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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 499/2009

of 11 June 2009

extending the definitive anti-dumping duty imposed by Regulation (EC) No 1174/2005 on imports of hand pallet trucks and their essential parts originating in the People's Republic of China to imports of the same product consigned from Thailand, whether declared as originating in Thailand or not

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community ⁽¹⁾ (the basic Regulation), and in particular Article 13 thereof,

Having regard to the proposal submitted by the Commission after consulting the Advisory Committee,

Whereas:

A. PROCEDURE

1. Existing measures

- (1) By Regulation (EC) No 1174/2005 ⁽²⁾ (the original Regulation), following an investigation (the original investigation), the Council imposed a definitive anti-dumping duty on imports of hand pallet trucks and their essential parts (HPT or product concerned) originating in the People's Republic of China (PRC).
- (2) By Regulation (EC) No 684/2008 ⁽³⁾ the Council clarified the product scope of the original investigation.

2. Ex-Officio Initiation

- (3) Following the original investigation, evidence at the disposal of the Commission indicated that the anti-dumping measures on imports of HPT originating in

the PRC are being circumvented by means of assembly operations in Thailand of HPT (the product under investigation).

- (4) In concrete terms the prima facie evidence at the Commission's disposal indicated that:

— a significant change in the pattern of trade involving exports from the PRC and Thailand to the Community has taken place following the imposition of measures on the product concerned, and there was insufficient due cause or justification other than the imposition of the duty for such a change,

— this change in the pattern of trade appeared to stem from assembly operations in Thailand of HPT,

— the remedial effects of the existing anti-dumping measures on the product concerned were being undermined both in terms of quantity and price. Significant volumes of imports of HPT from Thailand appeared to have replaced imports of the product concerned. In addition, there was sufficient evidence that this increase in imports is made at prices well below the non-injurious price established in the investigation that led to the existing measures,

— the prices of HPT were dumped in relation to the normal value previously established for the product concerned.

- (5) Having determined, after consulting the Advisory Committee, that sufficient prima facie evidence existed for the initiation of an investigation pursuant

⁽¹⁾ OJ L 56, 6.3.1996, p. 1.

⁽²⁾ OJ L 189, 21.7.2005, p. 1.

⁽³⁾ OJ L 192, 19.7.2008, p. 1.

to Article 13 of the basic Regulation, the Commission, on an ex-officio basis, initiated an investigation, by means of Commission Regulation (EC) No 923/2008 ⁽¹⁾ (the initiating Regulation) in order to investigate the apparent circumvention of the anti-dumping measures. Pursuant to Articles 13(3) and 14(5) of the basic Regulation, the Commission, also by means of the initiating Regulation, also directed the customs authorities to register imports of HPT consigned from Thailand, whether declared as originating in Thailand or not, as from 21 September 2008.

3. Investigation

- (6) The Commission officially advised the authorities of the PRC and Thailand, the producers/exporters in the PRC and Thailand, the importers in the Community known to be concerned and the Community industry of the initiation of the investigation. Questionnaires were sent to known producers/exporters in the PRC and in Thailand as well as to the importers in the Community known to the Commission from the original investigation and to parties that had made themselves known within the deadlines specified in Article 3 of the initiating Regulation. Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set out in the initiating Regulation. All parties were informed that non-cooperation might lead to the application of Article 18 of the basic Regulation and to findings being made on the basis of the facts available.
- (7) No replies to the questionnaires were received from exporters/producers in Thailand, nor did the Commission receive any comments from the Thai authorities. Only one Thai exporter/producer of HPT, which, according to information at the disposal of the Commission at the time of initiation, exported HPT to the Community during the period 2005 up to the IP (as defined in recital 10) and had assembly operations of HPT in Thailand, submitted that it has ceased to exist as from April 2008.
- (8) One Chinese exporting producer replied to the questionnaire by declaring its export sales to the EC as well as some very minor exports of the product concerned to Thailand. No comments were received from the Chinese authorities.
- (9) Finally, nine Community importers submitted questionnaire replies reporting their imports from China and Thailand. In general, from their replies it is concluded that there was an increase of imports from Thailand and a sudden decrease of the imports from the PRC in 2006, the year after definitive anti-dumping duties came into force. In the following years, the imports from the PRC increased again while at the same time imports from Thailand slightly decreased but still remained well above the 2005 levels.

4. Investigation period

- (10) The investigation period covered the period from 1 September 2007 to 31 August 2008 (the IP). Data were collected from 2005 up to the end of the IP to investigate the alleged change in the pattern of trade and the other aspects set out in Article 13 of the basic Regulation.

B. RESULTS OF THE INVESTIGATION

1. General considerations/degree of cooperation/methodology

- (11) As mentioned in recital 7, no producers/exporters of HPT in Thailand cooperated in the investigation and provided the necessary data. Thus, the Commission was not in a position to verify directly at the source the nature of the imports consigned from Thailand. Accordingly, findings in respect of HPT consigned from Thailand to the Community had to be made on the basis of the facts available in accordance with Article 18 of the basic Regulation. In this context it is noted that neither the information received from the PRC nor from Community importers allowed the Commission to determine the nature of these imports.
- (12) In accordance with Article 13(1) of the basic Regulation, the assessment of the existence of circumvention was done by analysing whether there was a change in the pattern of trade between third countries and the Community, whether the change stemmed from a practice, process or work for which there was insufficient due cause or economic justification other than the imposition of the duty, whether there was evidence of injury or that the remedial effects of the duty were being undermined in terms of prices and/or quantities of the like product, and whether there was evidence of dumping in relation to the normal values previously established for the like product, if necessary in accordance with the provisions of Article 2 of the basic Regulation.

2. Product concerned and like product

- (13) The product concerned is hand pallet trucks and their essential parts, i.e. chassis and hydraulics (HPT), normally declared under CN code ex 8427 90 00 and ex 8431 20 00 originating in the PRC. HPT are defined as trucks with wheels supporting lifting fork arms for handling pallets, designed to be manually pushed, pulled and steered, on smooth, level, hard surfaces, by a pedestrian operator using an articulated tiller. HPT are only designed to raise a load, by pumping the tiller, to a height sufficient for transporting and do not have any other additional functions or uses such as for example (i) to move and to lift the loads in order to place them higher or assist in storage of loads (highlifters), (ii) to stack one pallet above the other (stackers), (iii) to lift the load to a working level (scissorlifts) or (iv) to lift and to weigh the loads (weighing trucks).

⁽¹⁾ OJ L 252, 20.9.2008, p. 3.

- (14) The product under investigation is hand pallet trucks (having the same definition as the product concerned) and their essential parts, i.e. chassis and hydraulics, consigned from Thailand (the product under investigation) whether declared as originating in Thailand or not, normally declared under the same CN codes as the product concerned.
- (15) From the information available, it was concluded that HPT exported to the Community from the PRC and those consigned from Thailand to the Community have the same basic physical characteristics and the same uses. Therefore, they are considered as like products within the meaning of Article 1(4) of the basic Regulation.

3. Change in the pattern of trade between third countries and the Community

- (16) Due to the non-cooperation of any Thai company, the volume and value of Thai exports of the product concerned to the Community were determined on the basis of the information available, which in this case was statistical data collected by Member States and compiled by the Commission pursuant to Article 14(6) of the basic Regulation, and Eurostat data. As regards the data provided in the replies of the Community importers, the investigation established that the number of Thai exports reported by the Community importers represented only a very minor part of the total Thai exports of HPT during the IP, namely less than 5 %. Under these circumstances it was considered that the statistical data at the Commission's disposal portrays more accurately the situation with respect to the volume and value of Thai exports than the limited information made available by Community importers.
- (17) Following the imposition of the anti-dumping measures imports of HPT from Thailand increased from 7 458 trucks in 2005 to 64 706 trucks in 2007 and decreased to 42 056 trucks during the IP.
- (18) With respect to China imports of HPT to the EC increased from 240 639 trucks in 2005 to 538 271 in 2007 and 584 786 during the IP. According to the available information, this increase is mainly attributed to increased exports of the sole Chinese exporting producer, which has the lowest anti-dumping duty rate. Indeed, Chinese exports from this particular party represent the overwhelming percentage of the increase of imports into the EC of HPT from the PRC between 2005 and the end of the IP.
- (19) Account taken of the above situation, it is concluded that there was a change in the pattern of trade between the EC, the PRC and Thailand. Imports from the PRC continued to increase but this is directly attributed to the export performance of one of the Chinese exporting producers which cooperated with the original

investigation and was attributed the lowest anti-dumping duty. On the other hand, imports from Thailand increased by 868 % from 2005 to 2007 and stabilised during the IP to an increase of 564 % with respect to 2005.

- (20) In sum, the trade pattern found, although showing persistence in exports from the PRC also shows a significant increase of exports from Thailand. The persistence or continued increase, albeit much smaller between 2007 and the IP than that found in the original investigation, of exports from the PRC, can be explained by noting that the overwhelming majority of the exports come from the Chinese company with the lowest anti-dumping duty rate. The pattern relating to Thailand, on the other hand, could only be explained as the result of actions aiming at the circumvention of measures.

4. Insufficient due cause or economic justification

- (21) The imports into the Community from Thailand started to rise during the period in which the Community conducted its original investigation. It is recalled that the authorities in Thailand as well as potential Thai producers/exporters were informed of the current investigation. However no evidence was received that could explain this significant increase nor in fact did any Thai company cooperate with the investigation by submitting the necessary questionnaire replies. In this respect it should be highlighted that, as mentioned in recital 7, information at the Commission's disposal at the time of initiation seemed to suggest that there is a significant amount of assembly operations of HPT in Thailand. On the other hand, no evidence was received to indicate that there was a genuine production of HPT in Thailand. On the basis of the available information, it is therefore concluded that, in the absence of any other sufficient due cause or economic justification within the meaning of Article 13(1) of the basic Regulation, the change in the pattern of trade stemmed from the imposition of the anti-dumping duty on HPT originating in the PRC.

5. Undermining of the remedial effects of the anti-dumping duty (Article 13(1))

- (22) The investigation established that imports from Thailand undermined the remedial effects of the anti-dumping duty both in terms of quantities and prices.
- (23) It is recalled that the change in trade flows took the form of an extraordinary increase of imports from Thailand. This undermined first the remedial effects of the anti-dumping measures in terms of the quantities imported into the Community market. Indeed, should Community imports have taken place from the PRC instead of Thailand, it is more than likely that the quantities imported would have been much lower than those imported from Thailand, in view of the fact that there would have been a need to pay, inter alia, the anti-dumping duty ranging from 7,6 % to 46,7 %.

- (24) Second, with respect to prices of the product concerned consigned from Thailand, in the absence of cooperation, it was necessary to refer to Eurostat data (which were confirmed by the data referred to in Article 14(6) of the basic Regulation), which was the best evidence available. The information submitted by the Community importers was not considered to be fully reliable for the reasons described in recital 16. In this respect it was established that during the IP the average import price of Thai exports to the Community was significantly below the injury elimination level of Community prices established in the original investigation. In more concrete terms, the average import price of Thai exports to the Community was found to be 48,9 % lower than the injury elimination level of Community prices established in the original investigation. Hence, the remedial effects of the duty imposed in terms of prices are undermined.
- (25) It is therefore concluded that the imports of the product concerned from Thailand undermine the remedial effects of the duty both in terms of quantities and prices.

6. Dumping test (Article 13(1))

- (26) As explained in recitals 7 and 16, given the absence of cooperation, in order to determine whether evidence of dumping could be found with respect to the exports of the product concerned to the Community from Thailand during the IP, Eurostat data at CN level were used pursuant to Article 18 of the basic Regulation as the basis for establishing export prices to the EC.
- (27) In accordance with Article 13(1) of the basic Regulation, these export prices were compared with the normal value previously established, in this case the weighted average normal value established in the original investigation.
- (28) In the absence of cooperation and pursuant to Article 18 of the basic Regulation, for the purpose of comparing the export price and normal value, it was considered appropriate to assume that the product mix of the goods observed during the present investigation was the same as in the original investigation.
- (29) In accordance with Article 2(11) and 2(12) of the basic Regulation, a comparison of the weighted average normal value as established during the original investigation and the weighted average of the export prices during the present investigation's IP, as established by Eurostat data, expressed as a percentage of the CIF price at the Community frontier, duty unpaid, revealed a significant dumping margin, i.e. 22,5 %.
- (30) Given the dumping margin involved, and the fact that there is no evidence pointing to a significant change in the product mix of exports, it is considered that dumping exists in relation to the normal value established in the original investigation.

C. MEASURES

- (31) In view of the findings above it is concluded that circumvention has taken place within the meaning of Article 13(1) of the basic Regulation. In accordance with the first sentence of Article 13(1) of the basic Regulation, the existing anti-dumping measures on imports of the product concerned originating in the PRC should therefore be extended to imports of the same product consigned from Thailand, whether declared as originating in Thailand or not.
- (32) The measure to be extended should be the one established in Article 1(2) of the original Regulation for the non-cooperating parties, i.e. 'all other companies'. Consequently, for the purpose of the present Regulation the rate of the anti-dumping duty applicable to the net, free-at-Community frontier price, before duty, shall be 46,7 %.
- (33) In accordance with Article 14(5) of the basic Regulation, which provides that any extended measure may apply to imports which entered the Community under the registration imposed by the initiating Regulation, duties should be collected on those registered imports of HPT consigned from Thailand.

D. REQUESTS FOR EXEMPTION

- (34) It is recalled that during the present investigation no Thai exporter/producer of HPT to the Community was found to exist in Thailand or made itself known to the Commission and cooperated with the proceeding. Notwithstanding the above, any Thai exporter/producer deemed to be concerned which would consider lodging a request for an exemption from the extended anti-dumping duty pursuant to Article 13(4) of the basic Regulation will be required to complete a questionnaire in order to enable the Commission to determine whether an exemption may be warranted. Such exemption may be granted after the assessment of, for instance, the market situation of the product concerned, production capacity and capacity utilisation, procurement and sales and the likelihood of continuation of practices for which there is insufficient due cause or economic justification and the evidence of dumping. The Commission would normally also carry out an on-the-spot verification visit. The request would have to be addressed to the Commission forthwith, with all relevant information, in particular any modification in the company's activities linked to production and sales.

E. DISCLOSURE

- (35) Interested parties were informed of the essential facts and considerations on the basis of which the Council intended to extend the definitive anti-dumping duty in force and were given the opportunity to comment and to be heard. No comments which were of a nature to change the above conclusions were received,

HAS ADOPTED THIS REGULATION:

Article 1

1. The definitive anti-dumping duty applicable to 'all other companies' imposed by Regulation (EC) No 1174/2005 on imports of hand pallet trucks and their essential parts, i.e. chassis and hydraulics, as defined in Article 1 of Regulation (EC) No 1174/2005, as amended by Regulation (EC) No 684/2008, originating in the People's Republic of China, is hereby extended to hand pallet trucks and their essential parts, i.e. chassis and hydraulics, as defined in Article 1 of Regulation (EC) No 1174/2005, as amended by Regulation (EC) No 684/2008, falling within CN code ex 8427 90 00 and ex 8431 20 00 (TARIC codes 8427 90 00 11 and 8431 20 00 11), consigned from Thailand whether declared as originating in Thailand or not.

2. The duties extended by paragraph 1 shall be collected on imports registered in accordance with Article 2 of Regulation (EC) No 923/2008 and Articles 13(3) and 14(5) of Regulation (EC) No 384/96.

