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⁽¹⁾ Text with EEA relevance

I

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

REGULATIONS

COUNCIL REGULATION (EC) No 472/2009

of 25 May 2009

amending Regulation (EC) No 637/2008 as regards the national restructuring programmes for the cotton sector

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular the third subparagraph of Article 37(2) thereof,

Having regard to the Act of Accession of 1979, and in particular paragraph 6 of Protocol No 4 on cotton⁽¹⁾ annexed thereto,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas:

(1) Chapter 2 of Council Regulation (EC) No 637/2008 of 23 June 2008 amending Regulation (EC) No 1782/2003 and establishing national restructuring programmes for the cotton sector⁽²⁾ contains provisions on four-year restructuring programmes to be decided at Member State level to finance, inter alia, specific measures to assist the ginning industry.

(2) As a result of recent developments in the economic situation of the cotton sector in the Community, and the consequential need to carry out substantial restructuring operations immediately, and to include all ginning companies concerned, the introduction of an eight-year restructuring programming period is justified. Where a Member State introduces such an eight-year restructuring programme, the transfer to the national ceiling as determined in Annex VIII to Council Regulation (EC) No 73/2009 of 19 January 2009 establishing common

rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers⁽³⁾ should follow immediately.

(3) Article 7(2)(a) of Regulation (EC) No 637/2008 provides that the beneficiaries of the aid under Chapter IV of Council Regulation (EC) No 1051/2001 of 22 May 2001 on production aid for cotton⁽⁴⁾ in the marketing year 2005/2006 are the beneficiaries of the measures referred to in Article 7(1)(a), (b) and (d) of Regulation (EC) No 637/2008. However, since some ginning factories were not operated by their owners in that reference marketing year and those owners were not beneficiaries under Chapter IV of Regulation (EC) No 1051/2001, those ginning factories were excluded from participating in the restructuring process. For the national restructuring programmes to be effective all ginning factories that were active in the reference marketing year 2005/2006 and eligible for support under Chapter IV of Regulation (EC) No 1051/2001 should be covered by the measures under Article 7(1)(a), (b) and (d) of Regulation (EC) No 637/2008. Therefore, it is appropriate that as regards that marketing year, the owner of the factory should qualify as the beneficiary under the restructuring programme concerned.

(4) Regulation (EC) No 637/2008 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 637/2008 is hereby amended as follows:

1. in Article 4(1) the following subparagraph shall be inserted after the first subparagraph:

⁽¹⁾ OJ L 291, 19.11.1979, p. 174.

⁽²⁾ OJ L 178, 5.7.2008, p. 1.

⁽³⁾ OJ L 30, 31.1.2009, p. 16.

⁽⁴⁾ OJ L 148, 1.6.2001, p. 3.

'By way of derogation from the first subparagraph, Member States may opt to submit to the Commission, by 31 December 2009, a single draft modified restructuring programme for a duration of eight years.';

2. in Article 5(2), the following subparagraph shall be added:

'However, if a Member State opts to submit a draft modified restructuring programme for a duration of eight years, as provided for in the second subparagraph of Article 4(1), its annual budget as referred to in paragraph 1 of this Article shall be transferred to its national ceiling as determined in Annex VIII to Regulation (EC) No 73/2009 in the financial year 2018 and shall be applicable to direct payments paid in that year. The Member State concerned shall submit a communication on the implementation of the restructuring programme and the achievement of its objectives before 1 January 2018.';

3. in Article 7(2), point (a) shall be replaced by the following:

'(a) the owners of the ginning facilities in respect of which aid under Chapter IV of Council Regulation (EC) No 1051/2001 (*) was granted in the marketing year 2005/2006, for aid under the measures referred to in paragraph 1(a), (b) and (d) of this Article;

(*) OJ L 148, 1.6.2001, p. 3'.

Article 2

This Regulation shall enter into force on the seventh 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, 25 May 2009.

For the Council
The President
J. ŠEBESTA

COUNCIL REGULATION (EC) No 473/2009**of 25 May 2009****amending Regulation (EC) No 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and Regulation (EC) No 1290/2005 on the financing of the common agricultural policy**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 36 and 37 thereof,

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament ⁽¹⁾,

Whereas:

- (1) The European Council, at its meeting on 11 and 12 December 2008, approved a European Economic Recovery Plan (EERP), which envisages the initiation of priority action to enable Member States' economies to adjust more rapidly to current challenges. The EERP is based on an effort equivalent in total to around 1,5 % of European Union GDP, a figure amounting to around EUR 200 billion.
- (2) Of the above amount, EUR 1 020 million should be made available to all Member States via the European Agricultural Fund for Rural Development (EAFRD) with a view to developing broadband Internet in rural areas and to strengthening the operations related to the priorities laid down in points (a) to (f) of Article 16a(1) of Council Regulation (EC) No 1698/2005 ⁽²⁾ (hereinafter new challenges).
- (3) Several amendments of Regulation (EC) No 1698/2005 are necessary to establish the legal framework to allow Member States to use the amount of EUR 1 020 million, in continuity with the amendments introduced by Council Regulation (EC) No 74/2009 ⁽³⁾ which enables Member States to use amounts resulting from increased compulsory modulation and unused funds generated under Article 136 of Council Regulation (EC) No 73/2009 of 19 January 2009 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers ⁽⁴⁾ on operations related to the new challenges.

