerfish in VIIIc, IX and X; EC waters of CECAF 34.1.1 by vessels flying the flag of France**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

- (1) Council Regulation (EC) No 43/2009 of 16 January 2009 fixing for 2009 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks applicable in Community waters and for Community vessels, in waters where catch limitations are required ⁽³⁾, lays down quotas for 2009.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2009.

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

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2009 shall be deemed to be exhausted from the date set out in that Annex.

*Article 2***Prohibitions**

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

*Article 3***Entry into force**

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

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

Done at Brussels, 17 March 2009.

For the Commission

Fokion FOTIADIS

Director-General for Maritime Affairs and Fisheries

⁽¹⁾ OJ L 358, 31.12.2002, p. 59.

⁽²⁾ OJ L 261, 20.10.1993, p. 1.

⁽³⁾ OJ L 22, 26.1.2009, p. 1.

ANNEX

No	1/T&Q
Member State	France
Stock	ANF/8C3411
Species	Anglerfish (<i>Lophiidae</i>)
Zone	VIIIc, IX and X; EC waters of CECAF 34.1.1
Date	7.2.2009

II

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

DECISIONS

COUNCIL

COUNCIL DECISION

of 16 March 2009

appointing one Italian member of the Committee of the Regions

(2009/242/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

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

Having regard to the proposal of the Italian Government,

Whereas:

- (1) On 24 January 2006, the Council adopted Decision 2006/116/EC appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2006 to 25 January 2010 ⁽¹⁾.
- (2) One member's seat on the Committee of the Regions has become vacant following the expiry of the mandate of Mr Ottaviano DEL TURCO,

Article 1

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

Mr Giovanni CHIODI, Presidente della Regione Abruzzo.

Article 2

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

Done at Brussels, 16 March 2009.

For the Council
The President
L. CHATEL

⁽¹⁾ OJ L 56, 25.2.2006, p. 75.

COMMISSION

COMMISSION DECISION

of 3 March 2009

on the Community position as regards Decision No 1/2008 of the ECAA Joint Committee set up under the Multilateral Agreement between the European Community and its Member States, Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the former Yugoslav Republic of Macedonia, Iceland, Montenegro, Norway, Romania, Serbia and the United Nations Interim Administration Mission in Kosovo on the establishment of a European Common Aviation Area, amending Annex I to the Agreement

(2009/243/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Decision 2006/682/EC of the Council and of the Representatives of the Member States of the European Union meeting within the Council of 9 June 2006 on the signature and provisional application of the Multilateral Agreement between the European Community and its Member States, the Republic of Albania, Bosnia and Herzegovina, the Republic of Bulgaria, the Republic of Croatia, the former Yugoslav Republic of Macedonia, the Republic of Iceland, the Republic of Montenegro, the Kingdom of Norway, Romania, the Republic of Serbia and the United Nations Interim Administration Mission in Kosovo ⁽¹⁾ on the Establishment of a European Common Aviation Area (ECAA) ⁽²⁾,

Having regard to the Multilateral Agreement between the European Community and its Member States, the Republic of Albania, Bosnia and Herzegovina, the Republic of Bulgaria, the Republic of Croatia, the former Yugoslav Republic of Macedonia, the Republic of Iceland, the Republic of Montenegro, the Kingdom of Norway, Romania, the Republic of Serbia and the United Nations Interim Administration Mission in Kosovo on the establishment of a European Common Aviation Area ⁽³⁾ (the Agreement), and in particular Article 3 thereof,

Whereas:

- (1) the Agreement was signed on 9 June 2006.
- (2) Article 18 of the Agreement sets up a Joint Committee with responsibility for the administration and proper implementation of the Agreement.

- (3) New Community legislation relevant to the implementation of the Agreement has been adopted since the signature of the Agreement.
- (4) Article 17(3)(a) of the Agreement requires the Joint Committee to adopt decisions revising Annex I to the Agreement.
- (5) Article 2(2) of the Decision of the Council as regards the Agreement provides that the Community's position with regard to the adoption of decisions by the Joint Committee which simply extend acts of Community legislation to ECAA Partners shall be adopted by the Commission,

HAS DECIDED AS FOLLOWS:

Sole Article

The position of the European Community in the ECAA Joint Committee set up by Article 18 of the Multilateral Agreement between the European Community and its Member States, Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the former Yugoslav Republic of Macedonia, Iceland, Montenegro, Norway, Romania, Serbia and the United Nations Interim Administration Mission in Kosovo on the establishment of a European Common Aviation Area, with regard to the amendment of Annex I to the Agreement, shall be based on the Annex to this Decision.

Done at Brussels, 3 March 2009.

For the Commission

Antonio TAJANI

Vice-President

⁽¹⁾ Pursuant to UN Security Council Resolution 1244 of 10 June 1999.

⁽²⁾ OJ L 285, 16.10.2006, p. 1.

⁽³⁾ OJ L 285, 16.10.2006, p. 3.

