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## I

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

## REGULATIONS

**COMMISSION REGULATION (EC) No 513/2009****of 17 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) <sup>(1)</sup>,

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 <sup>(2)</sup>, and in particular Article 138(1) thereof,

Whereas:

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 18 June 2009.

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

Done at Brussels, 17 June 2009.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

<sup>(1)</sup> OJ L 299, 16.11.2007, p. 1.

<sup>(2)</sup> 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 <sup>(1)</sup>	Standard import value
0702 00 00	CL	55,0
	MA	32,7
	MK	45,7
	TR	57,3
	ZA	28,0
	ZZ	43,7
0707 00 05	TR	137,8
	ZZ	137,8
0709 90 70	TR	110,4
	ZZ	110,4
0805 50 10	AR	62,6
	BR	104,3
	TR	64,0
	ZA	62,9
	ZZ	73,5
0808 10 80	AR	77,7
	BR	79,4
	CL	77,7
	CN	71,2
	NZ	105,9
	US	114,1
	UY	49,5
	ZA	83,5
	ZZ	82,4
0809 10 00	TN	146,2
	TR	201,1
	US	174,4
	ZZ	173,9
0809 20 95	TR	435,5
	ZZ	435,5
0809 30	MA	405,8
	TR	175,4
	US	203,1
	ZZ	261,4
0809 40 05	AU	288,5
	CL	109,9
	ZZ	199,2

<sup>(1)</sup> 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 514/2009****of 17 June 2009****amending the representative prices and additional import duties for certain products in the sugar sector fixed by Regulation (EC) No 945/2008 for the 2008/2009 marketing year**

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) <sup>(1)</sup>,

Having regard to Commission Regulation (EC) No 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector <sup>(2)</sup>, and in particular Article 36(2), second subparagraph, second sentence thereof,

Whereas:

(1) The representative prices and additional duties applicable to imports of white sugar, raw sugar and certain syrups

for the 2008/2009 marketing year are fixed by Commission Regulation (EC) No 945/2008 <sup>(3)</sup>. These prices and duties have been last amended by Commission Regulation (EC) No 486/2009 <sup>(4)</sup>.

(2) The data currently available to the Commission indicate that those amounts should be amended in accordance with the rules and procedures laid down in Regulation (EC) No 951/2006,

HAS ADOPTED THIS REGULATION:

*Article 1*

The representative prices and additional duties applicable to imports of the products referred to in Article 36 of Regulation (EC) No 951/2006, as fixed by Regulation (EC) No 945/2008 for the 2008/2009, marketing year, are hereby amended as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 18 June 2009.

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

Done at Brussels, 17 June 2009.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

<sup>(1)</sup> OJ L 299, 16.11.2007, p. 1.

<sup>(2)</sup> OJ L 178, 1.7.2006, p. 24.

<sup>(3)</sup> OJ L 258, 26.9.2008, p. 56.

<sup>(4)</sup> OJ L 145, 10.6.2009, p. 34.

## ANNEX

**Amended representative prices and additional import duties applicable to white sugar, raw sugar and products covered by CN code 1702 90 95 from 18 June 2009**

(EUR)

CN code	Representative price per 100 kg net of the product concerned	Additional duty per 100 kg net of the product concerned
1701 11 10 <sup>(1)</sup>	28,35	2,78
1701 11 90 <sup>(1)</sup>	28,35	7,36
1701 12 10 <sup>(1)</sup>	28,35	2,65
1701 12 90 <sup>(1)</sup>	28,35	6,93
1701 91 00 <sup>(2)</sup>	30,72	9,87
1701 99 10 <sup>(2)</sup>	30,72	5,35
1701 99 90 <sup>(2)</sup>	30,72	5,35
1702 90 95 <sup>(3)</sup>	0,31	0,34

<sup>(1)</sup> For the standard quality defined in point III of Annex IV to Regulation (EC) No 1234/2007.

<sup>(2)</sup> For the standard quality defined in point II of Annex IV to Regulation (EC) No 1234/2007.

<sup>(3)</sup> Per 1 % sucrose content.

## COMMISSION REGULATION (EC) No 515/2009

of 17 June 2009

**approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Pera dell'Emilia Romagna (PGI))**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas:

- (1) In accordance with the first subparagraph of Article 9(1), and in application of Article 17(2) of Regulation (EC) No 510/2006, the Commission has examined Italy's application for the approval of amendments to the specification of the protected geographical indication 'Pera dell'Emilia Romagna' registered on the basis of Commission Regulation (EC) No 1107/96 <sup>(2)</sup>, as amended by Regulation (EC) No 134/98 <sup>(3)</sup>.

- (2) Since the amendments in question are not minor within the meaning of Article 9 of Regulation (EC) No 510/2006, the Commission published the amendment application in the *Official Journal of the European Union* <sup>(4)</sup>, as required by the first subparagraph of Article 6(2) of that Regulation. As no statement of objection within the meaning of Article 7 of Regulation (EC) No 510/2006 has been sent to the Commission, the amendments should be approved,

HAS ADOPTED THIS REGULATION:

*Article 1*

The amendments to the specification published in the *Official Journal of the European Union* regarding the name in the Annex to this Regulation are hereby approved.

*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, 17 June 2009.

For the Commission  
Mariann FISCHER BOEL  
Member of the Commission

<sup>(1)</sup> OJ L 93, 31.3.2006, p. 12.

<sup>(2)</sup> OJ L 148, 21.6.1996, p. 1.

<sup>(3)</sup> OJ L 15, 21.1.1998, p. 6.

<sup>(4)</sup> OJ C 284, 8.11.2008, p. 7.

## ANNEX

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

**Class 1.6. Fruit, vegetables and cereals, fresh or processed**

ITALY

Pera dell'Emilia Romagna (PGI)

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**COMMISSION REGULATION (EC) No 516/2009****of 17 June 2009****entering a name in the register of protected designations of origin and protected geographical indications (Pagnotta del Dittaino (PDO))**

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 <sup>(1)</sup>, and in particular Article 7(4) thereof,

Whereas:

- (1) Pursuant to Article 6(2) of Regulation (EC) No 510/2006, Italy's application to register the name 'Pagnotta del Dittaino' has been published in the *Official Journal of the European Union* <sup>(2)</sup>.

- (2) As no objection under Article 7 of Regulation (EC) No 510/2006 has been received by the Commission, this name should 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, 17 June 2009.

*For the Commission*  
Mariann FISCHER BOEL  
*Member of the Commission*

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<sup>(1)</sup> OJ L 93, 31.3.2006, p. 12.  
<sup>(2)</sup> OJ C 283, 7.11.2008, p. 15.

## ANNEX

Foodstuffs listed in Annex I to the Regulation (EC) No 510/2006:

**Class 2.4. Bread, pastry, cakes, confectionery, biscuits and other baker's wares**

ITALY

Pagnotta del Dittaino (PDO)

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**COMMISSION REGULATION (EC) No 517/2009****of 17 June 2009****amending Council Regulation (EC) No 43/2009 as regards catch limits for the fisheries on sandeel in EC waters of ICES zone IIIa and EC waters of ICES zones IIa and IV**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 43/2009 of 16 January 2009 fixing for 2009 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required <sup>(1)</sup>, and in particular Article 5(3) thereof,

Whereas:

- (1) Catch limits for sandeel in EC waters of ICES zone IIIa and EC waters of ICES zones IIa and IV are provisionally laid down in Annex IA of Regulation (EC) No 43/2009.
- (2) Pursuant to point 6 of Annex IID to Regulation (EC) No 43/2009, the Commission is to revise the total allowable catches (TAC) and quotas for 2009 for sandeel in those zones based on advice from the International Council for the Exploration of the Sea (ICES) and the Scientific, Technical and Economic Committee for Fisheries (STECF).
- (3) The TAC for ICES zones IIa and IV shall be established according to the function laid down in the second subparagraph of point 6 of Annex IID to Regulation (EC) No 43/2009. According to that function the TAC would amount to 435 000 tonnes.
- (4) In accordance with point 7 of Annex IID to Regulation (EC) No 43/2009, the TAC for ICES zones IIa and IV shall not exceed 400 000 tonnes.
- (5) Sandeel is a North Sea stock which is shared with Norway but which is currently not jointly managed. The measures provided for in this Regulation are in accordance with consultations with Norway pursuant to the provisions of the Agreed Record of conclusions of fisheries consultations between the European Commission and Norway of 10 December 2008. In consequence, the Community share of that part of the TAC that can be caught in EC waters of ICES zones IIa and IV should be fixed at 90 % of 400 000 tonnes.
- (6) The Scientific Technical and Economic Committee for Fisheries recommends that the TAC should be increased by 4,23 % to cover EC waters of ICES zone IIIa.
- (7) Annex IA to Regulation (EC) No 43/2009 should therefore be amended accordingly.

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex IA to Regulation (EC) No 43/2009 is amended in accordance with the Annex to this Regulation.

*Article 2*

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

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

Done at Brussels, 17 June 2009.

*For the Commission*

Joe BORG

*Member of the Commission*

<sup>(1)</sup> OJ L 22, 26.1.2009, p. 1.

## ANNEX

In Annex IA to Regulation (EC) No 43/2009, the entry concerning the species sandeel in EC waters of IIIa and EC waters of IIa and IV is replaced by the following:

<b>Species:</b>	Sandeel <i>Ammodytidae</i>	<b>Zone:</b>	EC waters of IIIa, EC waters of IIa and IV <sup>(1)</sup> SAN/2A3A4.
Denmark	327 249 <sup>(2)</sup>	Analytical TAC. Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply. Article 5(2) of Regulation (EC) No 847/96 applies.	
Germany	501 <sup>(3)</sup>		
Sweden	12 017 <sup>(4)</sup>		
United Kingdom	7 153 <sup>(5)</sup>		
EC	346 920 <sup>(6)</sup>		
Norway	27 500 <sup>(7)</sup>		
Faeroes	2 500		
TAC	376 920		

<sup>(1)</sup> Excluding waters within 6 miles of UK baselines at Shetland, Fair Isle and Foula.

<sup>(2)</sup> Of which no more than 311 289 tonnes may be fished in EC waters of IIa and IV. The remaining quantity may be fished in EC waters of ICES zone IIIa only (SAN/\*03A).

<sup>(3)</sup> Of which no more than 476 tonnes may be fished in EC waters of IIa and IV. The remaining quantity may be fished in EC waters of ICES zone IIIa only (SAN/\*03A).

<sup>(4)</sup> Of which no more than 11 431 tonnes may be fished in EC waters of IIa and IV. The remaining quantity may be fished in EC waters of ICES zone IIIa only (SAN/\*03A).

<sup>(5)</sup> Of which no more than 6 804 tonnes may be fished in EC waters of IIa and IV. The remaining quantity may be fished in EC waters of ICES zone IIIa only. (SAN/\*03A).

<sup>(6)</sup> Of which no more than 330 000 tonnes may be fished in EC waters of IIa and IV. The remaining quantity may be fished in EC waters of ICES zone IIIa only. (SAN/\*03A).

<sup>(7)</sup> To be taken in ICES zone IV.

**COMMISSION REGULATION (EC) No 518/2009**  
**of 17 June 2009**  
**amending Regulation (EC) No 503/2009 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) <sup>(1)</sup>,

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 <sup>(2)</sup>, and in particular Article 2(1) thereof,

Whereas:

- (1) The import duties in the cereals sector applicable from 16 June 2009 were fixed by Commission Regulation (EC) No 503/2009 <sup>(3)</sup>.