- (4) In view of the particular weight in the general budget of the European Communities of the resource referred to in Article 2(1)(c) of Council Decision 2007/436/EC, Euratom of 7 June 2007 on the system of the European Communities' own resources ⁽⁵⁾, it is appropriate to continue to provide, exceptionally, for the Council, acting by qualified majority on a proposal from the Commission, to adopt the necessary decision concerning the amount of Community support for rural development for the period from 1 January 2007 to 31 December 2013, its annual breakdown and the minimum amount to be concentrated in regions eligible under the Convergence Objective.

- (5) Given the additional resources to be made available as Community support for rural development under the EERP, it is necessary for Member States to revise their national strategy plan (NSP). Since all Member States will receive additional funds from 2009, they should all be required to revise their NSP by 15 July 2009.

- (6) The Conclusions of the European Council of 12 December 2008 record the European Council's support for the EERP, in particular, to develop broadband Internet, including in areas that are poorly served. Because rural areas often suffer from insufficient Internet access, support for broadband infrastructures in rural areas should be strengthened with the support of EAFRD. Given the importance of this priority, Member States, in accordance with their needs, should provide in their programmes for operations related to this priority by the end of 2009. A list of types of operations related to broadband infrastructures should be established in order to allow Member States to identify the relevant operations in the context of the legal framework for rural development.

- (7) As the additional funds from the EERP will be made available to all Member States in 2009 and 2010, all Member States should provide in their rural development programmes for types of operations related to the new challenges already as from 2009.

- (8) The obligation to submit revised rural development programmes by 15 July 2009 should, therefore, apply to all Member States.

⁽¹⁾ Opinion of 6.5.2009 (not yet published in the Official Journal).

⁽²⁾ OJ L 277, 21.10.2005, p. 1.

⁽³⁾ OJ L 30, 31.1.2009, p. 100.

⁽⁴⁾ OJ L 30, 31.1.2009, p. 16.

⁽⁵⁾ OJ L 163, 23.6.2007, p. 17.

- (9) Given the additional, specific and binding use of financial resources resulting from the application of compulsory modulation under Regulation (EC) No 73/2009, of the amounts generated under Article 136 of that Regulation and of the amounts to be made available as Community support for rural development under the EERP, the established balance between objectives of support for rural development should not be affected by those financial resources.
- (10) Rural areas often lack broadband infrastructure both small and large scale. The latter may be crucial for serving less accessible rural areas. In order to ensure the most effective use of available resources and to allow a substantive development of the broadband Internet in rural areas, the pertinent operations should be considered eligible without limitation in the size of the related infrastructure. Therefore, the existing limitation in size for infrastructure in basic services for economy and rural population should not apply to the operations related to broadband infrastructures.
- (11) In order to achieve the specific policy objectives of strengthening the operations related to the new challenges and developing broadband Internet infrastructures, it is necessary to provide that the financial resources to be made available as Community support for rural development under the EERP have to be used for certain specific purposes and to combine this obligation with the existing obligation for the amounts resulting from the compulsory modulation and the amounts generated under Article 136 of Regulation (EC) No 73/2009.
- (12) Given the importance of the broadband operations at Community level, the increase of the EAFRD contribution foreseen in Regulation (EC) No 74/2009 should also apply to such types of operations in order to facilitate their implementation.
- (13) In order to help Member States which are particularly affected by the economic crisis and which have difficulties in providing national financial resources to use the available EAFRD funds, higher co-financing rates should be exceptionally allowed in 2009.
- (14) As the measures provided for in the proposed amendments do not prejudice the legitimate expectations of economic operators and should cover 2009, this Regulation should apply from 1 January 2009.
- (15) Regulation (EC) No 1698/2005 should therefore be amended accordingly.
- (16) In order to ensure that the EERP is taken into account for the budget discipline, it is necessary to adapt the provisions concerning the budget ceiling for the expenditure financed by the European Agricultural Guarantee

Fund (EAGF) referred to in Article 12 of Council Regulation (EC) No 1290/2005 ⁽¹⁾ by taking also into account the sums fixed under Heading 2 for the rural development under the recovery package in accordance with Council Decision 2009/434/EC of 25 May 2009 amending Decision 2006/493/EC laying down the amount of Community support for rural development for the period from 1 January 2007 to 31 December 2013, its annual breakdown and the minimum amount to be concentrated in regions eligible under the Convergence Objective ⁽²⁾ and the amount for projects in the field of energy which could be decided in accordance with the procedure set out in the Declaration of the European Parliament, the Council and the Commission on the financing of projects in the field of energy and broadband Internet as well as the CAP Health Check in the framework of the European Economic Recovery Plan ⁽³⁾. Regulation (EC) No 1290/2005 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1698/2005 is hereby amended as follows:

1. Article 12a is replaced by the following:

'Article 12a

Revision

1. Member States shall revise, in accordance with the procedure referred to in Article 12(1), their national strategy plans following the review of the Community strategic guidelines as referred to in Article 10.