ANNEX

DECISION No 1/2008 OF THE ECAA JOINT COMMITTEE
of 10 December 2008
replacing Annex I to the ECAA Agreement

THE JOINT COMMITTEE,

Having regard to the Multilateral Agreement between the European Community and its Member States, Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the former Yugoslav Republic of Macedonia, Iceland, Montenegro, Norway, Romania, Serbia and the United Nations Interim Administration Mission in Kosovo ⁽¹⁾ on the establishment of a European Common Aviation Area (the ECAA Agreement), and in particular to Article 17(3)(a) thereof,

HAS DECIDED AS FOLLOWS:

Sole Article

The Annex to this Decision replaces Annex I to the ECAA Agreement.

Done at Oslo, 10 December 2008.

For the Joint Committee, the Chair

Authenticated by, the Secretary

⁽¹⁾ Pursuant to UN Security Council Resolution 1244 of 10 June 1999.

ANNEX

"ANNEX I

RULES APPLICABLE TO CIVIL AVIATION

The "Applicable provisions" of the following European Community acts shall be applicable in accordance with the Main Agreement and Annex II on horizontal adaptations unless otherwise specified in this Annex or in Protocols I to IX thereafter. Where necessary, specific adaptations for each individual act are set out hereafter:

A. MARKET ACCESS AND ANCILLARY ISSUES

No 1008/2008

Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (Recast)

Applicable provisions: Articles 1 to 24, Article 26 and Annex I

No 95/93

Council Regulation (EEC) No 95/93 of 18 January 1993 on common rules for the allocation of slots at Community airports

as amended by:

- Regulation (EC) No 894/2002 of the European Parliament and of the Council of 27 May 2002 amending Council Regulation (EEC) No 95/93,
- Regulation (EC) No 1554/2003 of the European Parliament and of the Council of 22 July 2003 amending Council Regulation (EEC) No 95/93,
- Regulation (EC) No 793/2004 of the European Parliament and of the Council of 21 April 2004 amending Council Regulation (EEC) No 95/93.

Applicable provisions: Articles 1 to 12, and 14a(2)

As regards the application of Article 12(2), the term "the Commission" shall read "the Joint Committee".

No 96/67

Council Directive 96/67/EC of 15 October 1996 on access to the groundhandling market at Community airports

Applicable provisions: Articles 1 to 25 and Annex

As regards the application of Article 10, the term "Member States" shall read "EC Member States".

As regards the application of Article 20(2), the term "the Commission" shall read "the Joint Committee".

No 785/2004

Regulation (EC) No 785/2004 of the European Parliament and of the Council of 21 April 2004 on insurance requirements for air carriers and aircraft operators

Applicable provisions: Articles 1 to 8, and 10(2)

B. AIR TRAFFIC MANAGEMENT

No 549/2004

Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky (the framework Regulation)

Applicable provisions: Articles 1 to 4, 6, and 9 to 14

No 550/2004

Regulation (EC) No 550/2004 of the European Parliament and of the Council of 10 March 2004 on the provision of air navigation services in the single European sky (the service provision Regulation)

Applicable provisions: Articles 1 to 19, Annexes I and II

No 551/2004

Regulation (EC) No 551/2004 of the European Parliament and of the Council of 10 March 2004 on the organisation and use of the airspace in the single European sky (the airspace Regulation)

Applicable provisions: Articles 1 to 11

No 552/2004

Regulation (EC) No 552/2004 of the European Parliament and of the Council of 10 March 2004 on the interoperability of the European Air Traffic Management network (the interoperability Regulation)

Applicable provisions: Articles 1 to 12, Annexes I to V

No 2096/2005

Commission Regulation (EC) No 2096/2005 of 20 December 2005 laying down common requirements for the provision of air navigation services

as amended by:

- Commission Regulation (EC) No 1315/2007 of 8 November 2007 on safety oversight in air traffic management and amending Regulation (EC) No 2096/2005,
- Commission Regulation (EC) No 482/2008 of 30 May 2008 establishing a software safety assurance system to be implemented by air navigation service providers and amending Annex II to Regulation (EC) No 2096/2005,
- Commission Regulation (EC) No 668/2008 of 15 July 2008 amending Annexes II to V of Regulation (EC) No 2096/2005 laying down common requirements for the provision of air navigation services, as regards working methods and operating procedures.