- (2) As the average of the import duties calculated differs by more than EUR 5/tonne from that fixed, a corresponding adjustment must be made to the import duties fixed by Regulation (EC) No 503/2009.

- (3) Regulation (EC) No 503/2009 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annexes I and II to Regulation (EC) No 503/2009 are hereby replaced by the text in the Annex to this Regulation.

*Article 2*

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

It shall apply from 18 June 2009.

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

Done at Brussels, 17 June 2009.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

<sup>(1)</sup> OJ L 299, 16.11.2007, p. 1.

<sup>(2)</sup> OJ L 161, 29.6.1996, p. 125.

<sup>(3)</sup> OJ L 151, 16.6.2009, p. 19.

## ANNEX I

**Import duties on the products referred to in Article 136(1) of Regulation (EC) No 1234/2007 applicable from 18 June 2009**

CN code	Description	Import duties <sup>(1)</sup> (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	12,22
1005 90 00	Maize, other than seed <sup>(2)</sup>	12,22
1007 00 90	Grain sorghum other than hybrids for sowing	45,92

<sup>(1)</sup> 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.

<sup>(2)</sup> 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

15.6.2009-16.6.2009

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

	(EUR/t)					
	Common wheat <sup>(1)</sup>	Maize	Durum wheat, high quality	Durum wheat, medium quality <sup>(2)</sup>	Durum wheat, low quality <sup>(3)</sup>	Barley
Exchange	Minneapolis	Chicago	—	—	—	—
Quotation	209,13	114,96	—	—	—	—
Fob price USA	—	—	211,11	201,11	181,11	98,17
Gulf of Mexico premium	—	14,66	—	—	—	—
Great Lakes premium	8,93	—	—	—	—	—

<sup>(1)</sup> Premium of 14 EUR/t incorporated (Article 4(3) of Regulation (EC) No 1249/96).

<sup>(2)</sup> Discount of 10 EUR/t (Article 4(3) of Regulation (EC) No 1249/96).

<sup>(3)</sup> 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: 20,19 EUR/t

Freight costs: Great Lakes–Rotterdam: 17,76 EUR/t

**COMMISSION REGULATION (EC) No 519/2009****of 17 June 2009****establishing that certain limits for issuing import licences for sugar products under tariff quotas and preferential agreements are no longer reached**

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) <sup>(1)</sup>,

Having regard to Commission Regulation (EC) No 950/2006 of 28 June 2006 laying down detailed rules of application for the 2006/07, 2007/08 and 2008/09 marketing years for the import and refining of sugar products under certain tariff quotas and preferential agreements <sup>(2)</sup>, and in particular Article 5(4) thereof,

Whereas:

(1) The records referred to in Article 5(2) of Regulation (EC) No 950/2006 show that quantities of sugar are still

available for the obligations laid down under Article 12 of Regulation (EC) No 950/2006 bearing the serial numbers 09.4332, 09.4337, 09.4341, 09.4343, 09.4346 and 09.4351 (2008-2009).

(2) Under these circumstances, the Commission must indicate that the limits concerned are no longer reached,

HAS ADOPTED THIS REGULATION:

*Article 1*

The limits for the obligations laid down under Article 12 of Regulation (EC) No 950/2006 bearing the serial numbers 09.4332, 09.4337, 09.4341, 09.4343, 09.4346 and 09.4351 (2008-2009) are no longer reached.

*Article 2*

This Regulation shall enter into force on 18 June 2009.

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

Done at Brussels, 17 June 2009.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

<sup>(1)</sup> OJ L 299, 16.11.2007, p. 1.

<sup>(2)</sup> OJ L 178, 1.7.2006, p. 1.

**COMMISSION REGULATION (EC) No 520/2009****of 17 June 2009****on the issuing of import licences for applications lodged during the first seven days of June 2009 under the tariff quota opened by Regulation (EC) No 1399/2007 for sausages and certain meat products originating in Switzerland**

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) <sup>(1)</sup>,

Having regard to Commission Regulation (EC) No 1399/2007 of 28 November 2007 opening and providing for the administration of a tariff quota for sausages and certain meat products originating in Switzerland <sup>(2)</sup> and in particular Article 5(5) thereof,

Whereas:

(1) Regulation (EC) No 1399/2007 opened a tariff quota for imports of sausages and certain meat products.

(2) The applications for import licences lodged during the first seven days of June 2009 for the subperiod 1 July to 30 September 2009 do not cover the total quantity available. The quantities for which applications have not been lodged should therefore be determined and these should be added to the quantity fixed for the following quota subperiod,

HAS ADOPTED THIS REGULATION:

*Article 1*

The quantities for which import licence applications under the quota bearing the serial number 09.4180 have not been lodged pursuant to Regulation (EC) No 1399/2007, to be added to the subperiod 1 October to 31 December 2009, shall be 1 400 000 kg.

*Article 2*

This Regulation shall enter into force on 18 June 2009.

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

Done at Brussels, 17 June 2009.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

<sup>(1)</sup> OJ L 299, 16.11.2007, p. 1.

<sup>(2)</sup> OJ L 311, 29.11.2007, p. 7.

**COMMISSION REGULATION (EC) No 521/2009****of 17 June 2009****on the issuing of import licences for applications lodged during the first seven days of June 2009  
under the tariff quota opened by Regulation (EC) No 1382/2007 for pigmeat**

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) <sup>(1)</sup>,

Having regard to Commission Regulation (EC) No 1382/2007 of 26 November 2007 laying down detailed rules for the application of Council Regulation (EC) No 774/94 concerning the import arrangements for pigmeat <sup>(2)</sup>, and in particular Article 5(6) thereof,

Whereas:

- (1) Regulation (EC) No 1382/2007 opened a tariff quota for imports of pigmeat products.

- (2) The applications for import licences lodged during the first seven days of June 2009 for the subperiod 1 July to 30 September 2009 do not cover the total quantity available. The quantities for which applications have not been lodged should therefore be determined and these should be added to the quantity fixed for the following quota subperiod,

HAS ADOPTED THIS REGULATION:

*Article 1*

The quantities for which import licence applications covered by the quota bearing the serial number 09.4046 have not been lodged under Regulation (EC) No 1382/2007, to be added to the subperiod from 1 October to 31 December 2009, shall be 4 844 000 kg.

*Article 2*

This Regulation shall enter into force on 18 June 2009.

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

Done at Brussels, 17 June 2009.

*For the Commission*

Jean-Luc DEMARTY

*Director-General for Agriculture and  
Rural Development*

<sup>(1)</sup> OJ L 299, 16.11.2007, p. 1

<sup>(2)</sup> OJ L 309, 27.11.2007, p. 28.

## DIRECTIVES

## COUNCIL DIRECTIVE 2009/50/EC

of 25 May 2009

**on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular points (3)(a) and (4) of the first subparagraph of Article 63 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament <sup>(1)</sup>,

After consulting the European Economic and Social Committee <sup>(2)</sup>,

After consulting the Committee of the Regions <sup>(3)</sup>,

Whereas:

- (1) For the gradual establishment of an area of freedom, security and justice, the Treaty provides for measures to be adopted in the fields of asylum, immigration and protection of the rights of third-country nationals.
- (2) The Treaty provides that the Council is to adopt measures on immigration policy relating to conditions of entry and residence, standards on procedures for the issue by Member States of long-term visas and residence permits, and measures defining the rights and conditions under which nationals of third-countries who are legally resident in a Member State may reside in other Member States.
- (3) The Lisbon European Council in March 2000 set the Community the objective of becoming the most competitive and dynamic knowledge-based economy in the world, capable of sustainable economic growth with

more and better jobs and greater social cohesion by 2010. Measures to attract and retain highly qualified third-country workers as part of an approach based on the needs of Member States should be seen in the broader context established by the Lisbon Strategy and by the Commission Communication of 11 December 2007 on the integrated guidelines for growth and jobs.

- (4) The Hague Programme, adopted by the European Council on 4 and 5 November 2004, recognised that legal migration will play an important role in enhancing the knowledge-based economy in Europe, advancing economic development, and thus contributing to the implementation of the Lisbon Strategy. The European Council invited the Commission to present a policy plan on legal migration, including admission procedures, capable of responding promptly to fluctuating demands for migrant labour in the labour market.
- (5) The European Council of 14 and 15 December 2006 agreed on a series of steps for 2007, among which to develop well-managed legal immigration policies, fully respecting national competences, to assist Member States in meeting existing and future labour needs.
- (6) To achieve the objectives of the Lisbon Strategy it is also important to foster the mobility within the Union of highly qualified workers who are Union citizens, in particular those from the Member States which acceded in 2004 and 2007. In implementing this Directive, Member States are bound to respect the principle of Community preference as expressed, in particular, in the relevant provisions of the Acts of Accession of 2003 and 2005.
- (7) This Directive is intended to contribute to achieving these goals and addressing labour shortages by fostering the admission and mobility — for the purposes of highly qualified employment — of third-country nationals for stays of more than three months, in order to make the Community more attractive to such workers from around the world and sustain its competitiveness and economic growth. To reach these goals, it is necessary to facilitate the admission of highly qualified workers and their families by establishing a fast-track admission procedure and by granting them equal social and

<sup>(1)</sup> Opinion of 20 November 2008 (not yet published in the Official Journal).

<sup>(2)</sup> Opinion of 9 July 2008 (not yet published in the Official Journal).

<sup>(3)</sup> Opinion of 18 June 2008 (not yet published in the Official Journal).

economic rights as nationals of the host Member State in a number of areas. It is also necessary to take into account the priorities, labour market needs and reception capacities of the Member States. This Directive should be without prejudice to the competence of the Member States to maintain or to introduce new national residence permits for any purpose of employment. The third-country nationals concerned should have the possibility to apply for an EU Blue Card or for a national residence permit. Moreover, this Directive should not affect the possibility for an EU Blue Card holder to enjoy additional rights and benefits which may be provided by national law, and which are compatible with this Directive.

- (8) This Directive should be without prejudice to the right of the Member States to determine the volumes of admission of third-country nationals entering their territory for the purposes of highly qualified employment. This should include also third-country nationals who seek to remain on the territory of a Member State in order to exercise a paid economic activity and who are legally resident in that Member State under other schemes, such as students having just completed their studies or researchers having been admitted pursuant to Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service <sup>(1)</sup> and Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research <sup>(2)</sup> respectively, and who do not enjoy consolidated access to the labour market of the Member State under Community or national law. Moreover, regarding volumes of admission, Member States retain the possibility not to grant residence permits for employment in general or for certain professions, economic sectors or regions.
- (9) For the purpose of this Directive, in order to evaluate if the third-country national concerned possesses higher education qualifications, reference may be made to ISCED (International Standard Classification of Education) 1997 levels 5a and 6.
- (10) This Directive should provide for a flexible demand-driven entry system, based on objective criteria, such as a minimum salary threshold comparable with the salary levels in the Member States, and on professional qualifications. The definition of a common minimum denominator for the salary threshold is necessary to ensure a minimum level of harmonisation in the admission conditions throughout the Community. The

salary threshold determines a minimum level while Member States may define a higher salary threshold. Member States should fix their threshold in accordance with the situation and organisation of their respective labour markets and their general immigration policies. Derogation from the main scheme in terms of the salary threshold may be laid down for specific professions where it is considered by the Member State concerned that there is a particular lack of available workforce and where such professions are part of the major group 1 and 2 of the ISCO (International Standard Classification of Occupation) classification.