2. The revised national strategy plan referred to in paragraph 1 shall be sent to the Commission no later than 15 July 2009.;

2. Article 16a is replaced by the following:

'Article 16a

Specific operations related to certain priorities

1. By 31 December 2009, Member States shall provide in their rural development programmes, in accordance with their specific needs, for types of operations having the following priorities as described in the Community strategic guidelines and specified further in the national strategy plans:

- (a) climate change;

⁽¹⁾ OJ L 209, 11.8.2005, p. 1.

⁽²⁾ See page 25 of this Official Journal.

⁽³⁾ OJ C 108, 12.5.2009, p. 1.

- (b) renewable energies;
- (c) water management;
- (d) biodiversity;
- (e) measures accompanying restructuring of the dairy sector;
- (f) innovation linked to the priorities mentioned in points (a) to (d);
- (g) broadband Internet infrastructure in rural areas.

The types of operations to be linked to the priorities referred to in points (a) to (f) of the first subparagraph shall be aimed at achieving effects such as the potential effects specified in Annex II. An indicative list of such types of operations and their potential effects is set out in Annex II. A list of types of operations linked to the priority referred to in point (g) of the first subparagraph is set out in Annex III.

The revised rural development programmes related to the operations referred to in this paragraph shall be submitted to the Commission no later than 15 July 2009.

2. From 1 January 2009, for types of operations referred to in points (a) to (f) of paragraph 1, the aid intensity rates fixed in Annex I may be increased by 10 percentage points.

3. By 31 December 2009, each rural development programme shall also include:

- (a) the list of types of operations and the information referred to in Article 16(c) on the specific types of operations referred to in paragraph 1 of this Article;
- (b) a table setting out, for the period from 1 January 2009 to 31 December 2013, by measure the Community contribution for types of operations referred to in points (a) to (f) of paragraph 1 and by measure the Community contribution for types of operations referred to in paragraph 1(g).;

3. in Article 17, paragraph 3 is replaced by the following:

‘3. The amounts equal to those resulting from the application of the compulsory modulation under Article 69(5a) together with, as from 2011, the amounts generated under Article 136 of Council Regulation (EC) No 73/2009 of 19 January 2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers (*) and the amount referred to in Article 69(2a) of this Regulation shall not be taken into account in the EAFRD total contribution from which the minimum Community

financial contribution per axis is calculated as provided for in paragraphs 1 and 2 of this Article.

(*) OJ L 30, 31.1.2009, p. 16.’;

4. in Article 56 the following sentence is added:

‘The limitation in size for infrastructure shall not apply to the operations referred to in point (g) of Article 16a(1).’;

5. Article 69 is hereby amended as follows:

(a) the following paragraph is inserted:

‘2a. The part of the amount referred to in paragraph 1 resulting from the increase of the global commitments as laid down by Council Decision 2006/493/EC of 19 June 2006 laying down the amount of Community support for rural development for the period from 1 January 2007 to 31 December 2013, its annual breakdown and the minimum amount to be concentrated in regions eligible under the Convergence Objective (*) as amended by Council Decision 2009/434/EC (**) shall be devoted to types of operations related to priorities laid down in Article 16a(1) of this Regulation.

(*) OJ L 195, 15.7.2006, p. 22.

(**) OJ L 144, 9.6.2009, p. 25.’;

(b) paragraphs 5a and 5b are replaced by the following:

‘5a. An amount equal to the amounts resulting from the application of the compulsory modulation under Article 9(4) and Article 10(3) of Regulation (EC) No 73/2009 together with, as from 2011, the amounts generated under Article 136 of that Regulation shall be exclusively spent by Member States in the period from 1 January 2010 to 31 December 2015 as Community support under the current rural development programmes for operations of the types referred to in points (a) to (f) of Article 16a(1) of this Regulation.

For new Member States, as defined in Article 2(g) of Regulation (EC) No 73/2009, the period referred to in the first subparagraph of this Article shall be from 1 January 2013 to 31 December 2015.

The first two subparagraphs shall not apply to Bulgaria and Romania.

The Member States' share of the amount referred to in paragraph 2a shall be exclusively spent by Member States in the period from 1 January 2009 to 31 December 2015 as Community support under the current rural development programmes for operations of the types referred to in Article 16a(1).

5b. If, at the closure of the programme, the actual amount of Community contribution spent on the operations referred to in Article 16a(1) is lower than the total of the amounts referred to in paragraph 5a of this Article, the difference shall be reimbursed by the Member State to the general budget of the European Communities up to the amount by which the total allocations available for operations other than those referred to in Article 16a(1) have been exceeded.