Applicable provisions: Articles 1 to 9, Annexes I to V

No 2150/2005

Commission Regulation (EC) No 2150/2005 of 23 December 2005 laying down common rules for the flexible use of airspace

Applicable provisions: Articles 1 to 9, Annex

No 1032/2006

Commission Regulation (EC) No 1032/2006 of 6 July 2006 laying down requirements for automatic systems for the exchange of flight data for the purpose of notification, coordination and transfer of flights between air traffic control units

Applicable provisions: Articles 1 to 10, Annexes I to V

No 1033/2006

Commission Regulation (EC) No 1033/2006 of 4 July 2006 laying down the requirements on procedures for flight plans in the pre-flight phase for the single European sky

Applicable provisions: Articles 1 to 5, Annex

No 2006/23

Directive 2006/23/EC of the European Parliament and of the Council of 5 April 2006 on a Community air traffic controller licence

Applicable provisions: Articles 1 to 16, Articles 18 to 19, Annexes I to IV

No 1794/2006

Commission Regulation (EC) No 1794/2006 of 6 December 2006 laying down a common charging scheme for air navigation services

Applicable provisions: Articles 1 to 17, Annexes I to VI

No 219/2007

Council Regulation (EC) No 219/2007 of 27 February 2007 on the establishment of a Joint Undertaking to develop the new generation European air traffic management system (SESAR)

Applicable provisions: Article 1(1)-(2) and (5)-(7), Articles 2 to 3, Article 4(1), Annex

No 633/2007

Commission Regulation (EC) No 633/2007 of 7 June 2007 laying down requirements for the application of a flight message transfer protocol used for the purpose of notification, coordination and transfer of flights between air traffic control units

Applicable provisions: Articles 1 to 7, the second and third sentences of Article 8, Annexes I to IV

No 1265/2007

Commission Regulation (EC) No 1265/2007 of 26 October 2007 laying down requirements on air-ground voice channel spacing for the single European sky

Applicable provisions: Articles 1 to 9, Annexes I to IV

No 1315/2007

Commission Regulation (EC) No 1315/2007 of 8 November 2007 on safety oversight in air traffic management and amending Regulation (EC) No 2096/2005

Applicable provisions: Articles 1 to 15

No 482/2008

Commission Regulation (EC) No 482/2008 of 30 May 2008 establishing a software safety assurance system to be implemented by air navigation service providers and amending Annex II to Regulation (EC) No 2096/2005

Applicable provisions: Articles 1 to 5, Annexes I to II

C. AVIATION SAFETY

No 3922/91

Council Regulation (EEC) No 3922/91 of 16 December 1991 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation

as amended by:

— Commission Regulation (EC) No 2176/96 of 13 November 1996 amending to scientific and technical progress Council Regulation (EEC) No 3922/91,

- Commission Regulation (EC) No 1069/1999 of 25 May 1999 adapting to scientific and technical progress Council Regulation (EEC) No 3922/91,
- Commission Regulation (EC) No 2871/2000 of 28 December 2000 adapting to scientific and technical progress Council Regulation (EEC) No 3922/91 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation,
- Regulation (EC) No 1592/2002 of the European Parliament and of the Council of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency,
- Regulation (EC) No 1899/2006 of the European Parliament and of the Council of 12 December 2006 amending Council Regulation (EEC) No 3922/91 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation,
- Regulation (EC) No 1900/2006 of the European Parliament and of the Council of 20 December 2006 amending Council Regulation (EEC) No 3922/91 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation,
- Commission Regulation (EC) No 8/2008 of 11 December 2007 amending Council Regulation (EEC) No 3922/91 as regards common technical requirements and administrative procedures applicable to commercial transportation by aeroplane,
- Commission Regulation (EC) No 859/2008 of 20 August 2008 amending Council Regulation (EEC) No 3922/91 as regards common technical requirements and administrative procedures applicable to commercial transportation by aeroplane.

Applicable provisions: Articles 1 to 10, 12 to 13 with the exception of Article 4(1) and Article 8(2) (second sentence), Annexes I to III

As regards the application of Article 12, "Member States" shall read "EC Member States".

No 216/2008

Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC

Applicable provisions: Articles 1 to 68 with the exception of Article 65, the second subparagraph of Article 69(1), Article 69(4), Annexes I to VI

No 1702/2003

Commission Regulation (EC) No 1702/2003 of 24 September 2003 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations

as amended by:

- Commission Regulation (EC) No 381/2005 of 7 March 2005 amending Regulation (EC) No 1702/2003 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations,
- Commission Regulation (EC) No 706/2006 of 8 May 2006 amending Regulation (EC) No 1702/2003 as regards the period during which Member States may issue approvals of a limited duration,
- Commission Regulation (EC) No 335/2007 of 28 March 2007 amending Regulation (EC) No 1702/2003 as regards the implementing rules related to environmental certification of aircraft and related products, parts and appliances,
- Commission Regulation (EC) No 375/2007 of 30 March 2007 amending Regulation (EC) No 1702/2003 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations,

- Commission Regulation (EC) No 287/2008 of 28 March 2008 on the extension of the period of validity of referred to in Article 2c(3) of Regulation (EC) No 1702/2003,
- Commission Regulation (EC) No 1057/2008 of 27 October 2008 amending Appendix II to Annex to Regulation (EC) No 1702/2003 concerning the Airworthiness Review Certificate (EASA Form 15a).

Applicable provisions: Articles 1 to 4, Annex. The transitional periods referred to in this Regulation shall be determined by the Joint Committee.