3. The provisions in force concerning customs duties shall apply.

Article 2

1. Requests for exemption from the duty extended by Article 1 shall be made in writing in one of the official

languages of the European Union and must be signed by a person authorised to represent the applicant. The request must be sent to the following address:

European Commission
Directorate-General for Trade
Directorate H
Office: N105 04/090
1040 Brussels
BELGIUM
Fax +32 22956505

2. In accordance with Article 13(4) of Regulation (EC) No 384/96, the Commission, after consulting the Advisory Committee, may authorise by decision the exemption of imports which do not circumvent the anti-dumping measures imposed by Regulation (EC) No 1174/2005 from the duty extended by Article 1.

Article 3

Customs authorities are hereby directed to discontinue the registration of imports, established in accordance with Article 2 of Regulation (EC) No 923/2008.

Article 4

This Regulation shall enter into force on the 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 Luxembourg, 11 June 2009.

For the Council
The President
G. SLAMEČKA

COUNCIL REGULATION (EC) No 500/2009**of 11 June 2009****amending Regulation (EC) No 1212/2005 imposing a definitive anti-dumping duty on imports of certain castings originating in the People's Republic of China**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community ⁽¹⁾ (the basic Regulation), and in particular Article 11(3) thereof,

Having regard to the proposal submitted by the Commission after consulting the Advisory Committee,

Whereas:

A. MEASURES IN FORCE

- (1) By Regulation (EC) No 1212/2005 ⁽²⁾ the Council imposed definitive anti-dumping duties on imports of certain castings originating in the People's Republic of China (PRC) (definitive measures Regulation). Individual duty rates ranged from 0 % to 37,9 %, and the residual duty level was set at 47,8 %. A joint undertaking offer was accepted from a number of companies together with the China Chamber of Commerce for Import and Export of Machinery and Electronic Products (CCME) by Commission Decision 2006/109/EC ⁽³⁾ and Council Regulation (EC) No 268/2006 ⁽⁴⁾. In view of several new exporting producer requests, the definitive measures Regulation was amended from time to time — most recently in April 2009 ⁽⁵⁾.

B. INITIATION OF REVIEW INVESTIGATION AND PROCEDURE

- (2) On 8 November 2007, the Commission received a request for an interim review, pursuant to Article 11(3) of the basic Regulation. The request was lodged by Eurofonte (the applicant), acting on behalf of nine European producers. The applicant alleged that there

was a lack of clarity as to the scope of the measure as set out in the definitive measures Regulation. The applicant alleged that the product scope should be clarified as far as castings of ductile iron are concerned and in particular whether this kind of castings should fall within the definition of the product concerned.

- (3) Having determined that sufficient evidence existed for the initiation of a partial interim review, and after consulting the Advisory Committee, the Commission, by a notice (the review Notice of initiation) published in the *Official Journal of the European Union* ⁽⁶⁾, initiated an investigation in accordance with Article 11(3) of the basic Regulation. The investigation was limited in scope to the definition of the product subject to the measures in force.
- (4) The Commission advised the known Community producers, importers and users, the representatives of the exporting country as well as all known exporters in the PRC of the initiation of the review. The Commission requested information from all abovementioned parties and from those other parties who made themselves known within the time limit set in the review Notice of initiation. The Commission also gave interested parties the opportunity to make their views known in writing and to request a hearing.
- (5) Fifteen Community producers, nine importers in the Community unrelated to Chinese exporting producers, one Community user and 17 Chinese exporting producers submitted a questionnaire reply.
- (6) Hearings were granted upon request to six interested parties: to the applicant, one Community producer and four importers.

C. PRODUCT CONCERNED

- (7) The product concerned, as defined in Article 1 of the definitive measures Regulation, is castings of non-malleable cast iron of a kind used to cover and/or give access to ground or sub-surface systems, and parts thereof, whether or not machined, coated or painted or fitted with other materials, excluding fire hydrants, originating in the PRC and falling within CN codes 7325 10 50, 7325 10 92 and ex 7325 10 99 (Taric code 7325 10 99 10).

⁽¹⁾ OJ L 56, 6.3.1996, p. 1.

⁽²⁾ OJ L 199, 29.7.2005, p. 1.

⁽³⁾ OJ L 47, 17.2.2006, p. 59.

⁽⁴⁾ OJ L 47, 17.2.2006, p. 3.

⁽⁵⁾ OJ L 94, 8.4.2009, p. 1.

⁽⁶⁾ OJ C 74, 20.3.2008, p. 66.

- (8) In the product definition part of the same Regulation, notably in recital 18, it is mentioned that castings are made of grey or ductile iron and that despite certain differences described in recitals 20 to 21, it is concluded in recitals 22 and 29 that all types of castings have the same basic physical, chemical and technical characteristics, they are basically used for the same purposes and can be regarded as different types of the same product.
- (9) According to several parties, the term used in Article 1 of the definitive measures Regulation to describe the product subject to the measures (castings of non-malleable cast iron) does not cover castings made of ductile iron. Some parties made reference to another CN subheading concerning tube or pipe fittings of malleable cast iron (CN code 7307 19 10) where the relevant explanatory note of the Combined Nomenclature states that spheroidal cast iron (ductile iron) is malleable. It was therefore claimed that castings made of ductile iron would not be covered by the Regulation, even if in the descriptive part of that Regulation it is stated that all types of castings can be regarded as different types of the same product.

D. FINDINGS OF THE INVESTIGATION

1. Preliminary comments

- (10) Several interested parties claimed that a product scope review would not be the appropriate investigation to tackle the above issue, but that the Commission would have to initiate either a new anti-dumping investigation pursuant to Article 5 of the basic Regulation or an anti-circumvention review pursuant to Article 13 of the basic Regulation.
- (11) Given that the purpose of the investigation is primarily to examine the scope of the original investigation and to adapt, if necessary, the operative part accordingly, a review of the product scope based on Article 11(3) of the basic Regulation is in this particular case the appropriate procedure. A new investigation pursuant to Article 5 of the basic Regulation and an anti-circumvention investigation pursuant to Article 13 of the basic Regulation each address different circumstances. The former may, inter alia, be used to launch an investigation into a product which was not investigated in the original investigation (for example by using a different product definition or originating in countries not subject to measures). The latter may be used as the basis for an investigation of whether there is circumvention with regard to a product subject to measures. These two types of investigation are therefore not appropriate in the present circumstances.

- (12) The initiation of this review was therefore warranted to ensure the proper application of the anti-dumping measures.

2. Analysis of the original investigation

- (13) In a first step, the original investigation was analysed in order to determine if that investigation had fully covered not only castings made of grey iron, but also those made of ductile cast iron.
- (14) It is firstly noted that in the Notice of initiation of the original investigation⁽¹⁾, the product is described as 'certain articles of non-malleable cast iron of a kind used to cover and/or to give access to ground or sub-surface systems, (...) originating in the People's Republic of China (...), normally declared within CN codes 7325 10 50, 7325 10 92 and 7325 10 99'.
- (15) The words 'normally declared under' clarify that the CN codes mentioned in the Notice of initiation were — as they usually are — given 'for information only'. Thus, interested parties could not assume that only products covered by those CN codes would form part of the investigation. Complementary to the information on the product scope given in the Notice of initiation, the information in the non-confidential version of the original complaint that was accessible to all interested parties of the proceeding and that was sent to all exporting producers, importers and users listed in the complaint contained further information.
- (16) In the non-confidential version of the complaint, the definition of the product concerned is exactly the one published in the Notice of initiation. Further explanations of that general description follow in points 3.2-3.7 of the complaint. It follows from various elements in those points that the complaint covered products made of both grey and ductile cast iron. For instance, in point 3.5, it is mentioned that 'the product is made of non-malleable cast iron, which can be grey or ductile cast iron'. Furthermore, the production process of castings made of both grey and ductile cast iron is described in point 3.4 of the non-confidential version of the complaint.
- (17) Moreover, there was no indication that the Notice of initiation was intended to be more limited than the scope of the complaint.

⁽¹⁾ OJ C 104, 30.4.2004, p. 62.

- (18) Furthermore, during the original investigation, dumping and injury data was collected concerning castings made from both grey and ductile cast iron. In particular, in the questionnaires that were sent to known interested parties and to those interested parties who made themselves known and requested a questionnaire, both types were included in the description of the product types which had to be reported in the product classification (product control numbers). Therefore, it was clear to all cooperating parties that received a questionnaire that castings made of grey and of ductile cast iron were covered by the investigation. Moreover, the fact that the product classification contained both types ensured that all findings concerning dumping, injury, causality and Community interest of the original investigation related to castings made of grey and ductile cast iron.
- (19) In addition, the final disclosure text sent to all interested parties and the definitive measures Regulation mentioned at several points that castings can either be made of grey or of ductile cast iron (see in particular recitals 18, 20 and 21). The differences between both types of castings were examined and explained (see aforementioned recitals). Finally, the conclusion drawn in the definitive measures Regulation as stipulated in recital 22 is that the investigation had shown that despite the differences in terms of grey or ductile cast iron, all types of castings share the same basic physical, chemical and technical characteristics, that they are basically used for the same purposes and that they can be regarded as different types of the same product.
- (20) In the light of the foregoing, it can be concluded that the original investigation covered both castings made of grey and of ductile cast iron. Even assuming that this was not fully clear from the Notice of initiation alone, interested parties had several possibilities to learn that the investigation covered castings made of grey and ductile cast iron, as it was mentioned in the non-confidential version of the complaint, the questionnaires and as it was disclosed at definitive stage to interested parties.
- (21) After disclosure of the final findings of this review, one interested party claimed that the Notice of initiation of the original investigation had to clearly indicate the product scope. Given that this Notice of initiation only mentioned castings made of non-malleable cast iron, an importer of castings made of malleable cast iron could be reassured that its products were not covered by the investigation and had no need to consult the non-confidential version of the complaint.
- (22) In view of the wording of the original Notice of initiation it cannot be argued that castings made of ductile cast iron were explicitly or implicitly excluded from the definition of the product concerned. As a starting point it must be noted that in the original Notice of initiation, first paragraph, it was said that the Commission received 'a complaint (...), alleging that imports of certain castings, originating in the People's Republic of China (...), are being dumped and are thereby causing material injury to the Community industry'. Secondly, section two (product) mentioned that castings made of non-malleable cast iron of a kind used to cover and/or to give access to ground or sub-surface systems would be covered, but without further specifying what could be understood as 'non-malleable'. It is recalled in this context that the CN codes mentioned in the Notice of initiation were explicitly 'only given for information' and thus can not be argued to have limited the product scope of the original investigation. Thus, the Notice of initiation already contained elements indicating to the importer or exporting producer of castings made of ductile iron of a kind to cover or give access to ground or sub-surface systems that ductile castings could be covered by the investigation. In view of the above, this argument is rejected.
- (23) In any case, even assuming that this was not the case, the review Notice of initiation was clear on that matter. It noted in section 3 (ground for the review) that whereas the descriptive part of the definitive measures Regulation also covered castings made of ductile cast iron, on this point the scope of the operative part of that Regulation might have to be clarified. It explicitly invited all operators to make their views known, and to submit any evidence supporting those views. However, the importer concerned has not submitted any evidence that one or more of his supplier(s) which are subject to the duty had not understood that the original investigation also covered castings of ductile iron. In this context, it should also be noted that the review Notice of initiation underlined in section 9 that any party wishing to do so could claim another review on the basis of Article 11(3) of the basic Regulation. However, no exporter whose products are subject to the duty has claimed that it did not understand, during the original investigation, that also castings of ductile iron were covered, and that, therefore, now, an additional review should be launched to recalculate the duty applicable to his products, including those of ductile iron.
- (24) In view of the above, the argument made by the interested party is rejected.

3. Comparison between ductile iron castings and grey iron castings

(25) In order to clarify whether the findings with regard to castings made of grey and ductile cast iron as set out in the definitive measures Regulation were indeed correct, it was examined whether ductile iron castings and grey iron castings were rightly considered to share the same physical, chemical and technical characteristics and end uses, as indicated in the definitive measures Regulation.

(a) *Physical, chemical, technical characteristics and interchangeability*

(26) In terms of *physical characteristics*, the final form of the casting is influenced by the purpose and installation conditions of the product but in any case the product has to conform to the standards in force, as laid down in, inter alia, EN 1561, EN 1563, EN 124 and EN 1433.

(27) Concerning the *chemical characteristics* of castings, both grey and ductile cast iron are alloys of iron and carbon. While there are slight differences in the structure of the raw material and also the materials added during the production process (e.g. magnesium) the final products do not show a significant difference in this respect.

(28) It is noted that due to the magnesium added during the production process of ductile iron, the microstructure of the cast iron changes from a flake/lamellar form (grey cast iron) to a spheroidal structure. The more accurate term for ductile iron is therefore 'spheroidal graphite cast iron'.

(29) As concerns the *technical characteristics*, the investigation demonstrated that ductile cast iron, in contrast to grey cast iron, has technical properties that allow the material to resist higher rupture stress and, more importantly, to be deformed to a significantly higher extent under compressive stress without fracture, i.e. ductile cast iron possesses plastic ductility whereas grey cast iron breaks under compressive stress, i.e. is brittle. The investigation has also shown that despite this difference, other basic mechanical/technical characteristics such as the moulding ability, wear resistance and elasticity are comparable for grey cast iron and ductile cast iron.

(30) Moreover, the differences between grey and ductile cast iron mentioned above only affect the required design of the casting (i.e. whether a locking device is required), but

not the fitness for the purpose of the casting, which is to cover and/or give access to ground or sub-surface systems.

(31) Cast iron products serving the abovementioned end uses must fulfil the requirements of standards EN 124 (manhole covers and gully tops) and EN 1433 (channel gratings). Both standards specify that cast iron materials have to meet the requirements of either EN 1561 or EN 1563 (i.e. grey or ductile cast iron). Therefore, both grey and ductile cast iron fulfil the requirements of the standards, so they can be considered as being *interchangeable*.

(b) *End uses*

(32) Consumers perceive both types of casting to be the same product used to cover manholes, resist traffic load, provide safe and easy access to buried networks or to collect surface water (gratings). Both types provide long term durable solutions.

(c) *Conclusion*

(33) It is consequently concluded that although there are slight differences between the two product types, they were rightly considered as a single product as they share the same physical, chemical and technical characteristics, can be used for the same purposes and are interchangeable. This confirms the findings of the original investigation and recitals 18 and 20-22 of the definitive measures Regulation.

(34) After final disclosure, several interested parties contested these findings and stressed that already in the original investigation, it was erroneously concluded that castings made of grey and of ductile cast iron share the same characteristics and should be regarded as one single product for the purpose of the investigation. These parties argued that several factors would demonstrate that both types of castings are not comparable and should be treated as different products. In particular, these parties mentioned (i) the differences in the production process which lead to (ii) completely different physical, chemical and technical characteristics and (iii) a different cost structure and lastly (iv) a different consumer perception. To support this claim, several expert opinions as well as publications in professional journals were submitted to the Commission. These experts' opinions mainly highlighted the differences between ductile cast iron and grey cast iron in the graphite structure as well as the technical differences, i.e. the fact that ductile iron can be deformed under compressive stress whereas grey iron breaks under the same conditions.

(35) In this respect, it is noted that this investigation confirmed that there are indeed differences between both product types, i.e. castings made of grey cast iron and castings made of ductile cast iron. The fact that magnesium is added during the production process of a casting made of ductile cast iron changes the graphite structure from flake/lamellar to spheroidal and gives it different mechanical properties such as a certain deformability under compressive stress. In addition, castings made of ductile cast iron normally require a special design to lock it with the surface. However, it is recalled that it is consistent practice to examine if products or product types share the same basic physical, chemical and technical characteristics and are basically used for the same purposes in order to determine whether they should form one single product for the purpose of an anti-dumping investigation. This means that product types do not have to be identical in all aspects from a scientific (or other) point of view, but that certain differences can be accepted as long as the abovementioned basic characteristics are shared. Moreover, it is recalled that the proceeding is not against imports of the material as such, i.e. cast iron, but against *castings used to cover and/or give access to ground or sub-surface systems and parts thereof*. This investigation confirmed that a casting made of ductile cast iron shares the same basic characteristics as a casting made of grey cast iron (see arguments in recitals 24-30 above). Thus, the argument that castings made of grey cast iron and castings made of ductile cast iron do not share the same basic characteristics is rejected.