In addition, if, at the closure of the programme, the actual amount of Community contribution spent on the operations referred to in points (a) to (f) of Article 16a(1) is lower than the amount referred to in the first subparagraph of paragraph 5a of this Article, the difference shall be reimbursed by the Member State to the general budget of the European Communities up to the amount by which the amount of Community contribution spent on the operations referred to in point (g) of Article 16a(1) has exceeded the allocations available under the fourth subparagraph of paragraph 5a of this Article. However, if the actual amount of Community contribution spent on the operations other than those referred to in Article 16a(1) is lower than the allocations available for those types of operations, the amount to be reimbursed shall be reduced of that difference.;

6. Article 70 is hereby amended as follows:

- (a) in paragraph 4 the second subparagraph is replaced by the following:

'Notwithstanding the ceilings set out in paragraph 3, the EAFRD contribution may be increased to 90 % for convergence and to 75 % for non-convergence regions for the operations of the types referred to in Article 16a(1), up to the amount resulting from the application of the compulsory modulation under Article 9(4) and Article 10(3) of Regulation (EC) No 73/2009, the amount referred to in Article 69(2a) of this Regulation and, as from 2011, the amounts generated under Article 136 of Regulation (EC) No 73/2009.;

- (b) the following paragraph is inserted:

'4b. By way of derogation from the ceilings set out in paragraphs 3 and 4, the EAFRD contribution rate may be increased by a maximum of 10 additional percentage points for expenditure to be paid by Member States within the year 2009. The ceilings set out in paragraphs 3 and 4 shall, however, be respected for the total public expenditure made during the programming period.;

7. in Annex II the title is replaced by the following:

'Indicative list with types of operations and potential effects related to priorities referred to in points (a) to (f) of Article 16a(1).';

8. An Annex, the text of which is set out in the Annex to this Regulation, is added.

Article 2

Regulation (EC) No 1290/2005 is hereby amended as follows:

In Article 12, paragraph 1 is replaced by the following:

'1. The annual ceiling for EAGF expenditure shall be constituted by the maximum amounts set for it under the multiannual financial framework provided for in the Interinstitutional Agreement, less the amounts referred to in paragraph 2, and:

- (a) less the amount added for Rural Development Support by Council Decision 2009/434/EC of 25 May 2009 amending Decision 2006/493/EC laying down the amount of Community support for rural development for the period from 1 January 2007 to 31 December 2013, its annual breakdown and the minimum amount to be concentrated in regions eligible under the Convergence Objective (*) that is not covered by the margin under Heading 2 of the financial framework of the Interinstitutional Agreement existing outside the sub-ceiling for EAGF expenditure;
- (b) less any possible reduction of the ceiling of Heading 2 in relation to the financing of projects in the field of energy, which could be decided in accordance with the procedure set out in the Declaration of the European Parliament, the Council and the Commission on the financing of projects in the field of energy and broadband Internet as well as the CAP Health Check in the framework of the European Economic Recovery Plan (**).

(*) OJ L 144, 9.6.2009, p. 25.

(**) OJ C 108, 12.5.2009, p. 1.'

Article 3

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

It shall apply from 1 January 2009.

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

Done at Brussels, 25 May 2009.

For the Council

The President

J. ŠEBESTA

ANNEX

'ANNEX III

List with types of operations related to the priority referred to in point (g) of Article 16a(1)

Priority: Broadband infrastructure in rural areas	
Types of operations	Articles and measures
Creation of and enabling access to broadband infrastructure including backhaul facilities and ground equipment (e.g. fixed, terrestrial wireless, satellite-based or combination of technologies)	Article 56: basic services for the economy and rural population
Upgrade of existing broadband infrastructure	Article 56: basic services for the economy and rural population
Laying down passive broadband infrastructure (e.g. civil engineering works such as ducts, and other network elements such as dark fibre, etc.) also in synergy with other infrastructures (energy, transport, water, sewerage networks, etc.).	Article 56: basic services for the economy and rural population'

COMMISSION REGULATION (EC) No 474/2009**of 8 June 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 9 June 2009.

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

Done at Brussels, 8 June 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	MA	32,7
	MK	43,9
	TR	57,4
	ZZ	44,7
0707 00 05	JO	162,3
	MK	24,8
	TR	103,6
	ZZ	96,9
0709 90 70	TR	114,5
	ZZ	114,5
0805 50 10	AR	61,9
	TR	60,0
	ZA	62,7
	ZZ	61,5
0808 10 80	AR	103,0
	BR	81,3
	CA	69,7
	CL	72,2
	CN	92,2
	NA	101,9
	NZ	98,4
	US	121,5
	ZA	73,8
	ZZ	90,4
0809 10 00	TN	169,2
	TR	199,3
	ZZ	184,3
0809 20 95	TR	177,9
	US	453,6
	ZZ	315,8

⁽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 475/2009**of 5 June 2009****concerning the classification of certain goods in the Combined Nomenclature**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific Community provisions, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column 1 of the table set out in the Annex should be classified under the CN code indicated in column 2, by virtue of the reasons set out in column 3 of that table.

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

Article 3

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

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

Done at Brussels, 5 June 2009.

For the Commission

László KOVÁCS

Member of the Commission

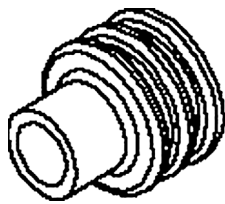
⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ OJ L 302, 19.10.1992, p. 1.

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
<p>An article made of plastics (a so-called ‘cable seal’) (*) with overall dimensions of approximately 1 cm (diameter) × 0,8 cm (length).</p> <p>The article has a central hole and is fitted with ribs on the outer surface.</p> <p>It is designed for use with electrical connectors in motor vehicles to protect the electrical connection from dust, moisture, oil and other elements ordinarily found in the environment of a car.</p>	3926 90 97	<p>Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 3926, 3926 90 and 3926 90 97.</p> <p>The article is not considered to be a part of an electrical apparatus within the meaning of Note 2(b) to Section XVI as its presence is not necessary for the connector to function but only improves its functionality. Classification under heading 8538 as a part suitable for use solely or principally with the apparatus of heading 8536 is therefore excluded.</p> <p>The product is not considered to be an insulating fitting for electrical appliances of heading 8547 as it is not specifically designed for insulating purposes but for protecting the electrical connections.</p> <p>The article is therefore to be classified under CN code 3926 90 97, as other articles of plastics.</p>

(*) The image is purely for information.