No 2042/2003

Commission Regulation (EC) No 2042/2003 of 20 November 2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks

as amended by:

- Commission Regulation (EC) No 707/2006 of 8 May 2006 amending Regulation (EC) No 2042/2003 as regards approvals of a limited duration and Annexes I and III,
- Commission Regulation (EC) No 376/2007 of 30 March 2007 amending Regulation (EC) No 2042/2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks,
- Commission Regulation (EC) No 1056/2008 of 27 October 2008 amending Regulation (EC) No 2042/2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks.

Applicable provisions: Articles 1 to 6, Annexes I to IV

No 94/56

Council Directive 94/56/EC of 21 November 1994 establishing the fundamental principles governing the investigations of civil aviation accidents and incidents

Applicable provisions: Articles 1 to 12

As regards the applications of Articles 9 and 12, the term “the Commission” shall read “all other ECAA Contracting Parties”.

No 2003/42

Directive 2003/42/EC of the European Parliament and of the Council of 13 June 2003 on occurrence reporting in civil aviation

Applicable provisions: Articles 1 to 11, Annexes I and II

No 1321/2007

Commission Regulation (EC) No 1321/2007 of 12 November 2007 laying down implementing rules for the integration into a central repository of information on civil aviation occurrences exchanged in accordance with Directive 2003/42/EC of the European Parliament and of the Council

Applicable provisions: Articles 1 to 4

No 1330/2007

Commission Regulation (EC) No 1330/2007 of 24 September 2007 laying down implementing rules for the dissemination to interested parties of information on civil aviation occurrences referred to in Article 7(2) of Directive 2003/42/EC of the European Parliament and of the Council

Applicable provisions: Articles 1 to 10, Annexes I to II

No 104/2004

Commission Regulation (EC) No 104/2004 of 22 January 2004 laying down rules on the organisation and composition of the Board of Appeal of the European Aviation Safety Agency

Applicable provisions: Articles 1 to 7 and Annex

No 736/2006

Commission Regulation (EC) No 736/2006 of 16 May 2006 on working methods of the European Aviation Safety Agency for conducting standardisation inspections

Applicable provisions: Articles 1 to 18

No 768/2006

Commission Regulation (EC) No 768/2006 of 19 May 2006 implementing Directive 2004/36/EC of the European Parliament and of the Council as regards the collection and exchange of information on the safety of aircraft using Community airports and the management of the information system

Applicable provisions: Articles 1 to 5

No 593/2007

Commission Regulation (EC) No 593/2007 of 31 May 2007 on the fees and charges levied by the European Aviation Safety Agency

Applicable provisions: Articles 1 to 12, Article 14(2), Annex

No 2111/2005

Regulation (EC) No 2111/2005 of the European Parliament and of the Council of 14 December 2005 on the establishment of a Community list of air carriers subject to an operating ban within the Community and on informing air transport passengers of the identity of the operating air carrier, and repealing Article 9 of Directive 2004/36/EC

Applicable provisions: Articles 1 to 13, Annex

No 473/2006

Commission Regulation (EC) No 473/2006 of 22 March 2006 laying down implementing rules for the Community list of air carriers which are subject to an operating ban within the Community referred to in Chapter II of Regulation (EC) No 2111/2005 of the European Parliament and of the Council

Applicable provisions: Articles 1 to 6, Annexes A to C

No 474/2006

Commission Regulation (EC) No 474/2006 of 22 March 2006 establishing the Community list of air carriers which are subject to an operating ban within the Community referred to in Chapter II of Regulation (EC) No 2111/2005 of the European Parliament and of the Council

as regularly amended by Commission Regulations ⁽¹⁾

Applicable provisions: Articles 1 to 3, Annexes A to B

⁽¹⁾ For the latest amendment before the ECAA Joint Committee meeting in December 2008 see Commission Regulation (EC) No 1131/2008 of 14 November 2008 amending Regulation (EC) No 474/2006 establishing the Community list of air carriers which are subject to an operating ban within the Community.

D. AVIATION SECURITY

No 300/2008

Regulation (EC) No 300/2008 of the European Parliament and of the Council of 11 March 2008 on common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002

Applicable provisions: Articles 1 to 18, Article 21, Article 24(2)-(3), Annex

No 820/2008

Commission Regulation (EC) No 820/2008 of 8 August 2008 laying down measures for the implementation of the common basic standards on aviation security

Applicable provisions: Articles 1 to 6, Annex, Attachment 1

No 1217/2003

Commission Regulation (EC) No 1217/2003 of 4 July 2003 laying down common specifications for national civil aviation security quality control programmes

Applicable provisions: Articles 1 to 11, Annexes I and II

No 1486/2003

Commission Regulation (EC) No 1486/2003 of 22 August 2003 laying down procedures for conducting Commission inspections in the field of civil aviation security