4. Channel gratings

(36) In the framework of this investigation, two companies claimed that drainage systems covered by standard EN 1433 should not fall under the scope of the measures. To support their claim, the interested parties pointed out that in the definitive measures Regulation only another standard (EN 124) applicable to manhole covers and gully tops, is mentioned, and that the original investigation clearly focussed on manhole covers.

(37) The complainant argued that the review Notice of initiation setting out the grounds of this partial interim review did not mention the issue of channel gratings and that therefore the arguments in this regard should be ignored. This argument is however rejected in view of the fact that the review Notice of initiation also stipulated that the product scope should be clarified. The fact that a special focus was given to the question whether castings made of ductile cast iron are covered by the measures does not exclude that other claims regarding the product scope can be analysed.

(38) It was firstly examined if channel gratings were covered by the original investigation.

(39) As stated in recital 14, the Notice of initiation of the original investigation described the product under consideration as 'certain articles of non-malleable cast iron of a kind used to cover and/or to give access to ground or sub-surface systems, and parts thereof, (...)'. As channel gratings are articles used to cover ground or sub-surface systems and parts thereof, the Notice of initiation had to be read as covering channel gratings as a type of castings.

(40) Moreover, the non-confidential version of the original complaint explicitly stated that the product concerned 'is usually named by reference to its purpose that is manhole top (or manhole covers), gully top or *channel grating* and surface box' (see point 3.2). Another reference to channel gratings as being part of the product concerned can be found in point 3.5 (efficient surface water drainage) and 3.6.

(41) Moreover, channel gratings were also included in the description of the product types which had to be reported in the questionnaire (product control numbers) and all cooperating parties that received a questionnaire had to report sales of channel gratings as well. Thus, all findings concerning dumping, injury, causality and Community interest of the original investigation also included channel gratings.

(42) Furthermore, in the definitive measures Regulation which was also disclosed to all interested parties, notably in the recitals 15-17, it is mentioned that castings are generally comprised of a frame which is embedded in the ground and either a cover or a grate which sits flush with any surface. Recital 17 mentions that cover and grates are available in any shape including but not limited to triangular, circular, square or rectangular. In the same vein, in recital 19 it is stated that the different possible presentations of castings such as manhole covers, gully tops and surface boxes, are sufficiently similar and therefore constitute one single product for the purpose of the investigation. Thus, the wording of the definitive measures Regulation indicates that channel gratings were also included as a type of a possible presentation of castings.

- (43) To conclude, channel gratings were included in the product scope of the original investigation, and this could have been determined on the basis of the above.
- (44) After final disclosure, one interested party claimed that neither the Notice of initiation nor the definitive measures Regulation was clear with regard to the inclusion of channel gratings in the scope of the investigation. This party argued that whereas the Notice of initiation was at least unclear with regard to channel gratings, recital 16 of the definitive measures Regulation specified clearly that 'castings must allow for *safe and easy access to the underground chamber*, may it be for the purpose of man entry or visual inspection'. As linear drainage systems do not allow for access of human beings to an underground chamber, but serve the purpose of draining water, it would be clear that channel gratings were not covered.
- (45) It is not refuted that channel gratings/linear drainage systems which are usually composed of a drain channel and a grate on the top mainly serve the purpose of draining water from a surface. However, they also allow for safe and easy access to an underground chamber which would be, in this case, the drain channel. Should, for instance, the drain channel be blocked by leaves or other objects, a person could after having lifted the grate, access the drain channel to remove the blockage. Even assuming that the drain channel cannot be considered as forming part of the underground chamber as the whole casting should give access to it, it can still be argued that the channel grating covers a linear cavity in the earth that has been dug to allow for water drainage. It is further emphasised that the sentence in the recital in question mentioned that the access can be for the purpose of *visual inspection* which is undoubtedly possible for channel gratings. In addition, the sentence quoted by that party has to be read in context, i.e. together with recital 15 and the beginning of recital 16. As mentioned above, there it is stipulated that 'castings are generally comprised of a frame, which is embedded in the ground, and either a cover or a grate, which sits flush with any surface used by pedestrians and/or vehicles and which directly withstand the weight and impact of pedestrian and/or vehicle traffic. (...) Castings serve the purpose of covering an underground chamber and must bear load resistance of motored vehicles and/or pedestrian traffic. The cover or grate is required to remain secure within the frame in order to avoid noise pollution, human injury and vehicle damage.'. The investigation showed that the channel gratings are generally comprised of a drain channel which is embedded in the ground, and a grate, which sits flush with any surface used by pedestrians and/or vehicles and which directly withstand the weight and impact of pedestrian and/or vehicle traffic. Moreover, the channel grating can also be used to give access and/or gain entry to an underground chamber and they also must bear load resistance of motored vehicles and/or pedestrian traffic. Therefore, the argument that channel gratings were clearly not covered is rejected.
- (46) In a second step, in order to clarify whether the findings with regard to channel gratings were indeed correct, it was further examined if channel gratings share the same basic physical and technical characteristics as other types of castings and could therefore rightly be considered as constituting, together with the other types of castings, one single product.
- (47) The investigation confirmed that channel gratings are castings made of grey or ductile cast iron, and that they are generally comprised of a frame which is embedded in the ground and a grate which sits flush with any surface. The frame is placed directly on top of a chamber top. The channel gratings are used to cover the ground and allow for visual inspection.
- (48) While it is true that the main purpose of a channel grating is to drain the surface from excessive water so that vehicles or planes can safely use the road/runway, this does not exclude that channel gratings also serve the purpose of covering an underground chamber, as stated above, and they also must bear load resistance of vehicles. Moreover, other types of castings (such as gully tops), too, have the function of draining excessive water.
- (49) Concerning the argument of the missing standard EN 1433 in the definitive measures Regulation, it is noted that in recitals 26 and 27 reference was made to EN 124 in the like product part in connection with a claim by interested parties that castings produced and sold in the PRC and the castings produced and sold by the Community industry are not alike. This, in turn, does not mean that products covered by EN 1433 were not covered. The reference (or not) of a specific EN norm in a Regulation is given for information only, but does not mean that there is no other norm that could be applicable. Moreover, the standard EN 1433 was a new standard at the time of the original investigation period (April 2003-March 2004), applicable from August 2003, and co-existed with the national standards until August 2004. Therefore, at the time of data collection during the original investigation, this standard was not fully operational and existed in parallel to other standards covering the same product.
- (50) Therefore, it is confirmed that this particular presentation of a casting shares the same basic physical, technical and chemical characteristics as other manhole covers, gully tops or surface boxes.

- (51) In light of the above, it is clarified that products falling under EN1433 were subject to the product scope and should remain subject to the measures as the difference in the main purpose found cannot be considered significant enough to justify an exclusion of this presentation of a casting.

5. Necessity for the amendment of the operative part of the definitive measures Regulation — final remarks

- (52) In view of the above analysis, it was finally considered appropriate to examine whether the wording of Article 1 of the definitive measures Regulation and recitals 18-29 of that Regulation is in line with the findings of the original investigation and the findings above. Put differently, the question was examined whether there was, perhaps, no need for an amendment of the operative part of the final measures Regulation after all, and whether it could be argued that the current version of Article 1 already clearly covered castings of ductile iron. In this respect, the comments received from the interested parties on the product definition part of the definitive measures Regulation were also duly considered.
- (53) It is recalled that Article 1(1) of the definitive measures Regulation sets out that castings made of 'non-malleable' cast iron should be covered. It is further recalled that the investigation showed that ductile cast iron possesses plastic ductility (see recital 30).
- (54) The question thus arose whether ductile cast iron must always be considered as 'non-malleable' from a technical point of view despite the fact that it possesses plastic ductility. In material science 'malleability' refers to a material's ability to deform under compressive stress which is often characterised by the material's ability to form a thin sheet by hammering or rolling. In this context, it was claimed by the Community industry that the notion of castings made of 'non-malleable' cast iron in Article 1 of the definitive measures Regulation could refer to all castings that are not made from malleable cast iron, and this would include castings made from grey cast iron and ductile cast iron. It was thus claimed that in this sense, it could indeed be argued that also castings made from ductile cast iron, as opposed to malleable cast iron, are non-malleable and thus covered by Article 1 of the definitive measures Regulation since its entry into force.

- (55) However, it is noted that ductility and malleability do not always correlate with each other; for instance, gold is both ductile and malleable, but lead is only malleable. Moreover, during the review investigation evidence was provided that ductile cast iron is not only deformable under tensile stress, but also under compressive stress to a certain degree. Therefore, it appears that from a

technical point of view, it is difficult to argue that ductile cast iron must always be regarded as non-malleable (in which case there might be no need for an amendment of the operative part of the definitive measures regulation).

- (56) Nevertheless, the fact remains that castings of ductile cast iron were covered by the original investigation. In order to exclude any possible ambiguity in the interpretation, the definitive measures Regulation should be revised accordingly. In particular, it should be clarified that the product scope covers castings of non-malleable cast iron and of spheroidal graphite cast iron (ductile iron). Moreover, an additional CN Code should be included, i.e. CN Code ex 7325 99 10, referring to 'other cast articles made of iron and steel of malleable cast iron'. This is necessary to ensure that the anti-dumping duty which was determined to be appropriate for (inter alia) such castings of ductile cast iron during the original investigation will as of now be certainly levied on them.

6. Retroactivity

- (57) In the review Notice of initiation, interested parties were explicitly invited to comment on a possible retroactive effect the conclusions might have. The issue of retroactivity was addressed by several parties during the hearings and in the submissions. In general, all parties except the Community industry expressed their opposition to the retroactive application of the results of the review.
- (58) In this respect, it is noted that the current investigation showed that the operative part of the definitive measures Regulation should be amended in order to clarify the product scope and that an additional CN Code should be added. Moreover, it also seems that during the past period, some operators have based their commercial conduct on the assumption that castings of ductile iron were not covered by the anti-dumping duty. Retroactively subjecting imports of such castings into the Community to the anti-dumping duty could seriously affect the economic operations of those operators. In view of those factors, it is deemed more appropriate that the clarification of the product scope should have an effect exclusively for the future.

E. CONCLUSION

- (59) In view of the above findings, it is considered appropriate to revise Regulation (EC) No 1212/2005 in order to clarify the scope of the product covered by that Regulation and to insert that the product scope covers castings of non-malleable cast iron and of spheroidal graphite cast iron (ductile iron). Moreover, an additional CN Code should be included, i.e. CN Code ex 7325 99 10.

- (60) The findings and the proposal has been disclosed to the parties concerned and their comments were taken into account where appropriate,

HAS ADOPTED THIS REGULATION:

Article 1

Article 1(1) of Regulation (EC) No 1212/2005 shall be replaced by the following:

‘1. A definitive anti-dumping duty is hereby imposed on imports of castings of non-malleable cast iron and

spheroidal graphite cast iron (ductile iron) of a kind used to cover and/or to give access to ground or sub-surface systems, and parts thereof, whether or not machined, coated or painted or fitted with other materials, excluding fire hydrants, originating in the People’s Republic of China, currently classifiable within CN codes 7325 10 50, 7325 10 92, ex 7325 10 99 (Taric code 7325 10 99 10), and ex 7325 99 10 (Taric code 7325 99 10 10).’.

Article 2

This Regulation shall enter into force on the 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 Luxembourg, 11 June 2009.

For the Council
The President
G. SLAMEČKA

COUNCIL REGULATION (EC) No 501/2009**of 15 June 2009****implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Decision 2009/62/EC**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Regulation (EC) No 2580/2001 of 27 December 2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism ⁽¹⁾, and in particular Article 2(3) thereof,

Whereas:

- (1) On 26 January 2009 the Council adopted Decision 2009/62/EC implementing Article 2(3) of Regulation (EC) No 2580/2001 ⁽²⁾, establishing an updated list of persons, groups and entities to which that Regulation applies.
- (2) The Council has provided all the persons, groups and entities for which it was practically possible with statements of reasons explaining why they were listed in Decision 2009/62/EC. In the case of one person an amended statement of reasons was provided in March 2009.
- (3) By way of a notice published in the *Official Journal of the European Union* ⁽³⁾ the Council informed the persons, groups and entities listed in Decision 2009/62/EC that it had decided to keep them on the list. The Council also informed the persons, groups and entities concerned that it was possible to request a statement of the Council's reasons for putting them on the list where one had not already been communicated to them.
- (4) The Council has carried out a complete review of the list of persons, groups and entities to which Regulation (EC) No 2580/2001 applies, as required by Article 2(3) of that Regulation. When doing so it took account of observations submitted to the Council by those concerned.

- (5) The Council has determined that there are no longer grounds for keeping certain persons on the list of persons, groups and entities to which Regulation (EC) No 2580/2001 applies, and the list should be adapted accordingly.
- (6) The Council has concluded that the other persons, groups and entities listed in the Annex to this Regulation have been involved in terrorist acts within the meaning of Article 1(2) and (3) of Council Common Position 2001/931/CFSP of 27 December 2001 on the application of specific measures to combat terrorism ⁽⁴⁾, that a decision has been taken with respect to them by a competent authority within the meaning of Article 1(4) of that Common Position, and that they should continue to be subject to the specific restrictive measures provided for in Regulation (EC) No 2580/2001.
- (7) The list of the persons, groups and entities to which Regulation (EC) No 2580/2001 applies should be updated accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

The list provided for in Article 2(3) of Regulation (EC) No 2580/2001 shall be replaced by the list set out in the Annex to this Regulation.

Article 2

Decision 2009/62/EC is hereby repealed.

Article 3

This Regulation shall enter into force on the day 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 Luxembourg, 15 June 2009.

For the Council
The President
J. KOHOUT

⁽¹⁾ OJ L 344, 28.12.2001, p. 70.

⁽²⁾ OJ L 23, 27.1.2009, p. 25.

⁽³⁾ OJ C 136, 16.6.2009, p. 35.

⁽⁴⁾ OJ L 344, 28.12.2001, p. 93.