- (11) This Directive aims only at defining the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment within the EU Blue Card system, including the eligibility criteria related to a salary threshold. The sole purpose of this salary threshold is to help to determine, taking into account a statistical observation published by the Commission (Eurostat) or by the Member States concerned, the scope of the EU Blue Card established by each Member State on the basis of common rules. It does not aim to determine salaries and therefore does not derogate from the rules or practices at Member State level or from collective agreements, and cannot be used to constitute any harmonisation in this field. This Directive fully respects the competences of Member States, particularly on employment, labour and social matters.
- (12) Once a Member State has decided to admit a third-country national fulfilling the relevant criteria, the third-country national who applied for an EU Blue Card should receive the specific residence permit provided for by this Directive, which should grant progressive access to the labour market and residence and mobility rights to him and his family. The deadline for examining the application for an EU Blue Card should not include the time required for the recognition of professional qualifications or the time required for issuing a visa, if required. This Directive is without prejudice to national procedures on the recognition of diplomas. The designation of the competent authorities under this Directive is without prejudice to the role and responsibilities of other national authorities and, where applicable, the social partners, with regard to the examination of, and the decision on, the application.
- (13) The format of the EU Blue Card should be in accordance with Council Regulation (EC) No 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals <sup>(3)</sup>, thus enabling the Member States to refer to the information, in particular, under which conditions the person is permitted to work.

<sup>(1)</sup> OJ L 375, 23.12.2004, p. 12.

<sup>(2)</sup> OJ L 289, 3.11.2005, p. 15.

<sup>(3)</sup> OJ L 157, 15.6.2002, p. 1.

- (14) Third-country nationals who are in possession of a valid travel document and an EU Blue Card issued by a Member State applying the Schengen *acquis* in full, should be allowed to enter into and move freely within the territory of another Member State applying the Schengen *acquis* in full, for a period of up to three months, in accordance with Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code)<sup>(1)</sup> and Article 21 of the Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders.
- (15) The occupational and geographical mobility of third-country highly qualified workers should be recognised as a primary mechanism for improving labour market efficiency, preventing skill shortages and offsetting regional imbalances. In order to respect the principle of Community preference and to avoid possible abuses of the system, the occupational mobility of a third-country highly qualified worker should be limited for the first two years of legal employment in a Member State.
- (16) This Directive fully respects equal treatment between nationals of the Member States and EU Blue Card holders in relation to pay, when they are in comparable situations.
- (17) Equal treatment of EU Blue Card holders does not cover measures in the field of vocational training which are covered under social assistance schemes.
- (18) EU Blue Card holders should enjoy equal treatment as regards social security. Branches of social security are defined in Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community<sup>(2)</sup>. Council Regulation (EC) No 859/2003 of 14 May 2003 extending the provisions of Regulation (EEC) No 1408/71 and Regulation (EEC) No 574/72 to nationals of third-countries who are not already covered by those provisions solely on the ground of their nationality<sup>(3)</sup> extends the provisions of Regulation (EEC) No 1408/71 to third-country nationals who are legally residing in the Community and who are in a cross-border situation. The provisions on equal treatment as regards social security in this Directive also apply directly to persons entering into the territory of a Member State directly from a third-country, provided that the person concerned is legally residing as holder of a valid EU Blue Card, including during the period of temporary unemployment, and he fulfils the conditions, set out under national law, for being eligible for the social security benefits concerned.
- Nevertheless, this Directive should not confer to the EU Blue Card holder more rights than those already provided in existing Community law in the field of social security for third-country nationals who have cross-border elements between Member States. This Directive, furthermore, should not grant rights in relation to situations which lie outside the scope of Community law such as, for example, the situation of family members residing in a third country.
- (19) Professional qualifications acquired by a third-country national in another Member State should be recognised in the same way as those of Union citizens. Qualifications acquired in a third country should be taken into account in conformity with Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications<sup>(4)</sup>.
- (20) The geographical mobility within the Community should be controlled and demand-driven during the first period of legal stay of the highly qualified third-country worker. Derogations from Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents<sup>(5)</sup> should be provided for in order not to penalise geographically mobile highly qualified third-country workers who have not yet acquired the EC long-term resident status referred to in that Directive, and in order to encourage geographical and circular migration.
- (21) The mobility of highly qualified third-country workers between the Community and their countries of origin should be fostered and sustained. Derogations from Directive 2003/109/EC should be provided for in order to extend the period of absence from the territory of the Community without interrupting the period of legal and continuous residence necessary to be eligible for EC long-term resident status. Longer periods of absence than those provided for in Directive 2003/109/EC should also be allowed after highly qualified third-country workers have acquired EC long-term resident status to encourage their circular migration.

<sup>(1)</sup> OJ L 105, 13.4.2006, p. 1.

<sup>(2)</sup> OJ L 149, 5.7.1971, p. 2.

<sup>(3)</sup> OJ L 124, 20.5.2003, p. 1.

<sup>(4)</sup> OJ L 255, 30.9.2005, p. 22.

<sup>(5)</sup> OJ L 16, 23.1.2004, p. 44.

- (22) In implementing this Directive, Member States should refrain from pursuing active recruitment in developing countries in sectors suffering from a lack of personnel. Ethical recruitment policies and principles applicable to public and private sector employers should be developed in key sectors, for example the health sector, as underlined in the Council and Member States' conclusions of 14 May 2007 on the European Programme for Action to tackle the critical shortage of health workers in developing countries (2007 to 2013) and the education sector, as appropriate. These should be strengthened by the development and application of mechanisms, guidelines and other tools to facilitate, as appropriate, circular and temporary migration, as well as other measures that would minimise negative and maximise positive impacts of highly skilled immigration on developing countries in order to turn 'brain drain' into 'brain gain'.
- (23) Favourable conditions for family reunification and for access to work for spouses should be a fundamental element of this Directive which aims to attract highly qualified third-country workers. Specific derogations to Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification<sup>(1)</sup> should be provided for in order to reach this aim. The derogation included in Article 15(3) of this Directive does not preclude Member States from maintaining or introducing integration conditions and measures, including language learning, for the members of the family of an EU Blue Card holder.
- (24) Specific reporting provisions should be provided for to monitor the implementation of this Directive, with a view to identifying and possibly counteracting its possible impacts in terms of 'brain drain' in developing countries and in order to avoid 'brain waste'. The relevant data should be transmitted annually by the Member States to the Commission in accordance with Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection<sup>(2)</sup>.
- (25) Since the objectives of this Directive, namely the introduction of a special admission procedure and the adoption of conditions of entry and residence for more than three months applicable to third-country nationals in the Member States for the purposes of highly qualified employment and their family members, cannot be sufficiently achieved by the Member States, especially as regards ensuring their mobility between Member States, and can therefore be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.
- (26) This Directive respects the fundamental rights and observes the principles recognised in particular in Article 6 of the Treaty on European Union and reflected in the Charter of Fundamental Rights of the European Union.
- (27) In accordance with paragraph 34 of the Interinstitutional agreement of the European Parliament, the Council and the Commission on better law-making<sup>(3)</sup>, Member States are encouraged to draw up, for themselves and in the interest of the Community, their own tables, which will, as far as possible, illustrate the correlation between the Directive and the transposition measures, and make them public.
- (28) In accordance with Articles 1 and 2 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty establishing the European Community and without prejudice to Article 4 of the said Protocol these Member States are not taking part in the adoption of this Directive and are not bound by or subject to its application.
- (29) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and the Treaty establishing the European Community, Denmark is not participating in the adoption of this Directive, and is not bound by it or subject to its application.

HAS ADOPTED THIS DIRECTIVE:

CHAPTER I  
GENERAL PROVISIONS

*Article 1*

**Subject matter**

The purpose of this Directive is to determine:

- (a) the conditions of entry and residence for more than three months in the territory of the Member States of third-country nationals for the purpose of highly qualified employment as EU Blue Card holders, and of their family members;
- (b) the conditions for entry and residence of third-country nationals and of their family members under point (a) in Member States other than the first Member State.

<sup>(1)</sup> OJ L 251, 3.10.2003, p. 12.

<sup>(2)</sup> OJ L 199, 31.7.2007, p. 23.

<sup>(3)</sup> OJ C 321, 31.12.2003, p. 1.

## Article 2

### Definitions

For the purposes of this Directive:

- (a) 'third-country national' means any person who is not a citizen of the Union within the meaning of Article 17(1) of the Treaty;
- (b) 'highly qualified employment' means the employment of a person who:
- in the Member State concerned, is protected as an employee under national employment law and/or in accordance with national practice, irrespective of the legal relationship, for the purpose of exercising genuine and effective work for, or under the direction of, someone else,
  - is paid, and,
  - has the required adequate and specific competence, as proven by higher professional qualifications,
- (c) 'EU Blue Card' means the authorisation bearing the term 'EU Blue Card' entitling its holder to reside and work in the territory of a Member State under the terms of this Directive;
- (d) 'first Member State' means the Member State which first grants a third-country national an 'EU Blue Card';
- (e) 'second Member State' means any Member State other than the first Member State;
- (f) 'family members' means third-country nationals as defined in Article 4(1) of Directive 2003/86/EC;
- (g) 'higher professional qualifications' means qualifications attested by evidence of higher education qualifications or, by way of derogation, when provided for by national law, attested by at least five years of professional experience of a level comparable to higher education qualifications and which is relevant in the profession or sector specified in the work contract or binding job offer;
- (h) 'higher education qualification' means any diploma, certificate or other evidence of formal qualifications issued by a competent authority attesting the successful completion of a post-secondary higher education programme, namely a set of courses provided by an educational establishment recognised as a higher education institution by the State in which it is situated. For the purposes of this Directive, a higher education qualification shall be taken into account, on condition that the studies needed to acquire it lasted at least three years;

- (i) 'professional experience' means the actual and lawful pursuit of the profession concerned;
- (j) 'regulated profession' means a regulated profession as defined in Article 3(1)(a) of Directive 2005/36/EC.

## Article 3

### Scope

1. This Directive shall apply to third-country nationals who apply to be admitted to the territory of a Member State for the purpose of highly qualified employment under the terms of this Directive.
2. This Directive shall not apply to third-country nationals:
  - (a) who are authorised to reside in a Member State on the basis of temporary protection or have applied for authorisation to reside on that basis and are awaiting a decision on their status;
  - (b) who are beneficiaries of international protection under Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third-country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted <sup>(1)</sup> or have applied for international protection under that Directive and whose application has not yet given rise to a final decision;
  - (c) who are beneficiaries of protection in accordance with national law, international obligations or practice of the Member State or have applied for protection in accordance with national law, international obligations or practice of the Member State and whose application has not given rise to a final decision;
  - (d) who apply to reside in a Member State as researchers, within the meaning of Directive 2005/71/EC, in order to carry out a research project;
  - (e) who are family members of Union citizens who have exercised, or are exercising, their right to free movement within the Community in conformity with Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States <sup>(2)</sup>;
  - (f) who enjoy EC long-term resident status in a Member State in accordance with Directive 2003/109/EC and exercise their right to reside in another Member State in order to carry out an economic activity in an employed or self-employed capacity;

<sup>(1)</sup> OJ L 304, 30.9.2004, p. 12.