COMMISSION REGULATION (EC) No 476/2009**of 5 June 2009****concerning the classification of certain goods in the Combined Nomenclature**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific Community provisions, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column 1 of the table set out in the Annex should be classified under the CN code indicated in column 2, by virtue of the reasons set out in column 3 of that table.

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

Article 3

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

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

Done at Brussels, 5 June 2009.

For the Commission

László KOVÁCS

Member of the Commission

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ OJ L 302, 19.10.1992, p. 1.

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
<p>A system consisting of the following components:</p> <ul style="list-style-type: none"> — a high resolution television camera mounted onto a submersible vehicle (a so-called 'Remote Operated Vehicle (ROV)'), — a control device, incorporating a display, for the remote control of the vehicle and of the camera, for example by means of a joystick, and the visualisation of the images captured by the camera, — an electric cable. <p>The first component weighs approximately 3,6 kg. The total weight of the system is approximately 32 kg.</p> <p>The system is used for underwater operations involving the capture of images and their transfer by cable to the display on the control device. It is operational up to a depth of approximately 90 m.</p>	8525 80 19	<p>Classification is determined by General Rules 1, 3(b) and 6 for the interpretation of the Combined Nomenclature, Note 4 to Section XVI and by the wording of CN codes 8525, 8525 80 and 8525 80 19.</p> <p>The essential character of the component, consisting of a television camera (of CN code 8525 80 19) mounted onto a submersible vehicle, is provided by the camera and not by the vehicle, which merely transports the camera over a limited distance.</p> <p>Consequently, this component is to be classified, if presented separately, under CN code 8525 80 19.</p> <p>As the individual components are interconnected and the system consists of individual components intended to contribute together to a clearly defined function, covered by one of the headings in Chapter 84 or 85, Note 4 to Section XVI is applicable.</p> <p>The function of the system is to capture images without storing them. Therefore, the whole system is to be classified under CN code 8525 80 19 as a television camera.</p>

COMMISSION REGULATION (EC) No 477/2009**of 5 June 2009****concerning the classification of certain goods in the Combined Nomenclature**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific Community provisions, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column 1 of the table set out in the Annex should be classified under the CN code indicated in column 2, by virtue of the reasons set out in column 3 of that table.

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

Article 3

This Regulation shall enter into force on the twentieth 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, 5 June 2009.

For the Commission

László KOVÁCS

Member of the Commission

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ OJ L 302, 19.10.1992, p. 1.

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
<p>1. A product consisting of a rectangular plate of semi-tempered glass upon which several anti-reflective and absorbent layers of plastic are bonded.</p> <p>The product is not framed.</p> <p>It is used in the manufacture of plasma monitors.</p>	9001 90 00	<p>Classification is determined by General Rules 1, 3(b) and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 9001 and 9001 90 00.</p> <p>The layers of plastic give the product the characteristics of an optical element. Classification under heading 7007 as safety glass, consisting of toughened (tempered) or laminated glass, is excluded.</p> <p>Unmounted optical elements of plastics are covered by heading 9001, whether or not optically worked (see also the HS Explanatory Notes to heading 9001, (D)).</p> <p>The product is therefore to be classified under CN code 9001 90 00 as other optical elements.</p>
<p>2. A product consisting of a rectangular plate made of semi-tempered glass upon which several anti-reflective and absorbent layers of plastic are bonded.</p> <p>The product is framed with a metal band.</p> <p>It is used in the manufacture of plasma monitors.</p>	9002 20 00	<p>Classification is determined by General Rules 1, 3(b) and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 9002 and 9002 20 00.</p> <p>The layers of plastic give the product the characteristics of an optical element/optical filter. Classification under heading 7007 as safety glass, consisting of toughened (tempered) or laminated glass, is therefore excluded.</p> <p>Mounted optical elements of plastics are covered by heading 9002, whether or not optically worked (see also the HS Explanatory Notes to heading 9001, (D) and 9002).</p> <p>The product is therefore to be classified under CN code 9002 20 00 as an optical filter.</p>

COMMISSION REGULATION (EC) No 478/2009**of 8 June 2009****amending Annexes I and III to Council Regulation (EEC) No 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin, as regards monepantel****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2377/90 of 26 June 1990 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin⁽¹⁾, and in particular Article 2 and the third paragraph of Article 4 thereof,

Having regard to the opinion of the European Medicines Agency formulated by the Committee for Medicinal Products for Veterinary Use,

Whereas:

(1) All pharmacologically active substances used in the Community in veterinary medicinal products intended for food-producing animals should be evaluated in accordance with Regulation (EEC) No 2377/90.