ANNEX

List of persons, groups and entities referred to in Article 1**1. PERSONS**

1. ABOU, Rabah Naami (a.k.a. Naami Hamza, a.k.a. Mihoubi Faycal, a.k.a. Fellah Ahmed, a.k.a. Dafri Rème Lahdi), born 1.2.1966 in Algiers (Algeria) – member of ‘al Takfir’ and ‘al Hijra’
2. ABOUD, Maisi (a.k.a. The Swiss Abderrahmane), born 17.10.1964 in Algiers (Algeria), – member of ‘al Takfir’ and ‘al Hijra’
3. AL MUGHASSIL, Ahmad Ibrahim (a.k.a. ABU OMRAN, a.k.a. AL MUGHASSIL, Ahmed Ibrahim), born 26.6.1967 in Qatif Bab al Shamal (Saudi Arabia), citizen of Saudi Arabia
4. AL-NASSER, Abdelkarim Hussein Mohamed, born in Al Ihsa (Saudi Arabia), citizen of Saudi Arabia
5. AL YACCOUB, Ibrahim Salih Mohammed, born 16.10.1966 in Tarut (Saudi Arabia), citizen of Saudi Arabia
6. ARIOUA, Kamel (a.k.a. Lamine Kamel), born 18.8.1969 in Costantine (Algeria) – member of ‘al Takfir’ and ‘al Hijra’
7. ASLI, Mohamed (a.k.a. Dahmane Mohamed), born 13.5.1975 in Ain Taya (Algeria) – member of ‘al Takfir’ and ‘al Hijra’
8. ASLI, Rabah, born 13.5.1975 in Ain Taya (Algeria) – member of ‘al Takfir’ and ‘al Hijra’
9. ATWA, Ali (a.k.a. BOUSLIM, Ammar Mansour, a.k.a. SALIM, Hassan Rostom), Lebanon, born 1960 in Lebanon, citizen of Lebanon
10. BOUYERI, Mohammed (a.k.a. Abu ZUBAIR, a.k.a. SOBIAR, a.k.a. Abu ZOUBAIR), born 8.3.1978 in Amsterdam (The Netherlands) – member of the ‘Hofstadgroep’
11. DARIB, Noureddine (a.k.a. Carreto, a.k.a. Zitoun Mourad), born 1.2.1972 in Algeria – member of ‘al Takfir’ and ‘al Hijra’
12. DJABALI, Abderrahmane (a.k.a. Touil), born 1.6.1970 in Algeria – member of ‘al Takfir’ and ‘al Hijra’
13. EL FATMI, Nouredine (a.k.a. Nouriddin EL FATMI, a.k.a. Nouriddine EL FATMI, a.k.a. Noureddine EL FATMI, a.k.a. Abu AL KA'E KA'E, a.k.a. Abu QAE QAE, a.k.a. FOUAD, a.k.a. FZAD, a.k.a. Nabil EL FATMI, a.k.a. Ben MOHAMMED, a.k.a. Ben Mohand BEN LARBI, a.k.a. Ben Driss Muhand IBN LARBI, a.k.a. Abu TAHAR, a.k.a. EGGIE), born 15.8.1982 in Midar (Morocco), passport (Morocco) No. N829139 – member of the ‘Hofstadgroep’
14. EL-HOORIE, Ali Saed Bin Ali (a.k.a. AL-HOURI, Ali Saed Bin Ali, a.k.a. EL-HOURI, Ali Saed Bin Ali), born 10.7.1965 or 11.7.1965 in El Dibabiya (Saudi Arabia), citizen of Saudi Arabia
15. AHAS, Sofiane Yacine, born 10.9.1971 in Algiers (Algeria) – member of ‘al Takfir’ and ‘al Hijra’
16. IZZ-AL-DIN, Hasan (a.k.a. GARBAYA, Ahmed, a.k.a. SA-ID, a.k.a. SALWWAN, Samir), Lebanon, born 1963 in Lebanon, citizen of Lebanon
17. MOHAMMED, Khalid Shaikh (a.k.a. ALI, Salem, a.k.a. BIN KHALID, Fahd Bin Adballah, a.k.a. HENIN, Ashraf Refaat Nabith, a.k.a. WADOOD, Khalid Adbul), born 14.4.1965 or 1.3.1964 in Pakistan, passport No 488555
18. MOKTARI, Fateh (a.k.a. Ferdi Omar), born 26.12.1974 in Hussein Dey (Algeria) – member of ‘al Takfir’ and ‘al Hijra’
19. NOUARA, Farid, born 25.11.1973 in Algiers (Algeria) – member of ‘al Takfir’ and ‘al Hijra’
20. RESSOUS, Hoari (a.k.a. Hallasa Farid), born 11.9.1968 in Algiers (Algeria) – member of ‘al Takfir’ and ‘al Hijra’
21. SEDKAOUI, Noureddine (a.k.a. Nounou), born 23.6.1963 in Algiers (Algeria) – member of ‘al Takfir’ and ‘al Hijra’
22. SELMANI, Abdelghani (a.k.a. Gano), born 14.6.1974 in Algiers (Algeria) – member of ‘al Takfir’ and ‘al Hijra’
23. SENOUCI, Sofiane, born 15.4.1971 in Hussein Dey (Algeria) – member of ‘al Takfir’ and ‘al Hijra’

24. SISON, Jose Maria (a.k.a. Armando Liwanag, a.k.a. Joma), born 8.2.1939 in Cabugao (Philippines) - person playing a leading role in the 'Communist Party of the Philippines', including 'NPA'
25. TINGUALI, Mohammed (a.k.a. Mouh di Kouba), born 21.4.1964 in Blida (Algeria) – member of 'al Takfir' and 'al Hijra'
26. WALTERS, Jason Theodore James (a.k.a. Abdullah, a.k.a. David), born 6.3.1985 in Amersfoort (The Netherlands), passport (The Netherlands) No. NE8146378 – member of the 'Hofstadgroep'

2. GROUPS AND ENTITIES

1. 'Abu Nidal Organisation' – 'ANO' (a.k.a. 'Fatah Revolutionary Council', a.k.a. 'Arab Revolutionary Brigades', a.k.a. 'Black September', a.k.a. 'Revolutionary Organisation of Socialist Muslims')
 2. 'Al-Aqsa Martyrs' Brigade'
 3. 'Al-Aqsa e.V.'
 4. 'Al-Takfir' and 'Al-Hijra'
 5. 'Aum Shinrikyo' (a.k.a. 'AUM', a.k.a. 'Aum Supreme Truth', a.k.a. 'Aleph')
 6. 'Babbar Khalsa'
 7. 'Communist Party of the Philippines', including 'New People's Army' – 'NPA', Philippines, linked to SISON, Jose Maria (a.k.a. Armando Liwanag, a.k.a. Joma, who plays a leading role in the 'Communist Party of the Philippines', including 'NPA')
 8. 'Gama'a al Islamiyya' (a.k.a. 'Al Gama'a al Islamiyya') ('Islamic Group' – 'IG')
 9. 'İslami Büyük Doğu Akıncılar Cephesi' – 'İBDA C' ('Great Islamic Eastern Warriors Front')
 10. 'Hamas', including 'Hamas İzz al Din al Qassem'
 11. 'Hizbul Mujahideen' – 'HM'
 12. 'Hofstadgroep'
 13. 'Holy Land Foundation for Relief and Development'
 14. 'International Sikh Youth Federation' – 'ISYF'
 15. 'Kahane Chai' (a.k.a. 'Kach')
 16. 'Khalistan Zindabad Force' – 'KZF'
 17. 'Kurdistan Workers' Party' – 'PKK', (a.k.a. 'KADEK', a.k.a. 'KONGRA GEL')
 18. 'Liberation Tigers of Tamil Eelam' – 'LTTE'
 19. 'Ejército de Liberación Nacional' ('National Liberation Army')
 20. 'Palestine Liberation Front' – 'PLF'
 21. 'Palestinian Islamic Jihad' – 'PIJ'
 22. 'Popular Front for the Liberation of Palestine' – 'PFLP'
 23. 'Popular Front for the Liberation of Palestine – General Command' (a.k.a. 'PFLP – General Command')
 24. 'Fuerzas armadas revolucionarias de Colombia' – 'FARC' ('Revolutionary Armed Forces of Colombia')
 25. 'Devrimci Halk Kurtuluş Partisi-Cephesi' – 'DHKP/C' (a.k.a. 'Devrimci Sol' ('Revolutionary Left'), a.k.a. 'Dev Sol') ('Revolutionary People's Liberation Army/Front/Party')
 26. 'Sendero Luminoso' – 'SL' ('Shining Path')
 27. 'Stichting Al Aqsa' (a.k.a. 'Stichting Al Aqsa Nederland', a.k.a. 'Al Aqsa Nederland')
 28. 'Teyrbazen Azadiya Kurdistan' – 'TAK' (a.k.a. 'Kurdistan Freedom Falcons', a.k.a. 'Kurdistan Freedom Hawks')
 29. 'Autodefensas Unidas de Colombia' – 'AUC' ('United Self Defense Forces/Group of Colombia')
-

COMMISSION REGULATION (EC) No 502/2009**of 15 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 16 June 2009.

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

Done at Brussels, 15 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	37,3
	MK	35,9
	TR	53,6
	ZA	28,0
	ZZ	38,7
0707 00 05	MK	31,4
	TR	129,3
	ZZ	80,4
0709 90 70	TR	108,5
	ZZ	108,5
0805 50 10	AR	65,1
	BR	104,3
	TR	54,8
	ZA	87,2
	ZZ	77,9
0808 10 80	AR	78,3
	BR	73,7
	CL	78,6
	CN	100,0
	NZ	104,6
	US	122,4
	UY	49,5
	ZA	80,3
	ZZ	85,9
0809 10 00	TN	146,2
	TR	177,7
	ZZ	162,0
0809 20 95	TR	442,2
	ZZ	442,2
0809 30	TR	193,8
	US	340,6
	ZZ	267,2
0809 40 05	CL	118,9
	ZZ	118,9

⁽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 503/2009**of 15 June 2009****fixing the import duties in the cereals sector applicable from 16 June 2009**

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 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 in respect of import duties in the cereals sector ⁽²⁾, and in particular Article 2(1) thereof,

Whereas:

- (1) Article 136(1) of Regulation (EC) No 1234/2007 states that the import duty on products falling within CN codes 1001 10 00, 1001 90 91, ex 1001 90 99 (high quality common wheat), 1002, ex 1005 other than hybrid seed, and ex 1007 other than hybrids for sowing, is to be equal to the intervention price valid for such products on importation increased by 55 %, minus the cif import price applicable to the consignment in question. However, that duty may not exceed the rate of duty in the Common Customs Tariff.

- (2) Article 136(2) of Regulation (EC) No 1234/2007 lays down that, for the purposes of calculating the import duty referred to in paragraph 1 of that Article, representative cif import prices are to be established on a regular basis for the products in question.

- (3) Under Article 2(2) of Regulation (EC) No 1249/96, the price to be used for the calculation of the import duty on products of CN codes 1001 10 00, 1001 90 91, ex 1001 90 99 (high quality common wheat), 1002 00, 1005 10 90, 1005 90 00 and 1007 00 90 is the daily cif representative import price determined as specified in Article 4 of that Regulation.

- (4) Import duties should be fixed for the period from 16 June 2009 and should apply until new import duties are fixed and enter into force,

HAS ADOPTED THIS REGULATION:

Article 1

From 16 June 2009, the import duties in the cereals sector referred to in Article 136(1) of Regulation (EC) No 1234/2007 shall be those fixed in Annex I to this Regulation on the basis of the information contained in Annex II.

Article 2

This Regulation shall enter into force on 16 June 2009.

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

Done at Brussels, 15 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 161, 29.6.1996, p. 125.

ANNEX I

Import duties on the products referred to in Article 136(1) of Regulation (EC) No 1234/2007 applicable from 16 June 2009

CN code	Description	Import duties ⁽¹⁾ (EUR/t)
1001 10 00	Durum wheat, high quality	0,00
	medium quality	0,00
	low quality	0,00
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	High quality common wheat, other than for sowing	0,00
1002 00 00	Rye	45,92
1005 10 90	Maize seed other than hybrid	6,29
1005 90 00	Maize, other than seed ⁽²⁾	6,29
1007 00 90	Grain sorghum other than hybrids for sowing	45,92

⁽¹⁾ For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal the importer may benefit, under Article 2(4) of Regulation (EC) No 1249/96, from a reduction in the duty of:

- 3 EUR/t, where the port of unloading is on the Mediterranean Sea, or
- 2 EUR/t, where the port of unloading is in Denmark, Estonia, Ireland, Latvia, Lithuania, Poland, Finland, Sweden, the United Kingdom or the Atlantic coast of the Iberian peninsula.

⁽²⁾ The importer may benefit from a flatrate reduction of EUR 24 per tonne where the conditions laid down in Article 2(5) of Regulation (EC) No 1249/96 are met.

ANNEX II

Factors for calculating the duties laid down in Annex I

1.6.2009-12.6.2009

1. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

(EUR/t)

	Common wheat ⁽¹⁾	Maize	Durum wheat, high quality	Durum wheat, medium quality ⁽²⁾	Durum wheat, low quality ⁽³⁾	Barley
Exchange	Minneapolis	Chicago	—	—	—	—
Quotation	209,13	123,04	—	—	—	—
Fob price USA	—	—	211,11	201,11	181,11	98,17
Gulf of Mexico premium	—	12,20	—	—	—	—
Great Lakes premium	8,93	—	—	—	—	—

⁽¹⁾ Premium of 14 EUR/t incorporated (Article 4(3) of Regulation (EC) No 1249/96).⁽²⁾ Discount of 10 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).⁽³⁾ Discount of 30 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

2. Averages over the reference period referred to in Article 2(2) of Regulation (EC) No 1249/96:

Freight costs: Gulf of Mexico–Rotterdam: 20,49 EUR/t

Freight costs: Great Lakes–Rotterdam: 17,93 EUR/t

COMMISSION REGULATION (EC) No 504/2009

of 15 June 2009

amending Regulation (EC) No 546/2003 on certain notifications regarding the application of Council Regulations (EEC) No 2771/75, (EEC) No 2777/75 and (EEC) No 2783/75 in the eggs and poultrymeat sectors

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⁾, and in particular Article 192, in conjunction with Article 4 thereof,

Having regard to Regulation (EEC) No 2783/75 of the Council of 29 October 1975 on the common system of trade for ovalbumin and lactalbumin ⁽²⁾, and in particular Article 10 thereof,

Whereas:

- (1) Commission Regulation (EC) No 546/2003 ⁽³⁾ provides that Member States have to notify the Commission each Thursday of the selling price in packing stations for eggs in class A from caged hens, being the average of categories L and M. Certain Member States have transposed the welfare Council Directive 1999/74/EC of 19 July 1999 laying down minimum standards for the protection of laying hens ⁽⁴⁾ by imposing on their own territory stricter welfare standards than the minimum standards fixed in that Directive. As a consequence, certain farming methods for laying hens are no longer practised in all Member States. For this reason, the price of eggs produced in barns should be communicated to the Commission, by those Member States that are no longer able to communicate the prices of eggs produced in cages.
- (2) For the sake of harmonisation, all communications related to prices of the meat sector should be sent on

the same day of the week; it is thus appropriate that notifications take place on Wednesday

- (3) Regulation (EC) No 546/2003 should therefore be amended accordingly.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of the Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EC) No 546/2003, paragraph 1 is replaced by the following:

- ‘1. No later than 12.00 (Brussels time) each Wednesday each Member State shall electronically notify the Commission of:
- (a) the selling price in packing stations for eggs in class A from caged hens, being the average of categories L and M, or, where the production in cages is no longer representative, the selling price of eggs produced by laying hens kept in barn system by indicating that the selling price refers to eggs produced in barn;
- (b) the selling price in slaughter plants or the wholesale prices recorded on the representative markets for whole class A chickens known as “65 % chickens”, or for another whole chicken presentation if it is more representative.’

Article 2

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

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

Done at Brussels, 15 June 2009.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 282, 1.11.1975, p. 104.

⁽³⁾ OJ L 81, 28.3.2003, p. 12.

⁽⁴⁾ OJ L 203, 3.8.1999, p. 53.

COMMISSION REGULATION (EC) No 505/2009**of 15 June 2009****adjusting the delivery obligations for cane sugar to be imported under the ACP Protocol and the Agreement with India for the 2008/2009 delivery period and the delivery period beginning on 1 July 2009**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

agreed quantities in full for the two delivery periods concerned.

Having regard to the Treaty establishing the European Community,

(5) After consultation with the ACP States concerned, the reallocation of the shortfall quantities will be carried out for delivery during the 2008/2009 delivery period.

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⁾, and in particular Article 153(4) in conjunction with Article 4 thereof,

(6) The delivery obligations for the 2008/2009 delivery period and the delivery period beginning on 1 July 2009 should be adjusted in accordance with Article 12(1), 12(2)(c) and 12(4) of Regulation (EC) No 950/2006 and Regulations (EC) No 403/2008 and (EC) No 1088/2008 should therefore be repealed.