<sup>(2)</sup> OJ L 158, 30.4.2004, p. 77, as corrected by OJ L 229, 29.6.2004, p. 35.

- (g) who enter a Member State under commitments contained in an international agreement facilitating the entry and temporary stay of certain categories of trade and investment-related natural persons;
- (h) who have been admitted to the territory of a Member State as seasonal workers;
- (i) whose expulsion has been suspended for reasons of fact or law;
- (j) who are covered by Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services <sup>(1)</sup> as long as they are posted on the territory of the Member State concerned.

In addition, this Directive shall not apply to third-country nationals and their family members, whatever their nationality, who, under agreements between the Community and its Member States and those third countries enjoy rights of free movement equivalent to those of Union citizens.

3. This Directive shall be without prejudice to any agreement between the Community and/or its Member States and one or more third countries, that lists the professions which should not fall under this Directive in order to assure ethical recruitment, in sectors suffering from a lack of personnel, by protecting human resources in the developing countries which are signatories to these agreements.

4. This Directive shall be without prejudice to the right of the Member States to issue residence permits other than an EU Blue Card for any purpose of employment. Such residence permits shall not confer the right of residence in the other Member States as provided for in this Directive.

#### Article 4

##### More favourable provisions

1. This Directive shall be without prejudice to more favourable provisions of:
  - (a) Community law, including bilateral or multilateral agreements concluded between the Community or between the Community and its Member States and one or more third countries;
  - (b) bilateral or multilateral agreements concluded between one or more Member States and one or more third countries.

2. This Directive shall not affect the right of Member States to adopt or retain more favourable provisions for persons to whom it applies in respect of the following provisions of this Directive:

- (a) Article 5(3) in application of Article 18;
- (b) Articles 11, 12(1), second sentence, 12(2), 13, 14, 15 and 16(4).

#### CHAPTER II

#### CONDITIONS OF ADMISSION

##### Article 5

##### Criteria for admission

1. Without prejudice to Article 10(1), a third-country national who applies for an EU Blue Card under the terms of this Directive shall:

- (a) present a valid work contract or, as provided for in national law, a binding job offer for highly qualified employment, of at least one year in the Member State concerned;
- (b) present a document attesting fulfilment of the conditions set out under national law for the exercise by Union citizens of the regulated profession specified in the work contract or binding job offer as provided for in national law;
- (c) for unregulated professions, present the documents attesting the relevant higher professional qualifications in the occupation or sector specified in the work contract or in the binding job offer as provided for in national law;
- (d) present a valid travel document, as determined by national law, an application for a visa or a visa, if required, and evidence of a valid residence permit or of a national long-term visa, if appropriate. Member States may require the period of validity of the travel document to cover at least the initial duration of the residence permit;
- (e) present evidence of having or, if provided for by national law, having applied for a sickness insurance for all the risks normally covered for nationals of the Member State concerned for periods where no such insurance coverage and corresponding entitlement to benefits are provided in connection with, or resulting from, the work contract;
- (f) not be considered to pose a threat to public policy, public security or public health.

<sup>(1)</sup> OJ L 18, 21.1.1997, p. 1.

2. Member States may require the applicant to provide his address in the territory of the Member State concerned.

3. In addition to the conditions laid down in paragraph 1, the gross annual salary resulting from the monthly or annual salary specified in the work contract or binding job offer shall not be inferior to a relevant salary threshold defined and published for that purpose by the Member States, which shall be at least 1,5 times the average gross annual salary in the Member State concerned.

4. When implementing paragraph 3, Member States may require that all conditions in the applicable laws, collective agreements or practices in the relevant occupational branches for highly qualified employment are met.

5. By way of derogation to paragraph 3, and for employment in professions which are in particular need of third-country national workers and which belong to the major groups 1 and 2 of ISCO, the salary threshold may be at least 1,2 times the average gross annual salary in the Member State concerned. In this case, the Member State concerned shall communicate each year to the Commission the list of the professions for which a derogation has been decided.

6. This Article shall be without prejudice to the applicable collective agreements or practices in the relevant occupational branches for highly qualified employment.

#### Article 6

### Volumes of admission

This Directive shall not affect the right of a Member State to determine the volume of admission of third-country nationals entering its territory for the purposes of highly qualified employment.

#### CHAPTER III

### EU BLUE CARD, PROCEDURE AND TRANSPARENCY

#### Article 7

### EU Blue Card

1. A third-country national who has applied and fulfils the requirements set out in Article 5 and for whom the competent authorities have taken a positive decision in accordance with Article 8 shall be issued with an EU Blue Card.

The Member State concerned shall grant the third-country national every facility to obtain the requisite visas.

2. Member States shall set a standard period of validity of the EU Blue Card, which shall be comprised between one and four years. If the work contract covers a period less than this period, the EU Blue Card shall be issued or renewed for the duration of the work contract plus three months.

3. The EU Blue Card shall be issued by the competent authorities of the Member State using the uniform format as laid down in Regulation (EC) No 1030/2002. In accordance with point (a) 7,5-9 of the Annex to that Regulation, Member States shall indicate on the EU Blue Card the conditions for access to the labour market as set out in Article 12(1) of this Directive. Under the heading 'type of permit' in the residence permit, Member States shall enter 'EU Blue Card'.

4. During the period of its validity, the EU Blue Card shall entitle its holder to:

- (a) enter, re-enter and stay in the territory of the Member State issuing the EU Blue Card;
- (b) the rights recognised in this Directive.

#### Article 8

### Grounds for refusal

1. Member States shall reject an application for a EU Blue Card whenever the applicant does not meet the conditions set out in Article 5 or whenever the documents presented have been fraudulently acquired, or falsified or tampered with.

2. Before taking the decision on an application for an EU Blue Card, and when considering renewals or authorisations pursuant to Article 12(1) and (2) during the first two years of legal employment as an EU Blue Card holder, Member States may examine the situation of their labour market and apply their national procedures regarding the requirements for filling a vacancy.

Member States may verify whether the concerned vacancy could not be filled by national or Community workforce, by third-country nationals lawfully resident in that Member State and already forming part of its labour market by virtue of Community or national law, or by EC long-term residents wishing to move to that Member State for highly qualified employment in accordance with Chapter III of Directive 2003/109/EC.

3. An application for an EU Blue Card may also be considered as inadmissible on the grounds of Article 6.

4. Member States may reject an application for an EU Blue Card in order to ensure ethical recruitment in sectors suffering from a lack of qualified workers in the countries of origin.

5. Member States may reject an application for an EU Blue Card if the employer has been sanctioned in conformity with national law for undeclared work and/or illegal employment.

*Article 9***Withdrawal or non-renewal of the EU Blue Card**

1. Member States shall withdraw or refuse to renew an EU Blue Card issued on the basis of this Directive in the following cases:

- (a) when it has been fraudulently acquired, or has been falsified or tampered with;
- (b) wherever it appears that the holder did not meet or no longer meets the conditions for entry and residence laid down in this Directive or is residing for purposes other than that for which the holder was authorised to reside;
- (c) when the holder has not respected the limitations set out in Articles 12(1) and (2) and 13.

2. The lack of communication pursuant to Article 12(2) second subparagraph and 13(4) shall not be considered to be a sufficient reason for withdrawing or not renewing the EU Blue Card if the holder can prove that the communication did not reach the competent authorities for a reason independent of the holder's will.

3. Member States may withdraw or refuse to renew an EU Blue Card issued on the basis of this Directive in the following cases:

- (a) for reasons of public policy, public security or public health;
- (b) wherever the EU Blue Card holder does not have sufficient resources to maintain himself and, where applicable, the members of his family, without having recourse to the social assistance system of the Member State concerned. Member States shall evaluate these resources by reference to their nature and regularity and may take into account the level of minimum national wages and pensions as well as the number of family members of the person concerned. Such evaluation shall not take place during the period of unemployment referred to in Article 13;
- (c) if the person concerned has not communicated his address;
- (d) when the EU Blue Card holder applies for social assistance, provided that the appropriate written information has been provided to him in advance by the Member State concerned.

*Article 10***Applications for admission**

1. Member States shall determine whether applications for an EU Blue Card are to be made by the third-country national and/or by his employer.

2. The application shall be considered and examined either when the third-country national concerned is residing outside the territory of the Member State to which he wishes to be admitted or when he is already residing in that Member State as holder of a valid residence permit or national long-stay visa.

3. By way of derogation from paragraph 2, a Member State may accept, in accordance with its national law, an application submitted when the third-country national concerned is not in possession of a valid residence permit but is legally present in its territory.

4. By way of derogation from paragraph 2, a Member State may provide that an application can only be submitted from outside its territory, provided that such limitations, either for all the third-country nationals or for specific categories of third-country nationals, are already set out in the existing national law at the time of the adoption of this Directive.

*Article 11***Procedural safeguards**

1. The competent authorities of the Member States shall adopt a decision on the complete application for an EU Blue Card and notify the applicant in writing, in accordance with the notification procedures laid down in the national law of the Member State concerned, as soon as possible and at the latest within 90 days of the application being lodged.

National law of the relevant Member State shall determine any consequence of a decision not having been taken by the end of the period provided for in the first subparagraph.

2. Where the information or documents supplied in support of the application are inadequate, the competent authorities shall notify the applicant of the additional information that is required and set a reasonable deadline for providing it. The period referred to in paragraph 1 shall be suspended until the authorities have received the additional information or documents required. If additional information or documents have not been provided within the deadline, the application may be rejected.

3. Any decision rejecting an application for an EU Blue Card, a decision not to renew or to withdraw an EU Blue Card, shall be notified in writing to the third-country national concerned and, where relevant, to his employer in accordance with the notification procedures under the relevant national law and shall be open to legal challenge in the Member State concerned, in accordance with national law. The notification shall specify the reasons for the decision, the possible redress procedures available and the time limit for taking action.

## CHAPTER IV

## RIGHTS

## Article 12

**Labour market access**

1. For the first two years of legal employment in the Member State concerned as an EU Blue Card holder, access to the labour market for the person concerned shall be restricted to the exercise of paid employment activities which meet the conditions for admission set out in Article 5. After these first two years, Member States may grant the persons concerned equal treatment with nationals as regards access to highly qualified employment.

2. For the first two years of legal employment in the Member State concerned as an EU Blue Card holder, changes in employer shall be subject to the prior authorisation in writing of the competent authorities of the Member State of residence, in accordance with national procedures and within the time limits set out in Article 11(1). Modifications that affect the conditions for admission shall be subject to prior communication or, if provided for by national law, prior authorisation.

After these first two years, where the Member State concerned does not make use of the possibility provided for in paragraph 1 regarding equal treatment, the person concerned shall, in accordance with national procedures, communicate changes that affect the conditions of Article 5 to the competent authorities of the Member State of residence.

3. Member States may retain restrictions on access to employment, provided such employment activities entail occasional involvement in the exercise of public authority and the responsibility for safeguarding the general interest of the State and where, in accordance with existing national or Community law, these activities are reserved to nationals.

4. Member States may retain restrictions on access to employment activities, in cases where, in accordance with existing national or Community law, these activities are reserved to nationals, Union citizens or EEA citizens.