(2) An application for establishing maximum residue limits for monepantel, an agent acting against endoparasites, has been submitted to the European Medicines Agency. On the basis of the recommendation of the Committee for Medicinal Products for Veterinary Use, this substance should be added to Annex I to Regulation (EEC) No 2377/90 for ovine species, applicable to muscle, fat, liver and kidney, excluding animals producing milk for human consumption.

(3) The same substance should be added in Annex III to Regulation (EEC) No 2377/90 for caprine species, applicable to muscle, fat, liver and kidney, excluding animals producing milk for human consumption. The provisional maximum residue limits set out in this Annex for this substance should expire on 1 January 2011.

(4) For reasons of clarity, it is appropriate to add a new subdivision entitled 'Others' to Annexes I and III, as monepantel is a new class of compound which does not fit into the existing subdivisions. Within the sub-category of 'Agents acting against endoparasites' the existing subdivisions are based on the chemistry of the compounds and a number of these chemical subdivisions include only single substances. It is preferable to create an 'Others' subdivision rather than to go on creating new chemical subdivisions for each new substance class as that would lead to an expanding number of subdivisions containing single substances. For monepantel it is not clear which part of the molecule is key for the pharmacological effect and consequently it is not clear what the appropriate name for a new chemical subdivision for monepantel would be.

(5) Regulation (EEC) No 2377/90 should therefore be amended accordingly.

(6) An adequate period should be allowed before the amendments contained in this Regulation become applicable, in order to enable Member States to make any adjustment which may be necessary in the light of this Regulation with respect to the authorisations to place the veterinary medicinal products concerned on the market which have been granted in accordance with Directive 2001/82/EC of the European Parliament and of the Council of 6 November 2001 on the Community Code relating to veterinary medicinal products⁽²⁾ to take account of the provisions of this Regulation.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Veterinary Medicinal Products,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and III to Regulation (EEC) No 2377/90 are amended as set out in the Annex to this Regulation.

⁽¹⁾ OJ L 224, 18.8.1990, p. 1.

⁽²⁾ OJ L 311, 28.11.2001, p. 1.

Article 2

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

It shall apply from 8 August 2009.

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

Done at Brussels, 8 June 2009.

For the Commission
Günter VERHEUGEN
Vice-President of the Commission

ANNEX

(1) A new point 2.1.8 'Others' which includes the new substance 'Monepantel' is added to Annex I (List of pharmacologically active substances for which maximum residue limits have been fixed), as follows:

2. Antiparasitic agents

2.1. Agents acting against endoparasites

'2.1.8. Others

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
Monepantel	Monepantel-sulfone	Ovine	700 µg/kg	Muscle	Not for use in animals producing milk for human consumption'
			7 000 µg/kg	Fat	
			5 000 µg/kg	Liver	
			2 000 µg/kg	Kidney	

(2) A new point 2.1.8 'Others' which includes the new substance 'Monepantel' is added to Annex III (List of pharmacologically active substances used in veterinary medicinal products for which provisional maximum residue limits have been fixed), as follows:

2. Antiparasitic agents

2.1. Agents acting against endoparasites

'2.1.8. Others

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
Monepantel	Monepantel-sulfone	Caprine	700 µg/kg	Muscle	Not for use in animals producing milk for human consumption Provisional maximum residue limit expires on 1 January 2011'
			7 000 µg/kg	Fat	
			5 000 µg/kg	Liver	
			2 000 µg/kg	Kidney	

II

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

DECISIONS

COUNCIL

COUNCIL DECISION

of 4 November 2008

on the signing, on behalf of the Community and its Member States, of the Protocol amending the Agreement on maritime transport between the European Community and its Member States, of the one part, and the Government of the People's Republic of China, of the other part

(2009/432/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 80(2) in conjunction with the first sentence of the first subparagraph of Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the 2005 Act of Accession, and in particular Article 6(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The Agreement on Maritime Transport between the European Community and its Member States, of the one part, and the Government of the People's Republic of China, of the other part, hereinafter referred to as the 'Agreement', was signed in Brussels on 6 December 2002 and entered into force on 1 March 2008 ⁽¹⁾.
- (2) The Commission was authorised by the Council on 23 October 2006 to negotiate a Protocol with China amending the Agreement in order to take account of the accession of the Republic of Bulgaria and Romania to the European Union.
- (3) The Protocol was initialled by both sides on 28 February 2008.

- (4) The Protocol should therefore be signed, subject to its conclusion after completion of the necessary constitutional and institutional procedures,

HAS DECIDED AS FOLLOWS:

Article 1

The signing of the Protocol amending the Agreement on maritime transport between the European Community and its Member States, of the one part, and the Government of the People's Republic of China, of the other part, is hereby approved on behalf of the European Community and its Member States, subject to the Council Decision concerning the conclusion of the said Protocol.

The text of the Protocol is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person or persons empowered to sign the Protocol, on behalf of the European Community and its Member States, subject to its conclusion.

Done at Brussels, 4 November 2008.

For the Council
The President
C. LAGARDE

⁽¹⁾ OJ L 46, 21.2.2008, p. 25.