Whereas:

(1) Article 12 of Commission Regulation (EC) No 950/2006 of 28 June 2006 laying down detailed rules of application for the 2006/2007, 2007/2008 and 2008/2009 marketing years for the import and refining of sugar products under certain tariff quotas and preferential agreements ⁽²⁾ provides for detailed rules for setting delivery obligations at zero duty for products falling within CN code 1701, expressed in white-sugar equivalent, for imports originating in the countries that are signatories to the ACP Protocol and to the Agreement with India.

(7) Paragraph 2 of Article 14 of Regulation (EC) No 950/2006 states that paragraph 1 of that Article shall not apply to a quantity reallocated in accordance with Article 7(1) or (2) of the ACP Protocol. The quantity reallocated pursuant to this Regulation should therefore be imported before 30 June 2009. However, this reallocation also involves the transfer of quantities from the delivery period beginning on 1 July 2009. Therefore the flexibility of Article 14(1) of Regulation (EC) No 950/2006 should also apply to the quantity reallocated pursuant to this Regulation.

(2) These quantities were provisionally set by Commission Regulation (EC) No 403/2008 of 6 May 2008 provisionally setting delivery obligations for cane sugar to be imported under the ACP Protocol and the Agreement with India for the 2008/2009 delivery period ⁽³⁾ and by Commission Regulation (EC) No 1088/2008 of 5 November 2008 provisionally setting delivery obligations for cane sugar to be imported under the ACP Protocol and the Agreement with India for the delivery period beginning on 1 July 2009 ⁽⁴⁾.

(8) In accordance with Article 153(3) of Regulation (EC) No 1234/2007, import licences for sugar for refining are to be issued only to full-time refiners provided that the quantities concerned do not exceed the quantities that may be imported in the framework of the traditional supply need referred to in Article 153(1) of Regulation (EC) No 1234/2007. However, pursuant to Article 155 of Regulation (EC) No 1234/2007, the Commission may adopt measures derogating from Article 153(3) of that Regulation in order to ensure that the ACP/Indian sugar is imported into the Community under the conditions set out in ACP Protocol and the Agreement with India. For the delivery period starting on 1 July 2009 and taken into account the price reduction of imported raw cane sugar on 1 October 2009, those conditions can only be fulfilled if all traders can have access to import licences for sugar for refining. It is therefore necessary to derogate from Article 10(1) of Regulation (EC) No 950/2006 which limits the submission of applications for sugar for refining to full-time refiners.

(3) Article 7(1) and (2) of the ACP Protocol lays down rules for cases where an ACP State fails to deliver its agreed quantity.

(4) The competent authorities of Barbados, Congo, Jamaica, Mauritius, Tanzania and Trinidad & Tobago informed the Commission that they will be unable to deliver their

(9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 178, 1.7.2006, p. 1.

⁽³⁾ OJ L 120, 7.5.2008, p. 6.

⁽⁴⁾ OJ L 297, 6.11.2008, p. 12.

HAS ADOPTED THIS REGULATION:

Article 1

The delivery obligations for imports originating in the countries that are signatories to the ACP Protocol and to the Agreement with India in respect of products falling within CN code 1701, expressed in tonnes of white-sugar equivalent, in the 2008/2009 delivery period and the delivery period beginning on 1 July 2009 for each exporting country concerned, are hereby adjusted as shown in the Annex.

Article 2

By way of derogation from Article 14(2) of Regulation (EC) No 950/2006, Article 14(1) of that Regulation shall apply to the quantity reallocated pursuant to this Regulation and imported after 30 June 2009.

Article 3

For the delivery obligations of the delivery period beginning on 1 July 2009 and by way of derogation from Article 10(1) of Regulation (EC) No 950/2006, all applicants fulfilling the conditions of Article 5 of Commission Regulation (EC) No 1301/2006 ⁽¹⁾ may submit applications for import licences for sugar for refining in the Member State in which they are registered for VAT purposes.

Article 4

Regulations (EC) No 403/2008 and (EC) No 1088/2008 are repealed.

Article 5

This Regulation shall enter into force on the 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, 15 June 2009.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 238, 1.9.2006, p. 13.

ANNEX

Delivery obligations for imports of preferential sugar originating in countries which are signatories to the ACP Protocol and to the Agreement with India for the 2008/2009 delivery period, expressed in tonnes of white-sugar equivalent:

ACP Protocol/India Agreement signatory country	Delivery obligations 2008/2009
Barbados	25 491,36
Belize	72 069,06
Congo	5 213,50
Côte-d'Ivoire	10 695,41
Fiji	169 837,06
Guyana	166 683,92
India	10 485,19
Jamaica	101 765,52
Kenya	4 979,51
Madagascar	10 766,70
Malawi	44 331,43
Mauritius	456 811,21
Mozambique	22 517,62
Uganda	0,00
Saint Kitts and Nevis	0,00
Suriname	0,00
Swaziland	171 933,98
Tanzania	0,00
Trinidad and Tobago	12 265,90
Zambia	25 322,72
Zimbabwe	56 685,68
Total	1 367 855,75

Delivery obligations for imports of preferential sugar originating in countries which are signatories to the ACP Protocol and to the Agreement with India for the delivery period beginning on 1 July 2009, expressed in tonnes of white-sugar equivalent:

ACP Protocol/India Agreement signatory country	Delivery obligations for the period beginning on 1 July 2009
Barbados	8 024,35
Belize	11 670,03
Congo	2 546,53
Côte-d'Ivoire	2 546,53
Fiji	41 337,08
Guyana	41 282,85
India	2 500,00
Jamaica	30 558,58
Kenya	1 250,00
Madagascar	2 690,00
Malawi	5 206,10
Mauritius	122 757,63
Mozambique	1 500,00
Uganda	0,00
Saint Kitts and Nevis	0,00
Suriname	0,00
Swaziland	29 461,13
Tanzania	1 941,63
Trinidad and Tobago	10 937,75
Zambia	1 803,75
Zimbabwe	7 556,20
Total	325 570,14

COMMISSION REGULATION (EC) No 506/2009**of 15 June 2009****entering a designation in the register of traditional specialities guaranteed (Olej rydzowy (TSG))**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 509/2006 of 20 March 2006 on agricultural products and foodstuffs as traditional specialities guaranteed ⁽¹⁾, and in particular the first subparagraph of Article 9(4) thereof,

Whereas:

- (1) In accordance with the first subparagraph of Article 8(2) of Regulation (EC) No 509/2006, and pursuant to Article 19(3) of the same Regulation, the application submitted by Poland to enter the designation 'Olej rydzowy' in the register was published in the *Official Journal of the European Union* ⁽²⁾.

- (2) As no objection under Article 9 of Regulation (EC) No 509/2006 has been received by the Commission, this designation should be entered in the register.

- (3) Protection as referred to in Article 13(2) of Regulation (EC) No 509/2006 has not been requested,

HAS ADOPTED THIS REGULATION:

Article 1

The designation contained in the Annex to this Regulation is hereby entered in the register.

*Article 2*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, 15 June 2009.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 93, 31.3.2006, p. 1.

⁽²⁾ OJ C 244, 25.9.2008, p. 27.

ANNEX

Products listed in Annex I to the EC Treaty, intended for human consumption:

Class 1.5. Oils and fats (butter, margarine, oil, etc.)

Olej rydzowy (TSG)

COMMISSION REGULATION (EC) No 507/2009**of 15 June 2009****entering a name in the register of protected designations of origin and protected geographical indications (Abbacchio Romano (PGI))**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽¹⁾, and in particular Article 7(4) thereof,

Whereas:

- (1) In accordance with the first subparagraph of Article 6(2) of Regulation (EC) No 510/2006 and Article 17(2) of that Regulation, the application submitted by Italy to enter the designation 'Abbacchio Romano' in the register has been published in the *Official Journal of the European Union* ⁽²⁾.

- (2) As no statement of objection under Article 7 of Regulation (EC) No 510/2006 has been received by the Commission, this name should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name contained in the Annex to this Regulation is hereby entered in the register.

Article 2

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, 15 June 2009.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 93, 31.3.2006, p. 12.

⁽²⁾ OJ C 269, 24.10.2008, p. 16.

ANNEX

Agricultural products intended for human consumption listed in Annex I to the Treaty

Class 1.1. Fresh meat (and offal)

ITALY

Abbacchio Romano (PGI)

COMMISSION REGULATION (EC) No 508/2009

of 15 June 2009

amending Regulation (EC) No 543/2008 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards the marketing standards for poultrymeat

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⁾, and in particular Article 121(e), in conjunction with Article 4 thereof,

Whereas:

- (1) In accordance with Article 18 of Commission Regulation (EC) No 543/2008 ⁽²⁾ the national reference laboratories have to forward to the Board of Experts, before the 1st July each year, the results of checks related to the monitoring of water content in poultrymeat set up in that Regulation.
- (2) For sake of harmonisation, it is advisable that all national reference laboratories use the same templates and the same address when transmitting the data to the Board of Experts.
- (3) Regulation (EC) No 543/2008 should therefore be amended accordingly.

- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of the Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 543/2008 is amended as follows:

- (a) in Article 18 (1), the second subparagraph is replaced by the following:

'Before 1 July each year, the national reference laboratories shall forward the results of checks mentioned in paragraph 1 using the form set out in Annex XIIa to this Regulation. The findings shall be presented to the Management Committee for consideration in accordance with Article 195 of Regulation (EC) No 1234/2007.'

- (b) A new Annex XIIa, the text of which is set out in the Annex to this Regulation, is inserted.

Article 2

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

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

Done at Brussels, 15 June 2009.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 157, 17.6.2008, p. 46.

ANNEX

‘ANNEX XIIa

Templates referred to in Article 18(1)

Control data for whole chicken carcasses from 1.1.2..... - 31.12.2.....

Member State's name:

Sample ID Nr.	Producer ID Nr.	Chilling Method	Annex VI (*) Drip Loss (***) %	Annex VI (*) Drip Loss Limit	Annex VII (*) Weight [g] (**)	Annex VII (*) Water (W _A) [g]	Annex VII (*) Protein (RP _A) [g]	Annex VII (*) Water limit (W _g) [g]	Over Limit X	Action

(*) Annexe to Regulation (EC) No 543/2008.

(**) Weight — average weight of 7 carcasses [g]

(***) Drip Loss — average water loss in % of 20 carcasses.

To be sent to: AGRI-C4-ANIMAL-PRODUCTS@ec.europa.eu

Control data for poultry parts from 1.1.2..... - 31.12.2.....

Member State's name:

Sample ID Nr.	Species (*) Type of cuts.	Producer ID Nr.	Chilling Method (**)	Water (W _A) %	Protein (RP _A) %	Ratio Water/Protein	Limit from Regulation	Over Limit X	Action

(*) T = Turkey, C = Chicken.

(**) A = Air chilling, AS = Air spray chilling, IM = Immersion chilling.

To be sent to: AGRI-C4-ANIMAL-PRODUCTS@ec.europa.eu

II

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

DECISIONS

COUNCIL AND COMMISSION

COUNCIL AND COMMISSION DECISION

of 18 May 2009

on a Community Position concerning a Decision of the EU-Albania Stabilisation and Association Council adopting its Rules of Procedure including the Rules of Procedure of the Stabilisation and Association Committee

(2009/463/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community and the Treaty establishing the European Atomic Energy Community,

Having regard to Council and Commission Decision of 26 February 2009 on the conclusion of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Albania, of the other part ⁽¹⁾, of the other part, and in particular Article 2(1) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Article 116 of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Albania, of the other part ⁽²⁾ (hereinafter referred to as 'Agreement') establishes a Stabilisation and Association Council.

- (2) Article 117(2) of the Agreement provides that the Stabilisation and Association Council shall establish its own rules of procedure.

- (3) Article 120(1) of the Agreement provides that the Stabilisation and Association Council in the performance of its duties shall be assisted by a Stabilisation and Association Committee.

- (4) Article 120(2) and (3) of the Agreement provides that the Stabilisation and Association Council shall, in its rules of procedure, determine the duties of the Stabilisation and Association Committee and that the Stabilisation and Association Council may delegate any of its powers to the Stabilisation and Association Committee,

HAVE DECIDED AS FOLLOWS:

Sole Article

The position to be adopted by the Community within the Stabilisation and Association Council established by the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Albania, of the other part, in relation to the rules of procedure of the said Stabilisation and Association Council and to the delegation of its powers to the Stabilisation and Association Committee shall be based on the draft decision of the Stabilisation and Association Council, attached to this Decision. Minor amendments to this draft decision may be accepted without further decision of the Council and of the Commission.

⁽¹⁾ OJ L 107, 28.4.2009, p. 165.

⁽²⁾ OJ L 107, 28.4.2009, p. 166.

Done at Brussels, 18 May 2009.

For the Council

The President

J. KOHOUT

For the Commission

The President

José Manuel BARROSO

ANNEX

DECISION No 1 OF THE EU-ALBANIA STABILISATION AND ASSOCIATION COUNCIL

of ...

adopting its rules of procedure

THE STABILISATION AND ASSOCIATION COUNCIL,

Having regard to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Albania ⁽¹⁾ (hereinafter referred to as 'Albania'), of the other part, and in particular Articles 116 and 117 thereof,

Whereas that Agreement entered into force on 1 April 2009,

HAS DECIDED AS FOLLOWS:

*Article 1***Chairmanship**

The Stabilisation and Association Council shall be presided over alternately for periods of 12 months by a representative of the Council of the European Union, on behalf of the Communities and their Member States, and by a representative of the Government of Albania. The first period shall begin on the date of the first Stabilisation and Association Council meeting and end on 31 December 2009.

*Article 2***Meetings**

The Stabilisation and Association Council shall meet regularly at ministerial level once a year. Special sessions of the Stabilisation and Association Council may be held at the request of either Party, if the Parties so agree. Unless otherwise agreed by the Parties, each session of the Stabilisation and Association Council shall be held at the usual venue for meetings of the Council of the European Union at a date agreed by both Parties. Meetings of the Stabilisation and Association Council shall be jointly convened by the Secretaries of the Stabilisation and Association Council in agreement with the President.

*Article 3***Representation**

The members of the Stabilisation and Association Council may be represented if unable to attend. If a member wishes to be so represented, he must notify the President of the name of his representative before the meeting at which he is to be so represented. The representative of a member of the Stabilisation and Association Council shall exercise all the rights of that member.

*Article 4***Delegations**

The members of the Stabilisation and Association Council may be accompanied by officials. Before each meeting, the President shall be informed of the intended

composition of the delegation of each Party. A representative of the European Investment Bank shall attend the meetings of the Stabilisation and Association Council, as an observer, when matters which concern the Bank appear on the agenda. The Stabilisation and Association Council may invite non-members to attend its meetings in order to provide information on particular subjects.

*Article 5***Secretariat**

An official of the General Secretariat of the Council of the European Union and an official of the Mission of Albania in Brussels shall act jointly as Secretaries of the Stabilisation and Association Council.

*Article 6***Correspondence**

Correspondence addressed to the Stabilisation and Association Council shall be sent to the President of the Stabilisation and Association Council at the address of the General Secretariat of the Council of the European Union.

The two Secretaries shall ensure that correspondence is forwarded to the President of the Stabilisation and Association Council and, where appropriate, circulated to other members of the Stabilisation and Association Council. Correspondence circulated shall be sent to the Secretariat General of the Commission, the Permanent Representations of the Member States and the Mission of Albania in Brussels.