Applicable provisions: Articles 1 to 16

No 1138/2004

Commission Regulation (EC) No 1138/2004 of 21 June 2004 establishing a common definition of critical parts of security restricted areas at airports

Applicable provisions: Articles 1 to 8

E. ENVIRONMENT

No 2002/30

Directive 2002/30/EC of the European Parliament and of the Council of 26 March 2002 on the establishment of rules and procedures with regard to the introduction of noise-related operating restrictions at Community airports

As amended or adapted by the 2003 Act of Accession and the 2005 Act of Accession

Applicable provisions: Articles 1 to 15, Annexes I and II

No 2002/49

Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise

Applicable provisions: Articles 1 to 16, Annexes I to VI

No 2006/93

Directive 2006/93/EC of the European Parliament and of the Council of 12 December 2006 on the regulation of the operation of aeroplanes covered by Part II, Chapter 3, Volume 1 of Annex 16 to the Convention on International Civil Aviation, second edition (1988)

Applicable provisions: Articles 1 to 5

F. SOCIAL ASPECTS

No 1989/391

Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work

as amended by:

Directive 2007/30/EC of the European Parliament and of the Council of 20 June 2007 amending Council Directive 89/391/EEC, its individual Directives and Council Directives 83/477/EEC, 91/383/EEC, 92/29/EEC and 94/33/EC with a view to simplifying and rationalising the reports on practical implementation

Applicable provisions: Articles 1 to 16, and 18 to 19

No 2003/88

Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time

Applicable provisions: Articles 1 to 19, 21 to 24 and 26 to 29

No 2000/79

Council Directive 2000/79/EC of 27 November 2000 concerning the European Agreement on the Organisation of Working Time of Mobile Workers in Civil Aviation concluded by the Association of European Airlines (AEA), the European Transport Workers' Federation (ETF), the European Cockpit Association (ECA), the European Regions Airline Association (ERA) and the International Air Carrier Association (IACA)

Applicable provisions: Articles 2 to 3, Annex

G. CONSUMER PROTECTION

No 90/314

Council Directive 90/314/EEC of 13 June 1990 on package travel, package holidays and package tours

Applicable provisions: Articles 1 to 10

No 93/13

Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts

Applicable provisions: Articles 1 to 10 and Annex

As regards the application of Article 10, the term "the Commission" shall read "all other ECAA Contracting Parties".

No 95/46

Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data

Applicable provisions: Articles 1 to 34

No 2027/97

Council Regulation (EC) No 2027/97 of 9 October 1997 on air carrier liability in the event of accidents

as amended by:

— Regulation (EC) No 889/2002 of the European Parliament and of the Council of 13 May 2002 amending Council Regulation (EC) No 2027/97

Applicable provisions: Articles 1 to 8

No 2001/95

Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety

Applicable provisions: Articles 1 to 13, 16 and 18, Annexes I to II

No 261/2004

Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91

Applicable provisions: Articles 1 to 17

No 1107/2006

Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air

Applicable provisions: Articles 1 to 16, Annexes I to II

H. OTHER LEGISLATION

No 2299/1989

Council Regulation (EEC) No 2299/1989 of 24 July 1989 on a code of conduct for computer reservation systems

as amended by:

— Council Regulation (EEC) No 3089/93 of 29 October 1993 amending Regulation (EEC) No 2299/89,

— Council Regulation (EC) No 323/1999 of 8 February 1999 amending Regulation (EEC) No 2299/89.

Applicable provisions: Articles 1 to 22 and Annex

No 91/670

Council Directive 91/670/EEC of 16 December 1991 on mutual acceptance of personnel licences for the exercise of functions in civil aviation

Applicable provisions: Articles 1 to 8 and Annex

No 437/2003

Regulation (EC) No 437/2003 of the European Parliament and of the Council of 27 February 2003 on statistical returns in respect of the carriage of passengers, freight and mail by air

as amended by:

— Commission Regulation (EC) No 1358/2003 of 31 July 2003 implementing and amending Regulation (EC) No 437/2003 of the European Parliament and of the Council,

— Commission Regulation (EC) No 546/2005 of 8 April 2005 adapting Regulation (EC) No 437/2003 of the European Parliament and of the Council as regards the allocation of reporting-country codes and amending Commission Regulation (EC) No 1358/2003 as regards the updating of the list of Community airports.

Applicable provisions: Articles 1 to 11, Annexes I and II

No 1358/2003

Commission Regulation (EC) No 1358/2003 of 31 July 2003 implementing Regulation (EC) No 437/2003 of the European Parliament and of the Council on statistical returns in respect of the carriage of passengers, freight and mail by air and amending Annexes I and II thereto

as amended by:

— Commission Regulation (EC) No 158/2007 of 16 February 2007 amending Commission Regulation (EC) No 1358/2003 as regards the list of Community airports.