5. This Article shall be applied without prejudice to the principle of Community preference as expressed in the relevant provisions of the Acts of Accession of 2003 and 2005, in particular with respect to the rights of nationals of the Member States concerned to access the labour market.

## Article 13

**Temporary unemployment**

1. Unemployment in itself shall not constitute a reason for withdrawing an EU Blue Card, unless the period of unemployment exceeds three consecutive months, or it occurs more than once during the period of validity of an EU Blue Card.

2. During the period referred to in paragraph 1, the EU Blue Card holder shall be allowed to seek and take up employment under the conditions set out in Article 12.

3. Member States shall allow the EU Blue Card holder to remain on their territory until the necessary authorisation pursuant to Article 12(2) has been granted or denied. The communication under Article 12(2) shall automatically end the period of unemployment.

4. The EU Blue Card holder shall communicate the beginning of the period of unemployment to the competent authorities of the Member State of residence, in accordance with the relevant national procedures.

## Article 14

**Equal treatment**

1. EU Blue Card holders shall enjoy equal treatment with nationals of the Member State issuing the Blue Card, as regards:

- (a) working conditions, including pay and dismissal, as well as health and safety requirements at the workplace;
- (b) freedom of association and affiliation and membership of an organisation representing workers or employers or of any organisation whose members are engaged in a specific occupation, including the benefits conferred by such organisations, without prejudice to the national provisions on public policy and public security;
- (c) education and vocational training;
- (d) recognition of diplomas, certificates and other professional qualifications in accordance with the relevant national procedures;
- (e) provisions in national law regarding the branches of social security as defined in Regulation (EEC) No 1408/71. The special provisions in the Annex to Regulation (EC) No 859/2003 shall apply accordingly;
- (f) without prejudice to existing bilateral agreements, payment of income-related acquired statutory pensions in respect of old age, at the rate applied by virtue of the law of the debtor Member State(s) when moving to a third country;
- (g) access to goods and services and the supply of goods and services made available to the public, including procedures for obtaining housing, as well as information and counselling services afforded by employment offices;
- (h) free access to the entire territory of the Member State concerned, within the limits provided for by national law.

2. With respect to paragraph 1(c) and (g) the Member State concerned may restrict equal treatment as regards study and maintenance grants and loans or other grants and loans regarding secondary and higher education and vocational training, and procedures for obtaining housing.

With respect to paragraph 1(c):

- (a) access to university and post-secondary education may be subject to specific prerequisites in accordance with national law;
- (b) the Member State concerned may restrict equal treatment to cases where the registered or usual place of residence of the EU Blue Card holder, or that of the family member for whom benefits are claimed, lies within its territory.

Paragraph 1(g) shall be without prejudice to the freedom of contract in accordance with Community and national law.

3. The right to equal treatment as laid down in paragraph 1 shall be without prejudice to the right of the Member State to withdraw or to refuse to renew the EU Blue Card in accordance with Article 9.

4. When the EU Blue Card holder moves to a second Member State in accordance with Article 18 and a positive decision on the issuing of an EU Blue Card has not yet been taken, Member States may limit equal treatment in the areas listed in paragraph 1, with the exception of 1(b) and (d). If, during this period, Member States allow the applicant to work, equal treatment with nationals of the second Member State in all areas of paragraph 1 shall be granted.

#### Article 15

##### Family members

1. Directive 2003/86/EC shall apply with the derogations laid down in this Article.
2. By way of derogation from Articles 3(1) and 8 of Directive 2003/86/EC, family reunification shall not be made dependent on the requirement of the EU Blue Card holder having reasonable prospects of obtaining the right of permanent residence and having a minimum period of residence.
3. By way of derogation from the last subparagraph of Article 4(1) and Article 7(2) of Directive 2003/86/EC, the integration conditions and measures referred to therein may only be applied after the persons concerned have been granted family reunification.
4. By way of derogation from the first subparagraph of Article 5(4) of Directive 2003/86/EC, residence permits for family members shall be granted, where the conditions for family reunification are fulfilled, at the latest within six months from the date on which the application was lodged.

5. By way of derogation from Article 13(2) and (3) of Directive 2003/86/EC, the duration of validity of the residence permits of family members shall be the same as that of the residence permits issued to the EU Blue Card holder insofar as the period of validity of their travel documents allows it.

6. By way of derogation from the second sentence of Article 14(2) of Directive 2003/86/EC, Member States shall not apply any time limit in respect of access to the labour market.

This paragraph is applicable from 19 December 2011.

7. By way of derogation to Article 15(1) of Directive 2003/86/EC, for the purposes of calculation of the five years of residence required for the acquisition of an autonomous residence permit, residence in different Member States may be cumulated.

8. If Member States have recourse to the option provided for in paragraph 7, the provisions set out in Article 16 of this Directive in respect of accumulation of periods of residence in different Member States by the EU Blue Card holder shall apply *mutatis mutandis*.

#### Article 16

##### EC long-term resident status for EU Blue Card holders

1. Directive 2003/109/EC shall apply with the derogations laid down in this Article.
2. By way of derogation from Article 4(1) of Directive 2003/109/EC, the EU Blue Card holder having made use of the possibility provided for in Article 18 of this Directive is allowed to cumulate periods of residence in different Member States in order to fulfil the requirement concerning the duration of residence, if the following conditions are met:
  - (a) five years of legal and continuous residence within the territory of the Community as an EU Blue Card holder; and
  - (b) legal and continuous residence for two years immediately prior to the submission of the relevant application as an EU Blue Card holder within the territory of the Member State where the application for the long-term resident's EC residence permit is lodged.
3. For the purpose of calculating the period of legal and continuous residence in the Community and by way of derogation from the first subparagraph of Article 4(3) of Directive 2003/109/EC, periods of absence from the territory of the Community shall not interrupt the period referred to in paragraph 2(a) of this Article if they are shorter than 12 consecutive months and do not exceed in total 18 months within the period referred to in paragraph 2(a) of this Article. This paragraph shall apply also in cases where the EU Blue Card holder has not made use of the possibility provided for in Article 18.

4. By way of derogation from Article 9(1)(c) of Directive 2003/109/EC, Member States shall extend to 24 consecutive months the period of absence from the territory of the Community which is allowed to an EC long-term resident holder of a long-term residence permit with the remark referred to in Article 17(2) of this Directive and of his family members having been granted the EC long-term resident status.

5. The derogations to Directive 2003/109/EC set out in paragraphs 3 and 4 of this Article may be restricted to cases where the third-country national concerned can present evidence that he has been absent from the territory of the Community to exercise an economic activity in an employed or self-employed capacity, or to perform a voluntary service, or to study in his own country of origin.

6. Article 14(1)(f) and 15 shall continue to apply for holders of a long-term residence permit with the remark referred to in Article 17(2), where applicable, after the EU Blue Card holder has become an EC long-term resident.

#### Article 17

##### Long-term residence permit

1. EU Blue Card holders who fulfil the conditions set out in Article 16 of this Directive for the acquisition of the EC long-term resident status shall be issued with a residence permit in accordance with Article 1(2)(a) of Regulation (EC) No 1030/2002.

2. In the residence permit referred to in paragraph 1 of this Article under the heading 'remarks', Member States shall enter 'Former EU Blue Card holder'.

#### CHAPTER V

##### RESIDENCE IN OTHER MEMBER STATES

#### Article 18

##### Conditions

1. After eighteen months of legal residence in the first Member State as an EU Blue Card holder, the person concerned and his family members may move to a Member State other than the first Member State for the purpose of highly qualified employment under the conditions set out in this Article.

2. As soon as possible and no later than one month after entering the territory of the second Member State, the EU Blue Card holder and/or his employer shall present an application for an EU Blue Card to the competent authority of that Member State and present all the documents proving the fulfilment of the conditions set out in Article 5 for the second Member State. The second Member State may decide, in accordance with national law, not to allow the applicant to work until the positive decision on the application has been taken by its competent authority.

3. The application may also be presented to the competent authorities of the second Member State while the EU Blue Card holder is still residing in the territory of the first Member State.

4. In accordance with the procedures set out in Article 11, the second Member State shall process the application and inform in writing the applicant and the first Member State of its decision to either:

(a) issue an EU Blue Card and allow the applicant to reside on its territory for highly qualified employment where the conditions set in this Article are fulfilled and under the conditions set out in Articles 7 to 14; or

(b) refuse to issue an EU Blue Card and oblige the applicant and his family members, in accordance with the procedures provided for by national law, including removal procedures, to leave its territory where the conditions set out in this Article are not fulfilled. The first Member State shall immediately readmit without formalities the EU Blue Card holder and his family members. This shall also apply if the EU Blue Card issued by the first Member State has expired or has been withdrawn during the examination of the application. Article 13 shall apply after readmission.

5. If the EU Blue Card issued by the first Member State expires during the procedure, Member States may issue, if required by national law, national temporary residence permits, or equivalent authorisations, allowing the applicant to continue to stay legally on its territory until a decision on the application has been taken by the competent authorities.

6. The applicant and/or his employer may be held responsible for the costs related to the return and readmission of the EU Blue Card holder and his family members, including costs incurred by public funds, where applicable, pursuant to paragraph 4(b).

7. In application of this Article, Member States may continue to apply volumes of admission as referred to in Article 6.

8. From the second time that an EU Blue Card holder, and where applicable, his family members, makes use of the possibility to move to another Member State under the terms of this Chapter, 'first Member State' shall be understood as the Member States from where the person concerned moves and 'second Member State' as the Member State to which he is applying to reside.

#### Article 19

##### Residence in the second Member State for family members

1. When the EU Blue Card holder moves to a second Member State in accordance with Article 18 and when the family was already constituted in the first Member State, the members of his family shall be authorised to accompany or join him.

2. No later than one month after entering the territory of the second Member State, the family members concerned or the EU Blue card holder, in accordance with national law, shall submit an application for a residence permit as a family member to the competent authorities of that Member State.

In cases where the residence permit of the family members issued by the first Member State expires during the procedure or no longer entitles the holder to reside legally on the territory of the second Member State, Member States shall allow the person to stay in their territory, if necessary by issuing national temporary residence permits, or equivalent authorisations, allowing the applicant to continue to stay legally on their territory with the EU Blue Card holder until a decision on the application has been taken by the competent authorities of the second Member State.

3. The second Member State may require the family members concerned to present with their application for a residence permit:

- (a) their residence permit in the first Member State and a valid travel document, or their certified copies, as well as a visa, if required;
- (b) evidence that they have resided as members of the family of the EU Blue Card holder in the first Member State;
- (c) evidence that they have a sickness insurance covering all risks in the second Member State, or that the EU Blue Card holder has such insurance for them.

4. The second Member State may require the EU Blue Card holder to provide evidence that the holder:

- (a) has an accommodation regarded as normal for a comparable family in the same region and which meets the general health and safety standards in the Member State concerned;
- (b) has stable and regular resources which are sufficient to maintain himself and the members of his family, without recourse to the social assistance of the Member State concerned. Member States shall evaluate these resources by reference to their nature and regularity and may take into account the level of minimum national wages and pensions as well as the number of family members.

5. Derogations contained in Article 15 shall continue to apply *mutatis mutandis*.

6. Where the family was not already constituted in the first Member State, Article 15 shall apply.

## CHAPTER VI

### FINAL PROVISIONS

#### Article 20

#### Implementing measures

1. Member States shall communicate to the Commission and the other Member States if legislative or regulatory measures are enacted in respect of Articles 6, 8(2) and 18(6).