Communications from the President of the Stabilisation and Association Council shall be sent to the addressees by the two Secretaries and circulated, where appropriate, to the other members of the Stabilisation and Association Council at the addresses indicated in the second paragraph.

*Article 7***Publicity**

Unless otherwise decided, the meetings of the Stabilisation and Association Council shall not be public.

*Article 8***Agendas for meetings**

1. The President shall draw up a provisional agenda for each meeting. It shall be forwarded by the Secretaries of the Stabilisation and Association Council to the addressees referred to in Article 6 not later than 15 days before the beginning of the meeting. The provisional agenda shall include the items in respect of which the President has received a request for inclusion on the agenda not later than 21 days before the beginning of the meeting, although items shall not be written into the provisional agenda unless the supporting documentation has been forwarded to the Secretaries not later than the date of despatch of the agenda. The agenda shall be adopted by the Stabilisation and Association Council at the beginning of each meeting. An item other than those appearing on the provisional agenda may be placed on the agenda if the two Parties so agree.

⁽¹⁾ OJ L 107, 28.4.2009, p. 166.

2. The President may, in agreement with the two Parties, shorten the time limits specified in paragraph 1 in order to take account of the requirements of a particular case.

Article 9

Minutes

Draft minutes of each meeting shall be drawn up by the two Secretaries. The minutes shall, as a general rule, indicate in respect of each item on the agenda:

- the documentation submitted to the Stabilisation and Association Council,
- statements requested for entry by a member of the Stabilisation and Association Council,
- the decisions taken and recommendations made, the statements agreed upon and the conclusions adopted.

The draft minutes shall be submitted to the Stabilisation and Association Council for approval. When approved, the minutes shall be signed by the President and the two Secretaries. The minutes shall be filed in the archives of the General Secretariat of the Council of the European Union, which will act as depository of the documents of the Association. A certified copy shall be forwarded to each of the addressees referred to in Article 6.

Article 10

Decisions and recommendations

1. The Stabilisation and Association Council shall take its decisions and make recommendations by common agreement of the Parties. During the period between its sessions, the Stabilisation and Association Council may take decisions or make recommendations by written procedure if both Parties so agree.
2. The decisions and recommendations of the Stabilisation and Association Council, within the meaning of Article 118 of the Stabilisation and Association Agreement, shall be entitled respectively 'Decision' and 'Recommendation' followed by a serial number, by the date of their adoption and by a description of their subject matter. The decisions and recommendations of the Stabilisation and Association Council shall be signed by the President and authenticated by the two Secretaries. Decisions and recommendations shall be forwarded to each of the addressees referred to in Article 6. Each Party may decide on the publication of decisions and recommendations of the Stabilisation and Association Council in its respective official publication.

Article 11

Languages

The official languages of the Stabilisation and Association Council shall be the official languages of the two Parties. Unless otherwise decided, the Stabilisation and Association Council shall base its deliberations on documentation drawn up in these languages.

Article 12

Expenses

The Communities and Albania shall each defray the expenses they incur by reason of their participation in the meetings of the Stabilisation and Association Council, both with regard to staff, travel and subsistence expenditure and to postal and telecommunications expenditure. Expenditure in connection with interpreting at meetings, translation and reproduction of documents shall be borne by the Communities, with the exception of expenditure in connection with interpreting or translation into or from Albanian, which shall be borne by Albania. Other expenditure relating to the organisation of meetings shall be borne by the Party hosting the meetings.

Article 13

Stabilisation and Association Committee

1. A Stabilisation and Association Committee is hereby established in order to assist the Stabilisation and Association Council in carrying out its duties. It shall be composed of representatives of the Council of the European Union and of representatives of the Commission of the European Communities, on the one hand, and of representatives of the Government of Albania on the other, normally at senior civil servant level.

2. The Stabilisation and Association Committee shall prepare the meetings and the deliberations of the Stabilisation and Association Council, implement the decisions of the Stabilisation and Association Council where appropriate and, in general, ensure continuity of the association relationship and the proper functioning of the Stabilisation and Association Agreement. It shall consider any matter referred to it by the Stabilisation and Association Council as well as any other matter which may arise in the course of the day-to-day implementation of the Stabilisation and Association Agreement. It shall submit proposals or any draft decisions and recommendations for adoption to the Stabilisation and Association Council.

3. In cases where the Stabilisation and Association Agreement refers to an obligation to consult or a possibility of consultation, such consultation may take place within the Stabilisation and Association Committee. The consultation may continue in the Stabilisation and Association Council if the two Parties so agree.

4. The rules of procedure of the Stabilisation and Association Committee are attached to this Decision.

Done at ...

For the Stabilisation and Association Council

The Chairman

...

ANNEX

Rules of Procedure of the Stabilisation and Association Committee*Article 1***Chairmanship**

The Stabilisation and Association Committee shall be presided over alternately for periods of 12 months by a representative of the Commission of the European Communities, on behalf of the Communities and their Member States, and by a representative of the Government of Albania. The first period shall begin on the date of the first Stabilisation and Association Council meeting and end on 31 December 2009.

*Article 2***Meetings**

The Stabilisation and Association Committee shall meet when circumstances require, with the agreement of both Parties. Each meeting of the Stabilisation and Association Committee shall be held at a time and place agreed by both Parties. The meetings of the Stabilisation and Association Committee shall be convened by the Chairman.

*Article 3***Delegations**

Before each meeting, the Chairman shall be informed of the intended composition of the delegation of each Party.

*Article 4***Secretariat**

An official of the Commission of the European Communities and an official of the Albanian Government shall act jointly as Secretaries of the Stabilisation and Association Committee. All communications to and from the Chairman of the Stabilisation and Association Committee provided for in this Decision shall be forwarded to the Secretaries of the Stabilisation and Association Committee and to the Secretaries and the President of the Stabilisation and Association Council.

*Article 5***Publicity**

Unless otherwise decided, the meetings of the Stabilisation and Association Committee shall not be public.

*Article 6***Agendas for meetings**

1. The Chairman shall draw up a provisional agenda for each meeting. It shall be forwarded by the Secretaries of the Stabilisation and Association Committee to the addressees referred to in Article 4 not later than 15 days before the beginning of the meeting. The provisional agenda shall include the items in respect of which the Chairman has received a request for inclusion on the agenda not later than 21 days before the beginning of the meeting, although items shall not be written into the provisional agenda unless the supporting documentation has been forwarded to the Secretaries not later than the date of dispatch of the agenda. The Stabilisation and Association Committee may ask experts to attend its meetings in order to provide information on particular subjects. The agenda shall be adopted by the Stabilisation and Association Committee at the beginning of each meeting. An item other than those appearing on the provisional agenda may be placed on the agenda if the two Parties so agree.

2. The Chairman may, in agreement with the two Parties, shorten the time limits specified in paragraph 1 in order to take account of the requirements of a particular case.

*Article 7***Minutes**

Minutes shall be taken for each meeting and shall be based on a summing up by the Chairman of the conclusions arrived at by the Stabilisation and Association Committee. When approved by the Stabilisation and Association Committee, the minutes shall be signed by the Chairman and by the Secretaries and filed by each of the Parties. A copy of the minutes shall be forwarded to each of the addressees referred to in Article 4.

*Article 8***Decisions and recommendations**

In the specific cases where the Stabilisation and Association Committee is empowered by the Stabilisation and Association Council under Article 120 of the Stabilisation and Association Agreement to take decisions and to make recommendations, these acts shall be entitled respectively 'Decision' and 'Recommendation', followed by a serial number, by the date of their adoption and by a description of their subject matter. Decisions and recommendations shall be made by common agreement between the Parties. The decisions and recommendations of the Stabilisation and Association Committee shall be signed by the President and authenticated by the two Secretaries and shall be forwarded to the addressees referred to in Article 4 of these rules of procedure. Each Party may decide on the publication of the decisions and recommendations of this Stabilisation and Association Committee in its respective official publication.

*Article 9***Expenses**

The Communities and Albania shall each defray the expenses they incur by reason of their participation in the meetings of the Stabilisation and Association Committee, both with regard to staff, travel and subsistence expenditure and to postal and telecommunications expenditure. Expenditure in connection with interpreting at meetings, translation and reproduction of documents shall be borne by the Communities, with the exception of expenditure in connection with interpreting or translation into or from Albanian, which shall be borne by Albania. Other expenditure relating to the organisation of meetings shall be borne by the Party hosting the meetings.

*Article 10***Subcommittees and special groups**

The Stabilisation and Association Committee may create subcommittees or special groups to work under the authority of the Stabilisation and Association Committee, to which they shall report after each of their meetings. The Stabilisation and Association Committee may decide to abolish any existing subcommittees or groups, lay down or modify their terms of reference or set up further subcommittees or groups to assist it in carrying out its duties. The subcommittees and groups shall not have any decision making powers.

COMMISSION

COMMISSION DECISION

of 15 June 2009

recognising in principle the completeness of the dossier submitted for detailed examination in view of the possible inclusion of fluopyram in Annex I to Council Directive 91/414/EEC

(notified under document number C(2009) 4437)

(Text with EEA relevance)

(2009/464/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

concerned, the requirements set out in Annex III to Directive 91/414/EEC.

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant-protection products on the market ⁽¹⁾, and in particular Article 6(3) thereof,

Whereas:

- (1) Directive 91/414/EEC provides for the development of a Community list of active substances authorised for incorporation in plant protection products.
- (2) A dossier for the active substance fluopyram was submitted by Bayer CropScience AG to the authorities of Germany on 30 June 2008 with an application to obtain its inclusion in Annex I to Directive 91/414/EEC.
- (3) The authorities of Germany have indicated to the Commission that, on preliminary examination, the dossier for the active substance concerned appears to satisfy the data and information requirements set out in Annex II to Directive 91/414/EEC. The dossier submitted appears also to satisfy the data and information requirements set out in Annex III to Directive 91/414/EEC in respect of one plant protection product containing the active substance concerned. In accordance with Article 6(2) of Directive 91/414/EEC, the dossier was subsequently forwarded by the respective applicant to the Commission and other Member States, and was referred to the Standing Committee on the Food Chain and Animal Health.
- (4) By this Decision it should be formally confirmed at Community level that the dossier is considered as satisfying in principle the data and information requirements set out in Annex II and, for at least one plant protection product containing the active substance

- (5) This Decision should not prejudice the right of the Commission to request the applicant to submit further data or information in order to clarify certain points in the dossier.

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

HAS ADOPTED THIS DECISION:

Article 1

Without prejudice to Article 6(4) of Directive 91/414/EEC, the dossier concerning the active substance identified in the Annex to this Decision, which was submitted to the Commission and the Member States with a view to obtaining the inclusion of that substance in Annex I to that Directive, satisfies in principle the data and information requirements set out in Annex II to that Directive.

The dossier also satisfies the data and information requirements set out in Annex III to that Directive in respect of one plant protection product containing the active substance, taking into account the uses proposed.

Article 2

The rapporteur Member States shall pursue the detailed examination for the dossier referred to in Article 1 and shall communicate to the Commission the conclusions of its examination accompanied by a recommendation on the inclusion or non-inclusion in Annex I to Directive 91/414/EEC of the active substance referred to in Article 1 and any conditions for that inclusion as soon as possible and at the latest within a period of one year from the date of publication of this Decision in the *Official Journal of the European Union*.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 15 June 2009.

For the Commission
Androulla VASSILIOU
Member of the Commission

ANNEX

ACTIVE SUBSTANCE CONCERNED BY THIS DECISION

Common Name, CIPAC Identification Number	Applicant	Date of application	Rapporteur Member State
Fluopyram CIPAC-No: 807	Bayer CropScience AG	30 June 2008	DE

EUROPEAN CENTRAL BANK

DECISION OF THE EUROPEAN CENTRAL BANK

of 9 June 2009

amending Decision ECB/2007/7 concerning the terms and conditions of TARGET2-ECB

(ECB/2009/13)

(2009/465/EC)

THE EXECUTIVE BOARD OF THE EUROPEAN CENTRAL BANK,

view of the recent amendments made to Guideline ECB/2007/2,

Having regard to the Treaty establishing the European Community, and in particular to the first and fourth indents of Article 105(2) thereof,

HAS DECIDED AS FOLLOWS:

Article 1

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular Article 11.6 and Articles 17, 22 and 23 thereof,

The definition of 'credit institution' in Article 1 of the Annex to Decision ECB/2007/7 is replaced by the following:

Whereas:

— "credit institution" means either: (a) a credit institution within the meaning of § 1(1) of the KWG; or (b) another credit institution within the meaning of Article 101(2) of the Treaty that is subject to scrutiny of a standard comparable to supervision by a competent authority.'

(1) The Executive Board of the European Central Bank (ECB) adopted Decision ECB/2007/7 of 24 July 2007 concerning the terms and conditions of TARGET2-ECB ⁽¹⁾.

(2) The Governing Council of the ECB adopted Guideline ECB/2009/9 of 7 May 2009 amending Guideline ECB/2007/2 on a Trans-European Automated Real-time Gross settlement Express Transfer system (TARGET2) ⁽²⁾, *inter alia*, to allow access to TARGET2 by publicly owned credit institutions which, in view of their specific institutional nature under Community law, are subject to scrutiny of a standard comparable to supervision by competent national authorities.

(3) The definition of the term 'credit institution' in the Annex to Decision ECB/2007/7 should be replaced in

Article 2

Entry into force

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

Done at Frankfurt am Main, 9 June 2009.

The President of the ECB
Jean-Claude TRICHET

⁽¹⁾ OJ L 237, 8.9.2007, p. 71.

⁽²⁾ OJ L 123, 19.5.2009, p. 94.

III

(Acts adopted under the EU Treaty)

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

COUNCIL JOINT ACTION 2009/466/CFSP

of 15 June 2009

amending and extending Joint Action 2007/405/CFSP on the European Union police mission undertaken in the framework of reform of the security sector (SSR) and its interface with the system of justice in the Democratic Republic of the Congo (EUPOL RD Congo)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 14 thereof,

Whereas:

- (1) On 12 June 2007, the Council adopted Joint Action 2007/405/CFSP ⁽¹⁾ on the European Union police mission undertaken in the framework of reform of the security sector (SSR) and its interface with the system of justice in the Democratic Republic of the Congo (EUPOL RD Congo).
- (2) On 23 June 2008, the Council adopted Joint Action 2008/485/CFSP ⁽²⁾ amending and extending Joint Action 2007/405/CFSP until 30 June 2009.
- (3) Following consultation with the Congolese authorities and other parties concerned, it appears necessary to extend the mission for a further period, and on 10 March 2009 the Political and Security Committee recommended that the mission be extended for an additional 12 months.
- (4) Joint Action 2007/405/CFSP should be amended accordingly,

HAS ADOPTED THIS JOINT ACTION:

Article 1

Joint Action 2007/405/CFSP is hereby amended as follows:

1. in Article 9, paragraph 1 shall be replaced by the following:

‘1. The financial reference amount intended to cover the expenditure relating to the mission for the period from 1 July 2007 to 30 June 2008 shall be EUR 5 500 000.

The financial reference amount intended to cover the expenditure related to the mission for the period from 1 July 2008 until 31 October 2009 shall be EUR 6 920 000.

The Council shall establish a new financial reference amount in order to cover expenditure related to the mission for the period from 1 November 2009 to 30 June 2010.’;

2. the second paragraph of Article 16 shall be replaced by the following:

‘It shall expire on 30 June 2010.’.

Article 2

This Joint Action shall enter into force on the date of its adoption.

Article 3

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

Done at Luxembourg, 15 June 2009.

For the Council
The President
J. KOHOUT

⁽¹⁾ OJ L 151, 13.6.2007, p. 46.

⁽²⁾ OJ L 164, 25.6.2008, p. 44.