Applicable provisions: Articles 1 to 4, Annexes I to III

No 2003/96

Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity

Applicable provisions: Article 14(1)(b) and (2)''

COMMISSION DECISION

of 16 March 2009

concerning the placing on the market, in accordance with Directive 2001/18/EC of the European Parliament and of the Council, of a carnation (*Dianthus caryophyllus* L., line 123.8.12) genetically modified for flower colour

(notified under document number C(2009) 1673)

(Only the Dutch text is authentic)

(Text with EEA relevance)

(2009/244/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC⁽¹⁾, and in particular the first subparagraph of Article 18(1) thereof,

After consulting the European Food Safety Authority,

Whereas:

- (1) Pursuant to Directive 2001/18/EC, the placing on the market of a product containing or consisting of a genetically modified organism or a combination of genetically modified organisms is subject to written consent being granted by the competent authority of the Member State that received the notification for the placing on the market of that product, in accordance with the procedure laid down in that Directive.
- (2) A notification concerning the placing on the market of a genetically modified carnation (*Dianthus caryophyllus* L., line 123.8.12) was submitted by Florigene Ltd, Melbourne, Australia, to the competent authority of the Netherlands in March 2007.
- (3) The notification covers import, distribution and retailing of *Dianthus caryophyllus* L., line 123.8.12 as for any other carnation.
- (4) In accordance with the procedure provided for in Article 14 of Directive 2001/18/EC, the competent authority of the Netherlands prepared an assessment report, which was submitted to the Commission and the competent authorities of the other Member States. That assessment report concludes that no reasons have emerged on the basis of which consent for the placing

on the market of cut flowers of the genetically modified carnation (*Dianthus caryophyllus* L., line 123.8.12) for ornamental use should be withheld, if specific conditions are fulfilled.

- (5) The competent authorities of other Member States raised objections to the placing on the market of the product.
- (6) The opinion adopted on 12 March 2008 (published 26 March 2008)⁽²⁾ by the European Food Safety Authority (hereafter EFSA), concluded, from all evidence provided, that cut flowers of the genetically modified carnation (*Dianthus caryophyllus* L., line 123.8.12) are unlikely to have an adverse effect on human and animal health or the environment in the context of its proposed ornamental use. EFSA also found that the scope of the monitoring plan provided by the notifier is in line with the intended use of the carnation.
- (7) An examination of the full notification, additional information provided by the notifier, specific objections raised by the Member States and the opinion of EFSA, discloses no reason to believe that the placing on the market of cut flowers of the genetically modified carnation (*Dianthus caryophyllus* L., line 123.8.12) will adversely affect human or animal health or the environment in the context of its proposed ornamental use.
- (8) A unique identifier has been assigned to the genetically modified carnation (*Dianthus caryophyllus* L., line 123.8.12) for the purposes of Regulation (EC) No 1830/2003 of the European Parliament and of the Council of 22 September 2003 concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms and amending Directive 2001/18/EC⁽³⁾ and Commission Regulation (EC) No 65/2004 of 14 January 2004 establishing a system for the development and assignment of unique identifiers for genetically modified organisms⁽⁴⁾.

⁽²⁾ The EFSA Journal (2008) 662, pp. 1-21, 'Opinion of the Scientific Panel on Genetically Modified Organisms on a request from the Commission related to the notification (Reference C/NL/06/01) for the placing on the market of the genetically modified carnation Moonacqua 123.8.12 with a modified colour, for import of cut flowers for ornamental use, under Part C of Directive 2001/18/EC from Florigene.'

⁽³⁾ OJ L 268, 18.10.2003, p. 24.

⁽⁴⁾ OJ L 10, 16.1.2004, p. 5.

⁽¹⁾ OJ L 106, 17.4.2001, p. 1.

- (9) In light of the opinion of the European Food Safety Authority, it is not necessary to establish specific conditions for the intended use with regard to the handling or packaging of the product and the protection of particular ecosystems, environments or geographical areas.
- (10) Proposed labelling, on a label or in an accompanying document, should include wording to inform operators and final users that the cut flowers of *Dianthus caryophyllus* L., line 123.8.12 can not be used for human or animal consumption nor for cultivation.
- (11) A detection method as required by Annex III B.D.12 to Directive 2001/18/EC, was verified, tested and single-laboratory validated for the *Dianthus caryophyllus* L., line 123.8.12 in January 2008 by the Community Reference Laboratory established by Regulation (EC) No 1829/2003 of the European Parliament and of the Council⁽¹⁾.
- (12) The Committee under Directive 2001/18/EC did not deliver an opinion on the draft measures submitted by the Commission. The Commission therefore submitted to the Council a proposal relating to these measures. Since on the expiry of the period laid down in Article 30(2) of Directive 2001/18/EC, the Council had neither adopted the proposed measures nor indicated its opposition to them, in accordance with Article 5(6) of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁽²⁾, the measures should be adopted by the Commission,

HAS ADOPTED THIS DECISION:

Article 1

Consent

Written consent shall be granted by the competent authority of the Netherlands to the placing on the market, in accordance with this Decision, of the product identified in Article 2, as notified by Florigene Ltd, Melbourne, Australia (Reference C/NL/06/01).