PROTOCOL

amending the Agreement on maritime transport between the European Community and its Member States, of the one part, and the Government of the People's Republic of China, of the other part

THE KINGDOM OF BELGIUM,

THE REPUBLIC OF BULGARIA,

THE CZECH REPUBLIC,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE REPUBLIC OF ESTONIA,

IRELAND,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

THE ITALIAN REPUBLIC,

THE REPUBLIC OF CYPRUS,

THE REPUBLIC OF LATVIA,

THE REPUBLIC OF LITHUANIA,

THE GRAND DUCHY OF LUXEMBOURG,

THE REPUBLIC OF HUNGARY,

MALTA,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE REPUBLIC OF POLAND,

THE PORTUGUESE REPUBLIC,

ROMANIA,

THE REPUBLIC OF SLOVENIA,

THE SLOVAK REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

hereinafter referred to as the 'Member States', represented by the Council of the European Union, and

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community', represented by the Council of the European Union,

of the one part, and

THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA,

of the other part,

HAVING REGARD TO the accession of the Republic of Bulgaria and Romania to the European Union and thereby to the Community on 1 January 2007,

HAVE AGREED AS FOLLOWS:

Article 1

The Republic of Bulgaria and Romania shall be Parties to the Agreement on Maritime Transport between the European Community and its Member States, of the one part, and the Government of the People's Republic of China, of the other part, signed in Brussels on 6 December 2002 and entered into force on 1 March 2008 (hereinafter called 'the Agreement').

Article 2

The texts of the Agreement in the Bulgarian and Romanian languages, which are attached to this Protocol, shall become authentic under the same conditions as the other language versions drawn up in accordance with Article 14 of the Agreement.

Article 3

The Contracting Parties shall notify each other on the accomplishment of the internal legal procedures for the entry into force of this Protocol. This Protocol shall enter into force on the date of receipt of the last written notification.

Article 4

This Protocol is drawn up at Brussels, on the thirty-first day of March in the year two thousand and nine, in duplicate, in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish and Chinese languages, each of these texts being equally authentic.

За държавите-членки
 Por los Estados miembros
 Za členské státy
 For medlemsstaterne
 Für die Mitgliedstaaten
 Liikmesriikide nimel
 Για τα κράτη μέλη
 For the Member States
 Pour les États membres
 Per gli Stati membri
 Dalībvalstu vārdā
 Valstybių narių vardu
 A tagállamok részéről
 Għall-Istati Membri
 Voor de lidstaten
 W imieniu państw członkowskich
 Pelos Estados-Membros
 Pentru statele membre
 Za členské štáty
 Za države članice
 Jäsenvaltioiden puolesta
 På medlemsstaternas vägnar
 欧共体成员国代表

За Европейската общност
 Por la Comunidad Europea
 Za Evropské společenství
 For Det Europæiske Fællesskab
 Für die Europäische Gemeinschaft
 Euroopa Ühenduse nimel
 Για την Ευρωπαϊκή Κοινότητα
 For the European Community
 Pour la Communauté européenne
 Per la Comunità europea
 Eiropas Kopienas vārdā
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 Az Európai Közösség részéről
 Għall-Komunità Ewropea
 Voor de Europese Gemeenschap
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 Za Európske spoločenstvo
 Za Evropsko skupnost
 Euroopan yhteisön puolesta
 På Europeiska gemenskapens vägnar
 欧洲共同体代表

За правителството на Китайската народна република
 Por el Gobierno de la República Popular China
 Za vládu Čínské lidové republiky
 For Folkerepublikken Kinas regering
 Im Namen der Regierung der Volksrepublik China
 Hiina Rahvavabariigi valitsuse nimel
 Για την κυβέρνηση της Λαϊκής Δημοκρατίας της Κίνας
 For the Government of the People's Republic of China
 Pour la gouvernement de la République populaire de Chine
 Per il Governo della Repubblica popolare cinese
 Kinas Tautas Republikas vārdā
 Kinijos Liaudies Respublikos Vyriausybės vardu
 A Kínas Népköztársaság kormányának részéről
 Għall-Gvern tar-Repubblika Popolari tač-Ċina
 Voor de regering van de Volksrepubliek China
 W imieniu rządu Chińskiej Republiki Ludowej
 Pelo Governo da República Popular da China
 Pentru Guvernul Republicii Populare Chineze
 Za vládu Čínskej ľudovej republiky
 Za Vlado Ljudske republike Kitajske
 Kiinan kansantasavallan hallituksen puolesta
 På Folkrepubliken Kinas regerings vägnar
 中华人民共和国政府代表

COUNCIL DECISION

of 5 May 2009

on the accession of the European Community to United Nations Economic Commission for Europe Regulation No 61 on uniform provisions for the approval of commercial vehicles with regard to their external projections forward of the cab's rear panel

(2009/433/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 97/836/EC of 27 November 1997 with a view to accession by the European Community to the Agreement of the United Nations Economic Commission for Europe concerning the adoption of uniform technical prescriptions for wheeled vehicles, equipment and parts which can be fitted to and/or be used on wheeled vehicles and the conditions for reciprocal recognition of approvals granted on the basis of these prescriptions (Revised 1958 Agreement) ⁽¹⁾, and in particular Articles 3(3) and the second indent of Article 4(2) thereof,

Having regard to the proposal from the Commission,

Having regard to the assent of the European Parliament,

Whereas:

- (1) The standard requirements of United Nations Economic Commission for Europe Regulation No 61 on uniform provisions for the approval of commercial vehicles with regard to their external projections forward of the cab's rear panel (Regulation No 61) are intended to remove technical barriers to the trade in motor vehicles between the Contracting Parties and ensure that such vehicles offer a high level of safety and protection.
- (2) Regulation No 61 has been notified to the Contracting Parties and has entered into force in respect of all the Contracting Parties who did not serve notice of their disagreement by the date or dates specified therein as a Regulation appended to the Revised 1958 Agreement.