COUNCIL JOINT ACTION 2009/467/CFSP**of 15 June 2009****appointing the European Union Special Representative for Afghanistan and Pakistan and repealing Joint Action 2009/135/CFSP**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and, in particular, Articles 14, 18(5) and 23(2) thereof,

Whereas:

- (1) On 24 July 2008, the Council adopted Joint Action 2008/612/CFSP ⁽¹⁾ appointing Mr Ettore F. SEQUI as the European Union Special Representative for Afghanistan for the period from 1 September 2008 to 28 February 2009.
- (2) On 16 February 2009, the Council adopted Joint Action 2009/135/CFSP ⁽²⁾ extending the mandate of the European Union Special Representative for Afghanistan until 28 February 2010.
- (3) On the basis of a review of Joint Action 2009/135/CFSP, the mandate of the European Union Special Representative for Afghanistan should be expanded to include Pakistan. Therefore, Joint Action 2009/135/CFSP should be repealed.
- (4) The European Union Special Representative for Afghanistan and Pakistan will implement his mandate in the context of a situation which may deteriorate and could harm the Common Foreign and Security Policy objectives set out in Article 11 of the Treaty,

Pakistan, taking into account the comprehensive approach of the EU towards cross-border and wider regional cooperation. More specifically, the EUSR shall:

- (a) contribute to the implementation of the EU-Afghanistan Joint Declaration and the Afghanistan Compact, as well as the relevant United Nations (UN) Security Council Resolutions and other relevant UN Resolutions;
- (b) encourage positive contributions from regional actors in Afghanistan and from neighbouring countries to the peace process in Afghanistan and thereby contribute to the consolidation of the Afghan State;
- (c) contribute to the implementation of the EU-Pakistan Joint Declaration, as well as the relevant UN Security Council Resolutions (UNSCRs) and other relevant UN Resolutions;
- (d) support the pivotal role played by the UN, notably the Special Representative of the Secretary-General; and
- (e) support the work of the Secretary-General/High Representative (SG/HR) in the region.

HAS ADOPTED THIS JOINT ACTION:

*Article 1***Appointment**

Mr Ettore F. SEQUI is hereby appointed as the European Union Special Representative for Afghanistan and Pakistan (hereinafter referred to as the 'EUSR') until 28 February 2010.

*Article 2***Policy objectives**

The mandate of the EUSR shall be based on the policy objectives of the European Union (EU) in Afghanistan and

*Article 3***Mandate**

In order to achieve the policy objectives, the mandate of the EUSR shall be to:

- (a) convey the views of the EU on the political process in Afghanistan while drawing on the key principles agreed between Afghanistan and the international community, in particular the EU-Afghanistan Joint Declaration and the Afghanistan Compact;
- (b) convey the views of the EU on the political process in Pakistan, while drawing key principles emerging from the regular contacts between Pakistan and the international community, most notably in the context of the Group of Friends of Democratic Pakistan;

⁽¹⁾ OJ L 197, 25.7.2008, p. 60.

⁽²⁾ OJ L 46, 17.2.2009, p. 61.

- (c) establish and maintain close contact with, and give support to, the Afghan and Pakistani representative institutions, in particular the Government and Parliament. Contact should also be maintained with other Afghan and Pakistani political figures and other relevant actors inside as well as outside those countries;
- (d) maintain close contact with relevant international and regional organisations, notably with the local representatives of the UN;
- (e) stay in close contact with neighbouring and other interested countries in the region, so that their views on the situation in Afghanistan and Pakistan and the development of cooperation between these countries and Afghanistan and Pakistan are taken into account in EU policy;
- (f) advise on the progress achieved in meeting the objectives of the EU-Afghanistan Joint Declaration and the Afghanistan Compact and the EU-Pakistan Joint Declaration, in particular in the following areas:
 - good governance and the establishment of institutions of the rule of law,
 - security sector reforms, including establishment of judicial institutions, a national army and police force,
 - respect for human rights of all Afghan and Pakistani people, regardless of gender, ethnicity or religion,
 - respect of democratic principles, the rule of law, the rights of persons belonging to minorities, the rights of women and children and the principles of international law,
 - fostering participation by women in public administration and civil society,
 - respect for Afghanistan's and Pakistan's international obligations, including cooperation in international efforts to combat terrorism, illicit drug trafficking, trafficking in human beings and proliferation of arms and weapons of mass destruction and related materials, and
 - facilitation of humanitarian assistance and the orderly return of refugees and internally displaced persons,
- (g) in consultation with representatives of Member States and of the Commission, assist in ensuring that the political approach of the EU is reflected in its action for the development of Afghanistan and Pakistan;
- (h) jointly with the Commission, actively participate in the Joint Coordination and Monitoring Board established under the Afghanistan Compact and in the Group of Friends of Democratic Pakistan; and
- (i) advise on the participation and the positions of the EU in international conferences on Afghanistan and Pakistan.

Article 4

Implementation of the mandate

1. The EUSR shall be responsible for the implementation of the mandate acting under the authority and operational direction of the SG/HR.

2. The Political and Security Committee (PSC) shall maintain a privileged link with the EUSR and shall be the primary point of contact with the Council. The PSC shall provide the EUSR with strategic guidance and political direction within the framework of the mandate.

Article 5

Financing

1. The financial reference amount intended to cover the expenditure related to the mandate of the EUSR in the period from the date of entry into force of this Joint Action to 28 February 2010 shall be EUR 2 830 000. This amount shall also cover the expenditure related to the mandate of the EU Special Representative for Afghanistan under Joint Action 2009/135/CFSP in the period from 1 March 2009 to the date of entry into force of this Joint Action.

2. The expenditure financed by the amount stipulated in paragraph 1 shall be eligible as from 1 March 2009. The expenditure shall be managed in accordance with the procedures and rules applicable to the general budget of the European Communities.

3. The management of the expenditure shall be subject to a contract between the EUSR and the Commission. The EUSR shall be accountable to the Commission for all expenditure.

*Article 6***Constitution and composition of the team**

1. Within the limits of his mandate and the corresponding financial means made available, the EUSR shall be responsible for constituting his team in consultation with the Presidency, assisted by the SG/HR, and in full association with the Commission. The team must include expertise on certain specific policy issues, as required by the mandate. The EUSR shall notify the SG/HR, the Presidency and the Commission of the final composition of his team.

2. Member States and institutions of the EU may propose the secondment of staff to work with the EUSR. The salary of personnel who are seconded by a Member State or an institution of the EU to the EUSR shall be covered by the Member State or the institution of the EU concerned respectively. Experts seconded by Member States to the General Secretariat of the Council may also be posted to the EUSR. International contracted staff must have the nationality of an EU Member State.

3. All seconded personnel shall remain under the administrative authority of the sending Member State or EU institution and shall carry out their duties and act in the interest of the mandate of the EUSR.

*Article 7***Privileges and immunities of the EUSR and his staff**

The privileges, immunities and further guarantees necessary for the completion and smooth functioning of the mission of the EUSR and the members of his staff shall be agreed with the host party/parties as appropriate. Member States and the Commission shall grant all necessary support to such effect.

*Article 8***Security of EU classified information**

The EUSR and the members of his team shall respect security principles and minimum standards established by Council Decision 2001/264/EC of 19 March 2001 adopting the Council's security regulations ⁽¹⁾, in particular when managing EU classified information.

*Article 9***Access to information and logistical support**

1. Member States, the Commission and the General Secretariat of the Council shall ensure that the EUSR is given access to any relevant information.

⁽¹⁾ OJ L 101, 11.4.2001, p. 1.

2. The Presidency, the Commission and/or Member States, as appropriate, shall provide logistical support in the region.

*Article 10***Security**

The EUSR shall, in accordance with the policy of the EU on the security of personnel deployed outside the EU in an operational capacity under Title V of the Treaty, take all reasonably practicable measures, in conformity with his mandate and the security situation in his geographical area of responsibility, for the security of all personnel under his direct authority, notably by:

- (a) establishing a mission-specific security plan based on guidance from the General Secretariat of the Council, including mission-specific physical, organisational and procedural security measures, governing management of the secure movement of personnel to, and within, the mission area, as well as management of security incidents and including a mission contingency and evacuation plan;
- (b) ensuring that all personnel deployed outside the EU are covered by high risk insurance as required by the conditions in the mission area;
- (c) ensuring that all members of his team to be deployed outside the EU, including locally contracted personnel, have received appropriate security training before or upon arriving in the mission area, based on the risk ratings assigned to the mission area by the General Secretariat of the Council;
- (d) ensuring that all agreed recommendations made following regular security assessments are implemented and providing the SG/HR, the Council and the Commission with written reports on their implementation and on other security issues within the framework of the mandate implementation reports.

*Article 11***Reporting**

The EUSR shall regularly provide oral and written reports to the SG/HR and the PSC. The EUSR shall also report as necessary to working groups. Regular written reports shall be circulated through the COREU network. Upon recommendation of the SG/HR or the PSC, the EUSR may provide reports to the General Affairs and External Relations Council (GAERC).

*Article 12***Coordination**

1. The EUSR shall promote overall EU political coordination. He shall help to ensure that all EU instruments in the field are engaged coherently to attain the EU's policy objectives. The activities of the EUSR shall be coordinated with those of the Presidency and the Commission, as well as with those of the EUSR for Central Asia. The EUSR shall provide regular briefings to Member States' missions and the Commission's delegations.

2. In the field, close liaison shall be maintained with the Presidency, the Commission and Member States' Heads of Mission. They shall make best efforts to assist the EUSR in the implementation of the mandate. The EUSR shall provide the Head of the EU Police Mission in Afghanistan (EUPOL AFGHANISTAN) with local political guidance. The EUSR and the Civilian Operation Commander shall consult each other as required. The EUSR shall also liaise with other international and regional actors in the field.

*Article 13***Review**

The implementation of this Joint Action and its consistency with other contributions from the EU to the region shall be kept under regular review. The EUSR shall present the SG/HR, the Council and the Commission with a progress report before the end of June 2009 and a comprehensive mandate implementation report by mid-November 2009. These reports shall form a basis for the evaluation of the mandate in the relevant

working groups and by the PSC. In the context of overall priorities for deployment, the SG/HR shall make recommendations to the PSC concerning the Council's decision on renewal, amendment or termination of the mandate.

*Article 14***Repeal**

Joint Action 2009/135/CFSP is hereby repealed.

*Article 15***Entry into force**

This Joint Action shall enter into force on the date of its adoption.

*Article 16***Publication**

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

Done at Luxembourg, 15 June 2009.

For the Council

The President

J. KOHOUT

COUNCIL COMMON POSITION 2009/468/CFSP**of 15 June 2009****updating Common Position 2001/931/CFSP on the application of specific measures to combat terrorism and repealing Common Position 2009/67/CFSP**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 15 and 34 thereof,

Whereas:

- (1) On 27 December 2001, the Council adopted Common Position 2001/931/CFSP ⁽¹⁾.
- (2) On 26 January 2009, the Council adopted Common Position 2009/67/CFSP updating Common Position 2001/931/CFSP ⁽²⁾.
- (3) In accordance with Common Position 2001/931/CFSP the Council has carried out a complete review of the list of persons, groups and entities to which Common Position 2009/67/CFSP applies.
- (4) The Council has determined that there are no longer grounds for keeping certain persons on the list of persons, groups and entities to which Common Position 2001/931/CFSP applies.
- (5) The Council has concluded that the other persons, groups and entities listed in the Annex to Common Position 2009/67/CFSP have been involved in terrorist acts within the meaning of Article 1(2) and (3) of Common Position 2001/931/CFSP, that a decision has been taken with respect to them by a competent authority within the meaning of Article 1(4) of that Common Position, and that they should continue to be subject to the specific restrictive measures provided for therein.

- (6) The list of the persons, groups and entities to which Common Position 2001/931/CFSP applies should be updated accordingly,

HAS ADOPTED THIS COMMON POSITION:

Article 1

The list of persons, groups and entities to which Common Position 2001/931/CFSP applies shall be that set out in the Annex to this Common Position.

Article 2

Common Position 2009/67/CFSP is hereby repealed.

Article 3

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

Article 4

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

Done at Luxembourg, 15 June 2009.

For the Council
The President
J. KOHOUT

⁽¹⁾ OJ L 344, 28.12.2001, p. 93.

⁽²⁾ OJ L 23, 27.1.2009, p. 37.

ANNEX

List of persons, groups and entities referred to in Article 1**1. PERSONS**

1. ABOU, Rabah Naami (a.k.a. Naami Hamza, a.k.a. Mihoubi Faycal, a.k.a. Fellah Ahmed, a.k.a. Dafri Rème Lahdi), born 1.2.1966 in Algiers (Algeria) – member of ‘al-Takfir and al-Hijra’
2. ABOUD, Maisi (a.k.a. The Swiss Abderrahmane), born 17.10.1964 in Algiers (Algeria), – member of ‘al-Takfir and al-Hijra’
3. *ALBERDI URANGA, Itziar, born 7.10.1963 in Durango, Biscay (Spain), identity card No 78.865.693 – ‘E.T.A.’ activist
4. *ALBISU IRIARTE, Miguel, born 7.6.1961 in San Sebastián, Guipúzcoa (Spain), identity card No 15.954.596 – ‘E.T.A.’ activist, member of ‘Gestoras Pro amnistía’
5. *ALEGRÍA LOINAZ, Xavier, born 26.11.1958 in San Sebastián, Guipúzcoa (Spain), identity card No 15.239.620 – ‘E.T.A.’ activist, member of ‘K.a.s./Ekin’
6. AL MUGHASSIL, Ahmad Ibrahim (a.k.a. ABU OMRAN, a.k.a. AL MUGHASSIL, Ahmed Ibrahim), born 26.6.1967 in Qatif Bab al Shamal (Saudi Arabia), citizen of Saudi Arabia
7. AL NASSER, Abdelkarim Hussein Mohamed, born in Al Ihsa (Saudi Arabia), citizen of Saudi Arabia
8. AL YACoub, Ibrahim Salih Mohammed, born 16.10.1966 in Tarut (Saudi Arabia), citizen of Saudi Arabia
9. *APAOLAZA SANCHO, Iván, born 10.11.1971 in Beasain, Guipúzcoa (Spain), identity card No 44.129.178 – ‘E.T.A.’ activist, member of ‘K. Madrid’
10. ARIOUA, Kamel (a.k.a. Lamine Kamel), born 18.8.1969 in Constantine (Algeria) – member of ‘al-Takfir and al-Hijra’
11. ASLI, Mohamed (a.k.a. Dahmane Mohamed), born 13.5.1975 in Ain Taya (Algeria) – member of ‘al-Takfir and al-Hijra’
12. ASLI, Rabah, born 13.5.1975 in Ain Taya (Algeria) – member of ‘al-Takfir and al Hijra’
13. *ASPIAZU RUBINA, Miguel de Garikoitz, born 6.7.1973 in Bilbao, Biscay (Spain), identity card No 14.257.455 – ‘E.T.A.’ activist
14. *ARZALLUS TAPIA, Eusebio, born 8.11.1957 in Regil, Guipúzcoa (Spain), identity card No 15.927.207 – ‘E.T.A.’ activist
15. ATWA, Ali (a.k.a. BOUSLIM, Ammar Mansour, a.k.a. SALIM, Hassan Rostom), Lebanon, born 1960 in Lebanon, citizen of Lebanon
16. *BELOQUI RESA, María Elena, born 12.6.1961 in Areta, Álava (Spain), identity card No 14.956.327 – ‘E.T.A.’ activist; member of ‘Xaki’
17. BOUYERI, Mohammed (a.k.a. Abu ZUBAIR, a.k.a. SOBIAR, a.k.a. Abu ZOUBAIR), born 8.3.1978 in Amsterdam (The Netherlands) – member of the ‘Hofstadgroep’
18. *CAMPOS ALONSO, Miriam, born 2.9.1971 in Bilbao, Vizcaya (Spain), identity card 30.652.316 – ‘E.T.A.’ activist; member of ‘Xaki’
19. *CORTA CARRION, Mikel, born 15.5.1959 in Villafranca de Ordicia, Guipúzcoa (Spain), identity card No 08.902.967 – ‘E.T.A.’ activist; member of ‘Xaki’