Those Member States which make use of the provisions of Article 8(4) shall communicate to the Commission and to the other Member States a duly justified decision indicating the countries and sectors concerned.

2. Annually, and for the first time no later than 19 June 2013, Member States shall, in accordance with Regulation (EC) No 862/2007, communicate to the Commission statistics on the volumes of third-country nationals who have been granted an EU Blue Card and, as far as possible, volumes of third-country nationals whose EU Blue Card has been renewed or withdrawn, during the previous calendar year, indicating their nationality and, as far as possible, their occupation. Statistics on admitted family members shall be communicated in the same manner, except as regards information on their occupation. In relation to EU Blue Card holders and members of their families admitted in accordance with Articles 18, 19 and 20, the information provided shall, in addition, specify, as far as possible, the Member State of previous residence.

3. For the purpose of the implementation of Article 5(3) and, where appropriate, 5(5), reference shall be made to Commission (Eurostat) data and, where appropriate, national data.

#### Article 21

#### Reports

Every three years, and for the first time no later than 19 June 2014, the Commission shall report to the European Parliament and the Council on the application of this Directive in the Member States, in particular the assessment of the impact of Articles 3(4), 5 and 18, and shall propose any amendments that are necessary.

The Commission shall notably assess the relevance of the salary threshold defined in Article 5 and of the derogations provided for in that Article, taking into account, inter alia, the diversity of the economical, sectorial and geographical situations within the Member States.

#### Article 22

#### Contact points

1. Member States shall appoint contact points which shall be responsible for receiving and transmitting the information referred to in Articles 16, 18 and 20.

2. Member States shall provide appropriate cooperation in the exchange of the information and documentation referred to in paragraph 1.

*Article 23***Transposition**

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 19 June 2011. They shall forthwith inform the Commission thereof.

When Member States adopt those provisions, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

*Article 24***Entry into force**

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

*Article 25***Addressees**

This Directive is addressed to the Member States, in accordance with the Treaty establishing the European Community.

Done at Brussels, 25 May 2009.

*For the Council*

*The President*

J. ŠEBESTA

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## II

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

## DECISIONS

## COUNCIL

## COUNCIL DECISION

of 25 May 2009

on expenditure in the veterinary field

(Codified version)

(2009/470/EC)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Having regard to the Opinion of the European Parliament <sup>(1)</sup>,

Whereas:

(1) Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field <sup>(2)</sup> has been substantially amended several times <sup>(3)</sup>. In the interests of clarity and rationality the said Decision should be codified.

(2) Live animals and products of animal origin appear on the list in Annex I to the Treaty. Livestock farming and the placing on the market of products of animal origin constitute a source of income for a large part of the agricultural population.

(3) The rational development of that sector and an improvement in its productivity may be achieved by the initiation of veterinary measures aimed at protecting and raising the level of public and animal health in the Community.

(4) The pursuit of that objective necessitates the provision of Community aid for actions undertaken or intended to be undertaken.

(5) The Community should make a financial contribution towards the eradication, as quickly as possible, of any outbreak of a serious infectious disease.

(6) It is also necessary to prevent and reduce, by appropriate control measures, the appearance of zoonoses which pose a threat to human health.

(7) In the light of the adoption of Council Directive 2006/88/EC of 24 October 2006 on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals <sup>(4)</sup>, Community financial contributions should also be granted for eradication measures carried out by the Member States to combat other diseases in aquaculture animals, subject to Community control provisions.

(8) Community financial contributions for disease control purposes in aquaculture animals should be subject to scrutiny regarding compliance with the control provisions laid down in Directive 2006/88/EC, in accordance with the same procedures as those that apply for such scrutiny and control for certain terrestrial animal diseases.

<sup>(1)</sup> Opinion of 16 December 2008 (not yet published in the Official Journal).

<sup>(2)</sup> OJ L 224, 18.8.1990, p. 19.

<sup>(3)</sup> See Annex II.

<sup>(4)</sup> OJ L 328, 24.11.2006, p. 14.

- (9) The functioning of the internal market requires a control strategy that postulates a harmonised control system for products coming from third countries. It seems appropriate to facilitate the implementation of that strategy by providing for a Community financial contribution towards the initiation and the development of this strategy.
- (10) The harmonisation of essential requirements concerning the protection of public health, the protection of animal health and the protection of animals presupposes the designation of Community liaison and reference laboratories and the undertaking of technical and scientific actions. It seems appropriate to provide for a Community financial contribution. In the field of animal protection in particular, it is desirable to create a database to gather, store and disseminate any information necessary.
- (11) Information gathering activities are necessary to allow better development and implementation of legislation in the fields of animal health and food safety. In addition, there is a pressing need to disseminate as widely as possible information regarding animal health and food safety legislation throughout the Community. It is therefore desirable to include animal health and food safety in products of animal origin in the financing of the information policy in the field of animal protection.
- (12) Community measures for the eradication of certain animal diseases already qualify for financial aid from the Community. The provisions concerned include those adopted by way of Council Directive 77/391/EEC of 17 May 1977 introducing Community measures for the eradication of brucellosis, tuberculosis and leucosis in cattle <sup>(1)</sup>; Council Directive 82/400/EEC of 14 June 1982 amending Directive 77/391/EEC and introducing a supplementary Community measure for the eradication of brucellosis, tuberculosis and leucosis in cattle <sup>(2)</sup>; Council Decision 80/1096/EEC of 11 November 1980 introducing Community financial measures for the eradication of classical swine fever <sup>(3)</sup>; and Council Decision 89/455/EEC of 24 July 1989 introducing Community measures to set up pilot projects for the control of rabies with a view to its eradication or prevention <sup>(4)</sup>. It is advisable that Community financial contributions which are intended for the eradication of the diseases referred to above continue to be governed by the Decision relating thereto.
- (13) Provision should be made for a Community financial measure for the eradication, control and monitoring of certain animal diseases. All Community financial measures for the eradication, control and monitoring of animal diseases and zoonoses which involve compulsory Community budget expenditure should be brought together in one chapter.
- (14) It is appropriate that the Commission should manage directly, in view of its nature, the expenditure subject to the funding under the terms of this Decision.
- (15) The measures necessary for the implementation of this Decision should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission <sup>(5)</sup>,

HAS ADOPTED THIS DECISION:

#### CHAPTER I

##### SUBJECT MATTER AND SCOPE

###### Article 1

This Decision lays down the procedures governing the Community financial contribution towards:

- specific veterinary measures,
- inspection measures in the veterinary field,
- programmes for the eradication, control and monitoring of animal diseases and zoonoses.

This Decision shall not affect the option enjoyed by certain Member States of being eligible for a Community financial contribution of more than 50 % under Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund <sup>(6)</sup>.

#### CHAPTER II

##### SPECIFIC VETERINARY MEASURES

###### SECTION 1

##### General provisions

###### Article 2

Specific veterinary measures shall include:

- emergency measures,
- a campaign against foot-and-mouth disease,
- an information policy for animal health, animal welfare and food safety,

<sup>(1)</sup> OJ L 145, 13.6.1977, p. 44.

<sup>(2)</sup> OJ L 173, 19.6.1982, p. 18.

<sup>(3)</sup> OJ L 325, 1.12.1980, p. 5.

<sup>(4)</sup> OJ L 223, 2.8.1989, p. 19.

<sup>(5)</sup> OJ L 184, 17.7.1999, p. 23.

<sup>(6)</sup> OJ L 210, 31.7.2006, p. 25.

- technical and scientific measures,
- a contribution to national schemes for the eradication of certain diseases.

## SECTION 2

**Emergency measures**

## Article 3

1. This Article shall apply in the event of the occurrence of one of the following diseases in the territory of a Member State:

- rinderpest cattle plague,
- sheep and goat plague,
- swine vesicular disease,
- bluetongue,
- Teschen disease,
- sheep pox or goat pox,
- Rift Valley fever,
- lumpy skin disease,
- African horse sickness,
- vesicular stomatitis,
- Venezuelan equine viral encephalomyelitis,
- haemorrhagic disease of deer,
- classical swine fever,
- African swine fever,
- contagious bovine pleuropneumonia,
- epizootic haematopoietic necrosis in fish (EHN),
- epizootic ulcerative syndrome in fish (EUS),

- infection with *Bonamia exitiosa*,
- infection with *Perkinsus marinus*,
- infection with *Microcytos mackini*,
- Taura syndrome in crustaceans,
- yellowhead disease in crustaceans.

2. The Member State concerned shall obtain a Community financial contribution for the eradication of the disease, on condition that the measures applied immediately comprise at least the isolation of the holding from the time of suspicion and, following official confirmation of the disease:

- the slaughter of animals of susceptible species which are affected or contaminated or suspected of being affected or contaminated, and their destruction,
- the destruction of contaminated feedingstuffs and contaminated equipment, where the latter cannot be disinfected in accordance with the third indent,
- the cleaning, disinsectisation and disinfection of the holding and of the equipment on the holding,
- the establishment of protection zones,
- the imposition of suitable measures to prevent the risk of the spread of infection,
- the establishment of a waiting period to be observed after slaughter before re-stocking of the holding,
- swift and adequate compensation of the livestock farmers.

3. The Member State concerned shall also qualify for a Community financial contribution where, on the outbreak of one of the diseases listed in paragraph 1, two or more Member States collaborate closely to control the epidemic, particularly in carrying out an epidemiological survey and disease surveillance measures. Without prejudice to the measures provided for under the common organisation of markets concerned, the specific Community financial contribution shall be decided on in accordance with the procedure referred to in Article 40(2).

4. The Member State concerned shall, without delay, inform the Commission and the other Member States of the measures applied in accordance with Community legislation on notification and eradication and the results thereof. The situation shall be examined as soon as possible within the Committee referred to in Article 40(1) (hereinafter referred to as the

Committee). The specific Community financial contribution shall be decided in accordance with the procedure referred to in Article 40(2), without prejudice to the measures provided for in the context of the common organisation of markets concerned.

5. If, in view of the development of the situation in the Community, it proves necessary to continue the measures provided for in paragraph 2 and Article 4, a new decision concerning the Community financial contribution, which might exceed the figure of 50 % laid down in the first indent of paragraph 6, may be adopted in accordance with the procedure referred to in Article 40(2). When this decision is adopted, any measures which the Member State concerned must take in order to ensure the success of the action may be laid down, and in particular measures other than those provided for in paragraph 2 of this Article.

6. Without prejudice to market support measures to be taken as part of the common organisation of markets, the Community financial contribution, divided if necessary into several tranches, shall be:

— 50 % of the costs incurred by the Member State in compensating owners for the slaughter and destruction of animals and, where appropriate, their products, for the cleaning, disinsectisation and disinfection of holdings and equipment and for the destruction of the contaminated feedingstuffs and contaminated equipment referred to in the second indent of paragraph 2,

— where vaccination has been decided upon in accordance with paragraph 5, 100 % of the cost of supply of the vaccine and 50 % of the costs incurred in carrying out that vaccination.

#### Article 4

1. This Article and Article 3(4) and (5) shall apply in the event of the occurrence of avian influenza in the territory of a Member State.