- (3) Regulation No 61 should be incorporated into the approval system for motor vehicles and thus be added to the legislation in force within the Community,

HAS DECIDED AS FOLLOWS:

Article 1

1. The European Community shall accede to United Nations Economic Commission for Europe Regulation No 61 on uniform provisions for the approval of commercial vehicles with regard to their external projections forward of the cab's rear panel.

2. The text of the Regulation is attached to this Decision ⁽²⁾.

Article 2

In accordance with the provisions of Articles 35 and 36 of Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles ⁽³⁾, the equivalence of the requirements of United Nations Economic Commission for Europe Regulation No 61 and those of Council Directive 92/114/EEC of 17 December 1992 relating to the external projections forward of the cab's rear panel of motor vehicles of category N ⁽⁴⁾, shall be recognised.

Done at Brussels, 5 May 2009.

For the Council
The President
M. KALOUSEK

⁽¹⁾ OJ L 346, 17.12.1997, p. 78.

⁽²⁾ This Regulation shall be published in a future Official Journal.

⁽³⁾ OJ L 263, 9.10.2007, p. 1.

⁽⁴⁾ OJ L 409, 31.12.1992, p. 17.

COUNCIL DECISION

of 25 May 2009

amending Decision 2006/493/EC laying down the amount of Community support for rural development for the period from 1 January 2007 to 31 December 2013, its annual breakdown and the minimum amount to be concentrated in regions eligible under the Convergence Objective

(2009/434/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) ⁽¹⁾, and in particular Article 69(1) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Council Decision 2006/493/EC ⁽²⁾ lays down the amount of Community support for rural development for the period from 1 January 2007 to 31 December 2013, its annual breakdown and the minimum amount to be concentrated in regions eligible under the Convergence Objective.
- (2) The European Council, at its meeting on 11 and 12 December 2008, approved a European Economic Recovery Plan (EERP) which envisages the initiation of priority action to enable the Member States' economies to adjust more rapidly to current challenges.
- (3) The EERP is based on an effort equivalent in total to around 1,5 % of European Union GDP, a figure of around EUR 200 billion. Of that amount, EUR 1 020 million should be made available to all Member States via the European Agricultural Fund for Rural Development with a view to developing broadband Internet in

rural areas, and to strengthening the operations related to the priorities laid down in points (a) to (f) of Article 16a(1) of Regulation (EC) No 1698/2005. According to the Declaration of the European Parliament, the Council and the Commission on the financing of projects in the field of energy and broadband Internet as well as the CAP Health Check in the framework of the European Economic Recovery Plan ⁽³⁾, EUR 600 million should be available in 2009 while EUR 420 million should be secured through a compensation mechanism at the conciliation of the 2010 Community budgetary procedure and should be available in 2010.

- (4) Decision 2006/493/EC should therefore be amended accordingly,

HAS DECIDED AS FOLLOWS:

Article 1

The Annex to Decision 2006/493/EC is replaced by the text appearing in the Annex to this Decision.

Article 2

This Decision shall apply as from 1 January 2009.

Done at Brussels, 25 May 2009.

For the Council
The President
J. ŠEBESTA

⁽¹⁾ OJ L 277, 21.10.2005, p. 1.

⁽²⁾ OJ L 195, 15.7.2006, p. 22.

⁽³⁾ OJ C 108, 12.5.2009, p. 1.

ANNEX

ANNEX

Total amount of commitment appropriations for 2007–2013 (constant 2004 prices), annual breakdown and minimum amount to be concentrated in regions eligible under the Convergence Objective (*)

2004 prices in EUR (**)	2007	2008	2009	2010	2011	2012	2013	Total
Total amount for EU-25, plus Bulgaria and Romania	9 325 497 783	10 788 767 263	11 058 446 242	10 651 531 634	9 824 886 713	9 588 187 168	9 356 225 581	70 593 542 384
Minimum amount for regions eligible under the Convergence Objective								27 676 975 284

(*) Before modulation and other transfers from market-related expenditure and direct payments of the common agricultural policy to rural development.

(**) Amounts are rounded to the nearest euro.

Total amount of commitment appropriations for 2007–2013 (current prices), annual breakdown and minimum amount to be concentrated in regions eligible under the Convergence Objective (*)

Current prices in EUR (**)	2007	2008	2009	2010	2011	2012	2013	Total
Total amount for EU-25, plus Bulgaria and Romania	9 896 292 851	11 678 108 653	12 209 418 209	11 995 354 634	11 285 706 554	11 234 089 442	11 181 555 662	79 480 526 005
Minimum amount for regions eligible under the Convergence Objective								31 232 644 963

(*) Before modulation and other transfers from market-related expenditure and direct payments of the common agricultural policy to rural development.

(**) Amounts are rounded to the nearest euro.

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