20. DARIB, Noureddine (a.k.a. Carreto, a.k.a. Zitoun Mourad) born 1.2.1972 in Algeria – member of ‘al-Takfir and al-Hijra’
21. DJABALI, Abderrahmane (a.k.a. Touil), born 1.6.1970 in Algeria – member of ‘al Takfir and al-Hijra’
22. *ECHEBERRIA SIMARRO, Leire, born 20.12.1977 in Basauri, Biscay (Spain), identity card No 45.625.646 – ‘E.T.A.’ activist
23. *ECHEGARAY ACHIRICA, Alfonso, born 10.1.1958 in Plencia, Biscay (Spain), identity card No 16.027.051 – ‘E.T.A.’ activist
24. *EGUIBAR MICHELENA, Mikel, born 14.11.1963 in San Sebastián, Guipúzcoa (Spain), identity card No 44.151.825 – ‘E.T.A.’ activist; member of ‘Xaki’
25. EL FATMI, Nouredine (a.k.a. Nouriddin EL FATMI, a.k.a. Nouriddine EL FATMI, a.k.a. Noureddine EL FATMI, a.k.a. Abu AL KA'E KA'E, a.k.a. Abu QAE QAE, a.k.a. FOUAD, a.k.a. FZAD, a.k.a. Nabil EL FATMI, a.k.a. Ben MOHAMMED, a.k.a. Ben Mohand BEN LARBI, a.k.a. Ben Driss Muhand IBN LARBI, a.k.a. Abu TAHAR, a.k.a. EGGIE), born 15.8.1982 in Midar (Morocco), passport (Morocco) No N829139 – member of the ‘Hofstadgroep’
26. EL HOORIE, Ali Saed Bin Ali (a.k.a. AL HOURI, Ali Saed Bin Ali, a.k.a. EL HOURI, Ali Saed Bin Ali), born 10.7.1965 or 11.7.1965 in El Dibabiya (Saudi Arabia), citizen of Saudi Arabia
27. FAHAS, Sofiane Yacine, born 10.9.1971 in Algiers (Algeria) – member of ‘al-Takfir and al-Hijra’
28. *GOGEASCOECHEA ARRONATEGUI, Eneko, born 29.4.1967 in Guernica, Biscay (Spain), identity card No 44.556.097 – ‘E.T.A.’ activist
29. *IPARRAGUIRRE GUENECHEA, Ma Soledad, born 25.4.1961 in Escoriaza, Navarra (Spain), identity card No 16.255.819 – ‘E.T.A.’ activist
30. *IRIONDO YARZA, Aitzol, born 8.3.1977 in San Sebastián, Guipúzcoa (Spain), identity card No 72.467.565 – ‘E.T.A.’ activist
31. IZZ AL DIN, Hasan (a.k.a. GARBAYA, Ahmed, a.k.a. SA ID, a.k.a. SALWWAN, Samir), Lebanon, born 1963 in Lebanon, citizen of Lebanon
32. *MARTITEGUI LIZASO, Jurdan, born 10.5.1980 in Durango, Biscay (Spain), identity card No 45.626.584 – ‘E.T.A.’ activist
33. MOHAMMED, Khalid Shaikh (a.k.a. ALI, Salem, a.k.a. BIN KHALID, Fahd Bin Adballah, a.k.a. HENIN, Ashraf Refaat Nabith, a.k.a. WADOOD, Khalid Abdul), born 14.4.1965 or 1.3.1964 in Pakistan, passport No 488555
34. MOKTARI, Fateh (a.k.a. Ferdi Omar), born 26.12.1974 in Hussein Dey (Algeria) – member of ‘al-Takfir and al-Hijra’
35. *MORCILLO TORRES, Gracia, born 15.3.1967 in San Sebastián, Guipúzcoa (Spain), identity card No 72.439.052 – ‘E.T.A.’ activist; member of ‘K.a.s./Ekin’
36. *NARVÁEZ GOÑI, Juan Jesús, born 23.2.1961 in Pamplona, Navarra (Spain), identity card No 15.841.101 – ‘E.T.A.’ activist
37. NOUARA, Farid, born 25.11.1973 in Algiers (Algeria), – member of ‘al-Takfir and al Hijra’
38. *OLANO OLANO, Juan María, born 25.3.1955 in Gainza, Guipúzcoa (Spain), identity card No 15.919.168 – ‘E.T.A.’ activist; member of ‘Gestoras Pro-amnistía/Askatasuna’
39. *OLARRA AGUIRIANO, José María, born 27.7.1957 in Tolosa, Guipúzcoa (Spain), identity card No 72.428.996 – ‘E.T.A.’ activist; member of ‘Xaki’
40. *ORBE SEVILLANO, Zigor, born 22.9.1975 in Basauri, Biscay (Spain), identity card No 45.622.851 – ‘E.T.A.’ activist, member of ‘Jarrai-Haika-Segi’

41. *PALACIOS ALDAY, Gorka, born 17.10.1974 in Baracaldo, Biscay (Spain), identity card No 30.654.356 – 'E.T.A.' activist, member of 'K. Madrid'
42. *PEREZ ARAMBURU, Jon Iñaki, born 18.9.1964 in San Sebastián, Guipúzcoa (Spain), identity card No 15.976.521 – 'E.T.A.' activist, member of 'Jarrai-Haika-Segi'
43. *QUINTANA ZORROZUA, Asier, born 27.2.1968 in Bilbao, Biscay (Spain), identity card No 30.609.430 – 'E.T.A.' activist, member of 'K. Madrid'
44. RESSOUS, Hoari (a.k.a. Hallasa Farid), born 11.9.1968 in Algiers (Algeria) – member of 'al Takfir and al-Hijra'
45. *RETA DE FRUTOS, José Ignacio, born 3.7.1959 in Elorrio, Biscay (Spain), identity card No 72.253.056 – 'E.T.A.' activist, member of 'Gestoras Pro-amnistía'/'Askatasuna'
46. *RUBENACH ROIG, Juan Luis, born 18.9.1963 in Bilbao, Biscay (Spain), identity card No 18.197.545 – 'E.T.A.' activist, member of 'K. Madrid'
47. SEDKAOUI, Noureddine (a.k.a. Nounou), born 23.6.1963 in Algiers (Algeria) – member of 'al-Takfir and al-Hijra'
48. SELMANI, Abdelghani (a.k.a. Gano), born 14.6.1974 in Algiers (Algeria) – member of 'al Takfir and al-Hijra'
49. SENOUCI, Sofiane, born 15.4.1971 in Hussein Dey (Algeria) – member of 'al-Takfir and al Hijra'
50. SISON, Jose Maria (a.k.a Armando Liwanag, a.k.a Joma), born 8.2.1939 in Cabugao (Philippines) – person playing a leading role in the 'Communist Party of the Philippines', including 'NPA'
51. TINGUALI, Mohammed (a.k.a. Mouh di Kouba), born 21.4.1964 in Blida (Algeria) – member of 'al-Takfir and al-Hijra'
52. *TXAPARTEGI NIEVES, Nekane, born 8.1.1973 in Asteasu, Guipúzcoa (Spain), identity card No 44.140.578 – 'E.T.A.' activist; member of 'Xaki'
53. *URANGA ARTOLA, Kemen, born 25.5.1969 in Ondarroa, Biscay (Spain), identity card No 30.627.290 – 'E.T.A.' activist, member of 'Herri Batasuna'/'Euskal Herritarrok'/'Batasuna')
54. *URRUTICOECHEA BENGOCHEA, José Antonio, born 24.12.1950 in Miravalles, Biscay (Spain), identity card No 14.884.849 – 'E.T.A.' activist
55. *VALLEJO FRANCO, Iñigo, born 21.5.1976 in Bilbao, Biscay (Spain), identity card No 29.036.694 – 'E.T.A.' activist
56. *VILA MICHELENA, Fermín, born 12.3.1970 in Irún, Guipúzcoa (Spain), identity card No 15.254.214 – 'E.T.A.' activist, member of 'K.a.s.'/'Ekin'
57. WALTERS, Jason Theodore James (a.k.a. Abdullah, a.k.a. David), born 6.3.1985 in Amersfoort (The Netherlands), passport (The Netherlands) No NE8146378 – member of the 'Hofstadgroep'

2. GROUPS AND ENTITIES

1. 'Abu Nidal Organisation' – 'ANO' (a.k.a. 'Fatah Revolutionary Council', a.k.a. 'Arab Revolutionary Brigades', a.k.a. 'Blacsk September', a.k.a. 'Revolutionary Organisation of Socialist Muslims')
2. 'Al Aqsa Martyrs' Brigade'
3. 'Al Aqsa e.V.'
4. 'Al-Takfir and al-Hijra'
5. *'Cooperativa Artigiana Fuoco ed Affini – Occasionalmente Spettacolare' ('Artisans' Cooperative Fire and Similar – Occasionally Spectacular')
6. *'Nuclei Armati per il Comunismo' ('Armed Units for Communism')

7. 'Aum Shinrikyo' (a.k.a. 'AUM', a.k.a. 'Aum Supreme Truth', a.k.a. 'Aleph')
8. 'Babbar Khalsa'
9. *'Cellula Contro Capitale, Carcere i suoi Carcerieri e le sue Celle' – 'CCCCC' ('Cell Against Capital, Prison, Prison Warders and Prison Cells')
10. 'Communist Party of the Philippines', including 'New People's Army' – 'NPA', Philippines, linked to SISON, Jose Maria (a.k.a Armando Liwanag, a.k.a Joma, who plays a leading role in the 'Communist Party of the Philippines', including 'NPA')
11. *'Continuity Irish Republican Army' – 'CIRA'
12. *'EPANASTATIKOS AGONAS' ('Revolutionary Struggle')
13. *'Euskadi Ta Askatasuna'/'Tierra Vasca y Libertad' – 'E.T.A.' ('Basque Fatherland and Liberty'); the following organisations are part of the terrorist group 'E.T.A.': 'K.a.s.', 'Xaki', 'Ekin', 'Jarrai Haika Segi', 'Gestoras pro amnistía', 'Askatasuna', 'Batasuna' (a.k.a. 'Herri Batasuna', a.k.a. 'Euskal Herritarrok'), 'Acción Nacionalista Vasca / Euskal Abertzale Ekintza (ANV/EAE), Partido Comunista de las Tierras Vascas/Euskal Herrialdeetako Alderdi Komunista (PCTV/EHAK))
14. 'Gama'a al Islamiyya' (a.k.a. 'Al Gama'a al Islamiyya') ('Islamic Group' – 'IG')
15. 'İslami Büyük Doğu Akıncılar Cephesi' – 'IBDA C' ('Great Islamic Eastern Warriors Front')
16. *'Grupos de Resistencia Antifascista Primero de Octubre' – 'G.R.A.P.O.' ('Antifascist Resistance Groups First of October')
17. 'Hamas', including 'Hamas Izz al Din al Qassem'
18. 'Hizbul Mujahideen' – 'HM'
19. 'Hofstadgroep'
20. 'Holy Land Foundation for Relief and Development'
21. 'International Sikh Youth Federation' – 'ISYF'
22. *'Solidarietà Internazionale' ('International Solidarity')
23. 'Kahane Chai' (a.k.a. 'Kach')
24. 'Khalistan Zindabad Force' – 'KZF'
25. 'Kurdistan Workers' Party' – 'PKK', (a.k.a. 'KADEK', a.k.a. 'KONGRA GEL')
26. 'Liberation Tigers of Tamil Eelam' – 'LTTE'
27. *'Loyalist Volunteer Force' – 'LVF'
28. 'Ejército de Liberación Nacional' ('National Liberation Army')
29. *'Orange Volunteers' – 'OV'
30. 'Palestine Liberation Front' – 'PLF'
31. 'Palestinian Islamic Jihad' – 'PIJ'
32. 'Popular Front for the Liberation of Palestine' – 'PFLP'
33. 'Popular Front for the Liberation of Palestine General Command' (a.k.a. 'PFLP – General Command')

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34. *'Real IRA'
 35. *'Brigate Rosse per la Costruzione del Partito Comunista Combattente' ('Red Brigades for the Construction of the Fighting Communist Party')
 36. *'Red Hand Defenders' – 'RHD'
 37. 'Fuerzas armadas revolucionarias de Colombia' – 'FARC' ('Revolutionary Armed Forces of Colombia')
 38. *'Epanastatiki Pirines' ('Revolutionary Nuclei')
 39. *'Dekati Evdomi Noemvri' ('Revolutionary Organisation 17 November')
 40. 'Devrimci Halk Kurtuluş Partisi-Cephesi' – 'DHKP/C' (a.k.a. 'Devrimci Sol' ('Revolutionary Left'), a.k.a. 'Dev Sol') ('Revolutionary People's Liberation Army/Front/Party')
 41. 'Sendero Luminoso' – 'SL' ('Shining Path')
 42. 'Stichting Al Aqsa' (a.k.a. 'Stichting Al Aqsa Nederland', a.k.a. 'Al Aqsa Nederland')
 43. 'Teyrbazen Azadiya Kurdistan' – 'TAK' (a.k.a. 'Kurdistan Freedom Falcons', a.k.a. 'Kurdistan Freedom Hawks')
 44. *'Brigata XX Luglio' ('Twentieth of July Brigade')
 45. *'Ulster Defence Association/Ulster Freedom Fighters' – 'UDA/UFF'
 46. 'Autodefensas Unidas de Colombia' – 'AUC' ('United Self Defense Forces/Group of Colombia')
 47. *'Federazione Anarchica Informale' – 'F.A.I.' ('Unofficial Anarchist Federation')
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CORRIGENDA**Corrigendum to Commission Regulation (EC) No 1276/2008 of 17 December 2008 on the monitoring by physical checks of exports of agricultural products receiving refunds or other amounts**

(Official Journal of the European Union L 339 of 18 December 2008)

On page 67, Annex IV, the fourth indent should read as follows:

‘— *In Danish:* Forordning (EF) nr. 2298/2001’.

European Central Bank

2009/465/EC:

- ★ **Decision of the European Central Bank of 9 June 2009 amending Decision ECB/2007/7 concerning the terms and conditions of TARGET2-ECB (ECB/2009/13)** 39

III *Acts adopted under the EU Treaty*

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

- ★ **Council Joint Action 2009/466/CFSP of 15 June 2009 amending and extending Joint Action 2007/405/CFSP on the European Union police mission undertaken in the framework of reform of the security sector (SSR) and its interface with the system of justice in the Democratic Republic of the Congo (EUPOL RD Congo)** 40
- ★ **Council Joint Action 2009/467/CFSP of 15 June 2009 appointing the European Union Special Representative for Afghanistan and Pakistan and repealing Joint Action 2009/135/CFSP** 41
- ★ **Council Common Position 2009/468/CFSP of 15 June 2009 updating Common Position 2001/931/CFSP on the application of specific measures to combat terrorism and repealing Common Position 2009/67/CFSP** 45

Corrigenda

- ★ **Corrigendum to Commission Regulation (EC) No 1276/2008 of 17 December 2008 on the monitoring by physical checks of exports of agricultural products receiving refunds or other amounts (OJ L 339, 18.12.2008)** 51

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