2. The Member State concerned shall obtain a Community financial contribution for the eradication of avian influenza if the minimum control measures provided for in Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian influenza<sup>(1)</sup> have been fully and efficiently implemented in compliance with relevant Community legislation and, in the case of killing of animals of susceptible species which are affected or contaminated or suspected of being affected or contaminated, livestock owners have been compensated swiftly and adequately.

<sup>(1)</sup> OJ L 10, 14.1.2006, p. 16.

3. The Community financial contribution, divided if necessary into several tranches, shall be:

— 50 % of the costs incurred by the Member State in compensating livestock owners for the killing of poultry or other captive birds and the value of the eggs destroyed,

— 50 % of the costs incurred by the Member State for the destruction of animals, the destruction of animal products, the cleaning and disinfection of holdings and equipment, the destruction of the contaminated feedingstuffs and for the destruction of contaminated equipment, where such equipment cannot be disinfected,

— where emergency vaccination is decided upon in accordance with Article 54 of Directive 2005/94/EC, 100 % of the cost of supply of the vaccine and 50 % of the costs incurred in carrying out that vaccination.

#### Article 5

Member States may allocate funds within the operational programmes drawn up in accordance with Article 17 of Council Regulation (EC) No 1198/2006 of 27 July 2006 on the European Fisheries Fund<sup>(2)</sup> for the eradication of the exotic diseases in aquaculture animals listed in Article 3(1) of this Decision, under the procedures laid down in Article 3(4), (5) and (6) of this Decision, provided that the minimum control and eradication measures laid down in Section 3 of Chapter V of Directive 2006/88/EC are complied with.

#### Article 6

1. Article 3 shall apply where the control of grave health risks for the Community is involved, which are caused by the diseases listed in Article 3(1), even if the territory where the disease occurs is subject to an eradication programme in accordance with Article 27.

2. Article 3 shall apply in the event of the occurrence of Newcastle disease in the territory of a Member State.

However, except where the Commission takes a decision in accordance with the procedure referred to in Article 40(2), authorising, on certain conditions and for a limited period and a limited area, recourse to vaccination, no Community financial contribution shall be granted for the supply of the vaccine or the carrying out of the vaccination.

<sup>(2)</sup> OJ L 223, 15.8.2006, p. 1.

3. The provisions of Article 3, with the exception of the fourth indent of paragraph 2 and the second indent of paragraph 6, shall apply when a zoonosis listed in Directive 2003/99/EC of the European Parliament and of the Council of 17 November 2003 on the monitoring of zoonoses and zoonotic agents<sup>(1)</sup> occurs, provided that this occurrence poses an immediate risk to human health. This condition shall be fulfilled when the decision provided for in Article 3(4) of this Decision is taken.

#### Article 7

1. In accordance with the procedure referred to in Article 40(2), the Commission, at the request of a Member State, shall add to the list in Article 3(1) an exotic disease for which a declaration is mandatory and which is likely to constitute a danger for the Community.

2. In accordance with the procedure referred to in Article 40(2), the list in Article 3(1) may be supplemented in line with developments in the situation, to include diseases which must be notified in accordance with Council Directive 82/894/EEC of 21 December 1982 on the notification of animal diseases within the Community<sup>(2)</sup> and diseases which can be transmitted to aquaculture animals. The list may also be amended or shortened to take account of progress made with the measures decided at Community level to control certain diseases.

3. Article 3(2) may be supplemented or amended in accordance with the procedure referred to in Article 40(2), in particular to take account of the inclusion of new diseases in the list in Article 3(1), of experience acquired or of the adoption of Community provisions concerning disease control.

#### Article 8

1. Where a Member State is directly threatened by the occurrence or the development, in the territory of a third country or Member State, of one of the diseases referred to in Articles 3(1), 4(1), 6(1) and (2) or 14(1) or in Annex I, it shall inform the Commission and the other Member States of the measures which it intends to adopt for its protection.

2. As soon as possible, the situation shall be examined within the Committee. In accordance with the procedure referred to in Article 40(2), it may be decided to adopt any measures appropriate to the situation including, in particular, the establishment of a vaccination buffer zone, and to grant a Community financial contribution towards the measures deemed particularly necessary for the success of the action undertaken.

3. The decision referred to in paragraph 2 shall set out the eligible costs and the level of the Community financial contribution.

#### Article 9

1. The Community may decide, at the request of a Member State, that the Member States must establish stocks of biological products intended for the control of the diseases referred to in Articles 3(1), 4(1), 6(1) (vaccines, standardised virus serotypes, diagnostic sera) and, without prejudice to the decision provided for in Article 69(1) of Council Directive 2003/85/EC of 29 September 2003 on Community measures for the control of foot-and-mouth disease<sup>(3)</sup>, Article 14(1) of this Decision.

2. The action referred to in paragraph 1, and the rules for its implementation, particularly concerning the choice, production, storage, transport and use of such stocks, and the level of the Community financial contribution, shall be decided in accordance with the procedure referred to in Article 40(2).

#### Article 10

1. If the occurrence or the development in a third country of one of the diseases referred to in Articles 3(1), 4(1), 6(1), 7(1) or 14(1) may constitute a danger to the Community, the Community may give its support to control measures against that disease by supplying a vaccine or by financing the acquisition of vaccine.

2. The action referred to in paragraph 1, the rules for its implementation, the conditions to which it may be subject and the level of the Community financial contribution shall be decided in accordance with the procedure referred to in Article 40(2).

#### Article 11

1. The Commission shall carry out, with the cooperation of the national competent authorities, on-the-spot checks to ensure, from a veterinary point of view, that the measures adopted have been applied.

2. Member States shall take all necessary steps to facilitate the checks referred to in paragraph 1, and shall, in particular, ensure that the experts have access to all information and documents necessary for assessing whether the measures have been carried out.

3. General rules for the application of this Article, particularly concerning the frequency and methods of carrying out the checks referred to in paragraph 1, the appointment of veterinary experts and the procedure which they must follow in drawing up their report, shall be adopted in accordance with the procedure referred to in Article 40(2).

<sup>(1)</sup> OJ L 325, 12.12.2003, p. 31.

<sup>(2)</sup> OJ L 378, 31.12.1982, p. 58.

<sup>(3)</sup> OJ L 306, 22.11.2003, p. 1.

*Article 12*

The appropriations required for measures referred to in this section shall be decided each year as part of the budgetary procedure.

*Article 13*

The Community financial contribution shall not be granted where the total amount of the measure is less than EUR 10 000.

## SECTION 3

***The campaign against foot-and-mouth disease****Article 14*

1. This Article shall apply in the event of the occurrence of foot-and-mouth disease in the territory of a Member State.

2. The Member State concerned shall obtain a Community financial contribution for the eradication of foot-and-mouth disease, on condition that the measures provided for in Article 3(2) and the appropriate provisions of Directive 2003/85/EC, are applied immediately.

3. Article 3(4) shall apply.

4. Without prejudice to the measures to be taken in the context of the common organisation of the market to support the market, the specific financial contribution under this Decision shall be equal to 60 % of the costs incurred by the Member State in:

(a) compensating owners for:

- (i) the slaughter and destruction of animals;
- (ii) the destruction of milk;
- (iii) the cleaning and disinfection of holdings;
- (iv) the destruction of contaminated feedingstuffs and, where it cannot be disinfected, contaminated equipment;
- (v) losses incurred by farmers as a result of restrictions imposed on the marketing of livestock and pasture-fattened animals as a result of the reintroduction of emergency vaccination, in accordance with Article 50(3) of Directive 2003/85/EC;

(b) where applicable, the transport of carcasses to processing plants;

(c) any other measures which are essential for the eradication of the outbreak of the disease.

The Commission shall, in accordance with the procedure referred to in Article 40(2), define the nature of the other measures referred to in point (c) of this paragraph which may be eligible for the same Community financial contribution and the cases in which point (a)(v) of this paragraph shall apply.

5. For the first time not later than 45 days after official confirmation of the first outbreak of foot-and-mouth disease, and subsequently as and when required by the turn of events, the situation shall be re-examined within the Committee. This examination shall cover both the veterinary situation and the estimated expenditure already incurred or committed. Following this examination, a new decision concerning the Community financial contribution, which may exceed the figure of 60 % laid down in paragraph 4, may be adopted in accordance with the procedure referred to in Article 40(3). This decision shall set out the eligible costs and the level of the Community financial contribution. In addition, when this decision is adopted, any measures which the Member State concerned must take in order to ensure the success of the action may be adopted, in particular measures other than those referred to in paragraph 2 of this Article.

*Article 15*

Any measure decided by the Community to assist the campaign against foot-and-mouth disease outside the Community, in particular measures taken pursuant to Articles 8 and 10, may receive a Community financial contribution.

*Article 16*

The measures and the rules for the implementation of the measures referred to in Article 15, the conditions to which they may be subject and the level of the Community financial contribution shall be decided in accordance with the procedure referred to in Article 40(3).

*Article 17*

Community aid may be granted to the Community reserves of anti-foot-and-mouth disease vaccines established by Council Decision 91/666/EEC of 11 December 1991 establishing Community reserves of foot-and-mouth disease vaccines<sup>(1)</sup>.

<sup>(1)</sup> OJ L 368, 31.12.1991, p. 21.

The level of Community participation and the conditions to which such participation may be subject shall be determined in accordance with the procedure referred to in Article 40(3).

#### Article 18

The appropriations required for measures referred to in Articles 15, 16 and 17 shall be decided each year as part of the budgetary procedure.

Should a serious outbreak of foot-and-mouth disease necessitate expenditure under the provisions of this section in excess of the appropriations determined in accordance with the first paragraph, the Commission shall take the necessary measures within its existing powers or put forward to the budgetary authority the necessary proposals to ensure that the financial commitments in relation to Article 14 are fulfilled.

#### SECTION 4

### **Information policy for animal health, animal welfare and food safety**

#### Article 19

The Community shall make a financial contribution to the establishment of an information policy in the field of animal health, animal welfare and food safety in products of animal origin, including:

- (a) the installation and development of information tools, including an appropriate database for:
  - (i) gathering and storing all information relating to Community legislation concerning animal health, animal welfare and food safety in products of animal origin;
  - (ii) disseminating the information referred in point (i) to the competent authorities, producers and consumers, taking into account interfaces with national databases where appropriate;
- (b) the performance of studies necessary for the preparation and development of legislation in the field of animal welfare.

#### Article 20

The measures referred to in Article 19, the rules for their implementation and the level of the Community financial contribution shall be decided in accordance with the procedure referred to in Article 40(2).

#### Article 21

The appropriations required for measures as specified in this section shall be decided each year as part of the budgetary procedure.

#### SECTION 5

### **Technical and scientific measures**

#### Article 22

The Community may undertake, or assist the Member States or international organisations in undertaking, the technical and scientific measures necessary for the development of Community veterinary legislation and for the development of veterinary education or training.

#### Article 23

The measures referred to in Article 22, the rules for their implementation and the level of Community financial contribution shall be decided upon in accordance with the procedure referred to in Article 40(2).

#### Article 24

The appropriations required for the measures provided for in this section shall be decided each year as part of the budgetary procedure.

#### CHAPTER III

### **PROGRAMMES FOR THE ERADICATION, CONTROL AND MONITORING OF ANIMAL DISEASES AND ZOOSES**

#### Article 25

Community financial participation in the eradication of bovine brucellosis, tuberculosis and leucosis shall, without prejudice to the provisions of Article 28(1), be fixed by Directive 77/391/EEC and Directive 82/400/EEC.