The consent shall, in accordance with Article 19(3) of Directive 2001/18/EC, explicitly specify the conditions to which the consent is subject, which are set out in Articles 3 and 4.

Article 2

Product

1. The genetically modified organisms to be placed on the market as product, hereinafter 'the product', are cut flowers of

carnation (*Dianthus caryophyllus* L.), with modified flower colour, derived from the *Dianthus caryophyllus* L. cell culture, and transformed with *Agrobacterium tumefaciens*, strain AGLO, using the vector pCGP1991 and resulting in line 123.8.12.

The product contains the following DNA in three cassettes:

(a) Cassette 1

The petunia *dfr* gene from *Petunia X Hybrida* encoding dihydroflavonol 4-reductase (DFR), a key enzyme in the anthocyanin biosynthetic pathway. The *dfr* gene is under control of its own promoter and terminator.

(b) Cassette 2

The promoter from a snapdragon gene encoding chalcone synthase, petunia flavonoid 3'5' hydroxylase (F3'5'H) cDNA, a key enzyme in the anthocyanin biosynthetic pathway, the terminator from the petunia gene encoding a phospholipid transfer protein homologue.

Simultaneous expression of both *dfr* and *f3'5'h* genes in carnation results in a modified flavonoid synthesis in flowers, and subsequent formation of the blue pigment delphinidin.

(c) Cassette 3

The cauliflower mosaic virus 35S promoter, a non-translated region from the cDNA corresponding to the petunia gene encoding chlorophyll a/b binding protein 5, the *SuRB (als)* gene coding for a mutant acetolactate synthase protein (ALS), which confers tolerance to sulfonylurea, derived from *Nicotiana tabacum*, including its terminator.

This gene was used for *in vitro* selection.

2. The consent shall cover progeny derived through vegetative reproduction of the genetically modified carnation (*Dianthus caryophyllus* L., line 123.8.12).

Article 3

Conditions for placing on the market

The product may be put to ornamental use only and cultivation is not allowed. The product may be placed on the market subject to the following conditions:

- (a) the period of validity of the consent shall be 10 years starting from the date on which the consent is issued;
- (b) the unique identifier of the product shall be FLO-4Ø689-6;

⁽¹⁾ OJ L 268, 18.10.2003, p. 1.

⁽²⁾ OJ L 184, 17.7.1999, p. 23.

- (c) without prejudice to Article 25 of Directive 2001/18/EC, the methodology for detecting and identifying the product including experimental data demonstrating the specificity of the methodology as single-laboratory validated by the Community Reference Laboratory is publicly available at <http://gmo-crl.jrc.ec.europa.eu>
- (d) without prejudice to Article 25 of Directive 2001/18/EC, the consent holder shall, whenever requested to do so, make positive and negative control samples of the product, or its genetic material, or reference materials available to the competent authorities and inspection services of Member States as well as to Community control laboratories;
- (e) the words 'This product is a genetically modified organism' or 'This product is a genetically modified carnation' and the words 'not for human or animal consumption nor for cultivation' shall appear either on a label or in a document accompanying the product.

Article 4

Monitoring

1. Throughout the period of validity of the consent, the consent holder shall ensure that the monitoring plan, contained in the notification and consisting of a general surveillance plan to check for any adverse effects on human and animal health or the environment arising from handling or use of the product referred to in Article 2(1), is put in place and implemented.
2. The consent holder shall directly inform the operators and users concerning the safety and general characteristics of the product and of the conditions as to monitoring, including the appropriate management measures to be taken in case of accidental cultivation.
3. The consent holder shall submit to the Commission and to the competent authorities of the Member States annual reports on the results of all monitoring activities. The first annual report shall be submitted one year after final consent is granted.

4. Without prejudice to Article 20 of Directive 2001/18/EC, the monitoring plan as notified shall be revised by the consent holder, where appropriate and subject to the agreement of the Commission and the competent authority of the Member State which received the original notification, and/or by the competent authority of the Member State which received the original notification, subject to the agreement of the Commission, in the light of the results of the monitoring activities. Proposals for a revised monitoring plan shall be submitted to the competent authorities of the Member States.

5. The consent holder shall be in the position to give evidence to the Commission and the competent authorities of the Member States of the following:

- (a) that the existing monitoring networks, including national botanic survey networks and plant protection services, as specified in the monitoring plan contained in the notification gather the information relevant for the monitoring of the products; and
- (b) that the existing monitoring networks referred to in point (a) have agreed to make available that information to the consent holder before the date of submission of the monitoring reports to the Commission and competent authorities of the Member States in accordance with paragraph 3.

Article 5

Addressee

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 16 March 2009.

For the Commission
Stavros DIMAS
Member of the Commission

EUROPEAN CENTRAL BANK

DECISION OF THE EUROPEAN CENTRAL BANK

of 6 March 2009

concerning derogations that may be granted under Regulation (EC) No 958/2007 concerning statistics on the assets and liabilities of investment funds (ECB/2007/8)

(ECB/2009/4)

(2009/245/EC)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,
Having regard to Regulation (EC) No 958/2007 of the European Central Bank of 27 July 2007 concerning statistics on the assets and liabilities of investment funds (ECB/2007/8) ⁽¹⁾, and in particular Article 3(2) thereof,

Whereas Article 3(2) of Regulation (EC) No 958/2007 (ECB/2007/8) provides that derogations from statistical reporting requirements may be granted to investment funds (IFs) that are subject to national accounting rules which allow the valuation of their assets less frequently than quarterly. It further provides that the IF categories to which the national central banks (NCBs) have the discretion to grant derogations are to be decided by the Governing Council,

HAS ADOPTED THIS DECISION:

Article 1

Derogations

The IF categories to which the NCBs have the discretion to grant derogations pursuant to Article 3(2) of Regulation (EC)

No 958/2007 (ECB/2007/8) are laid down in the Annex to this Decision. The Governing Council shall review these categories at least every three years.

Article 2

Final provision

This Decision is addressed to the NCBs of the Member States that have adopted the euro.

Done at Frankfurt am Main, 6 March 2009.

The President of the ECB
Jean-Claude TRICHET

⁽¹⁾ OJ L 211, 11.8.2007, p. 8.

ANNEX

Investment fund categories for which derogations may be granted under Article 3(2) of Regulation (EC) No 958/2007 (ECB/2007/8)

Member State	Name of IF category	Legal act relating to the category				Legal act determining the frequency of valuation				Frequency of valuation under national legislation
		Title of legal act	Number/date of legal act	Relevant provisions	Title of legal act	Number/date of legal act	Relevant provisions	Title of legal act	Relevant provisions	
Greece	Εταιρίες επενδύσεων σε ακίνητη περιουσία (Real estate investment companies)	Αμοιβαία Κεφάλαια Ακίνητης Περιουσίας — Εταιρίες Επενδύσεων σε Ακίνητη Περιουσία και άλλες διατάξεις (Law on real estate mutual funds — real estate investment companies and other legal provisions)	No 2778 of 30 December 1999	Article 21	Αμοιβαία Κεφάλαια Ακίνητης Περιουσίας — Εταιρίες Επενδύσεων σε Ακίνητη Περιουσία και άλλες διατάξεις (Law on real estate mutual funds — real estate investment companies and other legal provisions)	No 2778 of 30 December 1999	Articles 22(7) and 27(3) and (4)			Annual
France	Fonds commun de placement à risque (Venture capital mutual funds)	Code monétaire et financier (Monetary and Financial Code)		Chapter IV, Section 1, sub-section 10, L 214-36 to L 214-38	Règlement général de l'Autorité des marchés financiers (General regulation of the Financial Markets Authority)		Book IV, Article 141-13			Biannual
France	Sociétés civiles de placement immobilier (Real estate investment companies)	Code monétaire et financier		Chapter IV, Section 3 L 214-50 to L 214-84	Règlement général de l'Autorité des marchés financiers		Book IV, Article 422-44			Annual
France	Organismes de placement collectif immobilier (Real estate collective investment undertakings)	Code monétaire et financier		Chapter IV, Section 5, L 214-89 to L 214-146	Règlement général de l'Autorité des marchés financiers		Book IV, Article 424-66			Biannual

Member State	Name of IF category	Legal act relating to the category			Legal act determining the frequency of valuation			Frequency of valuation under national legislation
		Title of legal act	Number/date of legal act	Relevant provisions	Title of legal act	Number/date of legal act	Relevant provisions	
Italy	Fondi chiusi (Closed funds)	Decreto legislativo — Testo unico delle disposizioni in materia di intermediazione finanziaria (Legislative decree — all provisions in the field of financial intermediation)	No 58 of 24 February 1998	Part I, Article 1 Part II, Article 37	Provvedimento della Banca d'Italia — Regolamento sulla gestione collettiva del risparmio (Act of the Banca d'Italia — Regulation on the collective management of savings)	14 April 2005	Title V, Chapter I, Section II, paragraph 4.6	Biannual
		Decreto ministeriale — Regolamento attuativo dell'articolo 37 del decreto legislativo del 24 febbraio 1998, n. 58 (Ministerial decree — Regulation implementing Article 37 of Legislative decree No 58 of 24 February 1998)	No 228 of 24 May 1999	Chapter II, Article 12				
Portugal	Fundos de capital de risco (Risk capital funds)	Decreto-Lei (Decree Law)	No 375/2007 of 8 November 2007	Article 18	Regulamento da Comissão do Mercado de Valores Mobiliários (Securities Market Commission Regulation)	No 1/2008 of 14 February 2008	Articles 4 and 11	Biannual