#### Article 26

1. The Community financial contribution towards the eradication of classical swine fever shall be fixed by Decision 80/1096/EEC.

2. The Community financial contribution towards the eradication of ovine brucellosis shall be fixed by Council Decision 90/242/EEC of 21 May 1990 introducing a Community financial measure for the eradication of brucellosis in sheep and goats <sup>(1)</sup>.

#### Article 27

1. A Community financial measure shall be introduced to reimburse the expenditure incurred by the Member States for the financing of national programmes for the eradication, control and monitoring of the animal diseases and zoonoses listed in Annex I (hereinafter referred to 'as programmes').

The list in Annex I may be amended in accordance with the procedure referred to in Article 40(2), in particular with regard to emerging animal diseases which pose a risk to animal health and, indirectly, to public health, or in the light of new epidemiological or scientific evidence.

2. Each year, by 30 April at the latest, Member States shall submit to the Commission the annual or multiannual programmes starting in the following year for which they wish to receive a Community financial contribution.

Programmes submitted after 30 April shall not be eligible for financing the following year.

The programmes submitted by the Member States shall contain at least the following:

- (a) a description of the epidemiological situation of the disease before the date of the beginning of the programme;
- (b) a description and demarcation of the geographical and administrative areas in which the programme is to be applied;
- (c) the likely duration of the programme, the measures to be applied and the objective to be attained by the completion date of the programme;
- (d) an analysis of the estimated costs and the anticipated benefits of the programme.

The detailed criteria including those involving more than one Member State shall be adopted in accordance with the procedure referred to in Article 40(2).

In each multiannual programme submitted by a Member State, the information required in accordance with the criteria referred to in this paragraph shall be provided for each year of duration of the programme.

3. The Commission may invite a Member State to submit a multiannual programme or to extend the duration of a submitted annual programme as appropriate where multiannual programming is deemed necessary in order to ensure a more efficient and effective eradication, control and monitoring of a particular disease, in particular with regard to potential threats to animal health and, indirectly, to public health.

The Commission may coordinate the regional programmes involving more than one Member State in cooperation with the Member States concerned.

4. The Commission shall assess the programmes submitted by the Member States from the veterinary and the financial angles.

The Member States shall communicate to the Commission relevant additional information the latter requires for its assessment of the programme.

The period for gathering all the information regarding the programmes shall end on 15 September each year.

5. Each year by 30 November at the latest, the following shall be approved in accordance with the procedure referred to in Article 40(3):

- (a) the programmes, where appropriate amended to take account of the assessment provided for in paragraph 4 of this Article;
- (b) the level of the Community financial contribution;
- (c) the upper limit of the Community financial contribution;
- (d) any conditions to which the Community financial contribution may be subject.

Programmes shall be approved for no longer than six years.

6. Amendments to the programmes shall be approved in accordance with the procedure referred to in Article 40(3).

<sup>(1)</sup> OJ L 140, 1.6.1990, p. 123.

7. For each approved programme, the Member States shall submit the following reports to the Commission:

- (a) intermediate technical and financial reports;
- (b) by 30 April each year at the latest, an annual detailed technical report including the assessment of the results achieved and a detailed account of expenditure incurred for the previous year.

8. Payment applications relating to the expenditure incurred by a Member State in respect of a given programme for the previous year shall be submitted to the Commission by 30 April at the latest.

In the case of late payment applications, the Community financial contribution shall be reduced by 25 % on 1 June, 50 % on 1 August, 75 % on 1 September and 100 % on 1 October of that year.

By 30 October each year at the latest, the Commission shall decide on the Community payment taking account of the technical and financial reports submitted by the Member State in accordance with paragraph 7.

9. Commission experts may carry out on-the-spot checks in cooperation with the competent authority, in so far as it is necessary to ensure the uniform application of this Decision in accordance with Article 45 of Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules <sup>(1)</sup>.

In carrying out such checks, Commission experts may be assisted by a group of experts set up in accordance with the procedure referred to in Article 40(2).

10. Detailed rules for the application of this Article shall be adopted in accordance with the procedure referred to in Article 40(2).

11. Member States may allocate funds within the operational programmes drawn up in accordance with Article 17 of Regulation (EC) No 1198/2006 for the eradication of the diseases in aquaculture animals referred to in Annex I to this Decision.

Those funds shall be allocated in accordance with the procedures laid down in this Article, with the following adjustments:

(a) the rate of aid shall be in accordance with the rate laid down in Regulation (EC) No 1198/2006;

(b) paragraph 8 of this Article shall not apply.

The eradication shall be carried out in accordance with Article 38(1) of Directive 2006/88/EC, or under an eradication programme.

#### Article 28

1. Notwithstanding Articles 25, 26 and 27, the level of Community financial participation for programmes relating to the diseases referred to in those Articles shall be fixed by the Commission, in accordance with the procedure referred to in Article 40(2), at 50 % of the costs incurred in the Member State by way of compensation for owners for the slaughter of cattle because of the disease concerned.

2. At the request of a Member State, the Commission shall, within the Committee, re-examine the situation with regard to the diseases covered by Articles 25, 26 and 27. This re-examination shall cover both the veterinary situation and the estimate of expenditure already committed or to be committed. Following this re-examination, any new decision on the Community financial contribution, which may be in excess of 50 % of the costs incurred in Member States to compensate owners for slaughtering animals for the disease concerned, shall be adopted in accordance with the procedure referred to in Article 40(3).

When that decision is adopted, any measures which the Member State concerned must take in order to ensure the success of the action may be adopted.

#### Article 29

The Community budget commitments for the co-financing of the programmes shall be effected annually. The commitments of the expenditure for the multiannual programmes shall be adopted in accordance with Article 76(3) of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities <sup>(2)</sup>. For multiannual programmes, the first budget commitment shall be made after their approval. Each subsequent commitment shall be made by the Commission on the basis of the decision to grant a contribution referred to in Article 27(5) of this Decision.

<sup>(1)</sup> OJ L 165, 30.4.2004, p. 1.

<sup>(2)</sup> OJ L 248, 16.9.2002, p. 1.

## CHAPTER IV

## VETERINARY INSPECTION

## SECTION 1

**Introductory provision***Article 30*

The Community shall contribute towards improving the efficiency of veterinary inspections by:

- granting financial aid to liaison and reference laboratories,
- making a financial contribution towards carrying out inspections aimed at the prevention of zoonoses,
- making a financial contribution towards implementing the inspection strategy required for the functioning of the internal market.

## SECTION 2

**Liaison and reference laboratories***Article 31*

1. Any liaison or reference laboratory designated as such in accordance with Community veterinary legislation and fulfilling the duties and requirements laid down therein, may receive Community aid.

2. Arrangements for granting the aid provided for in paragraph 1, the conditions to which it may be subject and its amount shall be determined in accordance with the procedure referred to in Article 40(2).

3. The appropriations required for the measures provided for in this section shall be decided upon each year as part of the budgetary procedure.

## SECTION 3

**Control strategy***Article 32*

1. Each Member State shall draw up a programme for exchanges of officials working in the veterinary sector.

2. Within the Committee, the Commission shall, along with the Member States, coordinate the programmes for exchange.

3. The Member State concerned shall take all the measures necessary for the implementation of the coordinated programmes for exchange.

4. Each year, on the basis of reports by the Member States, the implementation of the programmes for exchange shall be examined within the Committee.

5. Member States shall take account of experience acquired in order to improve and extend the programmes for exchange.

6. Community financial aid may be granted with a view to promoting the smooth operation of programmes for exchange notably through the further training courses referred to in Article 34(1). The level of the Community financial contribution, and any conditions to which it may be subject, shall be determined in accordance with the procedure referred to in Article 40(2).

7. For the purposes of this Article, Articles 23 and 24 shall apply.

*Article 33*

Article 32(6) and (7) shall apply in respect of programmes established under Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries<sup>(1)</sup> and Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries<sup>(2)</sup> with a view to organising veterinary checks at external frontiers on products introduced into the Community from third countries.

*Article 34*

1. The Commission may, either directly or through the competent national authorities, organise refresher courses or meetings for personnel in the Member States, in particular, personnel responsible for the veterinary checks referred to in Article 33.

Such refresher courses or meetings may, according to availability, be open, at the request of the competent authorities and after the Commission has agreed, to personnel from third countries which have concluded cooperation agreements with the Community in the field of veterinary checks and to veterinary science graduates to extend their training in the area of Community rules.

2. Arrangements for organising the measures provided for in paragraph 1 and the level of the Community financial contribution shall be established by the Commission in accordance with the procedure referred to in Article 40(2).

<sup>(1)</sup> OJ L 268, 24.9.1991, p. 56.

<sup>(2)</sup> OJ L 24, 30.1.1998, p. 9.

*Article 35*

1. The introduction of systems for identifying animals and notifying diseases under legislation concerning veterinary checks in intra-Community trade in live animals, with a view to the completion of the internal market, may receive Community financial assistance.

2. Arrangements for organising the measure provided for in paragraph 1 and the level of the Community's financial contribution shall be established by the Commission after consultation of the Committee.

*Article 36*

1. Community financial contribution may be granted for the computerisation of the veterinary procedures relating to:

- (a) intra-Community trade in and imports of live animals and products of animal origin;
- (b) hosting, management and maintenance of integrated computerised veterinary systems, including interfaces with national databases, where appropriate.

2. Organisational arrangements for financing under paragraph 1 and the level of the Community financial contribution shall be determined in accordance with the procedure referred to in Article 40(2).

*Article 37*

1. Should a Member State experience, from a structural or geographical point of view, staffing or infrastructure problems in implementing the control strategy brought about by the functioning of the internal market for live animals and products of animal origin, it may, for a transitional period, obtain Community financial assistance which is progressively reduced.

2. The Member State concerned shall submit to the Commission a national programme, accompanied by all the appropriate financial information, designed to improve its control system.

3. For the purposes of this Article, the provisions of Article 27(3) to (11) shall apply.

*Article 38*

The appropriations required for the measures provided for in this section shall be decided each year as part of the budgetary procedure.

## CHAPTER V

## FINAL PROVISIONS

*Article 39*

Expenditure subject to funding under the terms of this Decision shall be managed directly by the Commission in accordance with Article 148(2) of Regulation (EC, Euratom) No 1605/2002.

*Article 40*

1. The Commission shall be assisted by the Standing Committee on the Food Chain and Animal Health set up pursuant to Article 58 of Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety <sup>(1)</sup>.

2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at 15 days.

*Article 41*

Every four years, the Commission shall submit to the European Parliament and to the Council a report on the animal health situation and cost-effectiveness of the implementation of programmes in the various Member States, including details of the criteria adopted.

*Article 42*

Decision 90/424/EEC is repealed.

References to the repealed Decision shall be construed as references to this Decision and be read in accordance with the correlation table set out in Annex III.

<sup>(1)</sup> OJ L 31, 1.2.2002, p. 1.

*Article 43*

This Decision is addressed to the Member States.

Done at Brussels, 25 May 2009.

*For the Council*  
*The President*  
J. ŠEBESTA

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## ANNEX I

## ANIMAL DISEASES AND ZOOZOSES

- Bovine tuberculosis,
  - Bovine brucellosis,
  - Ovine and caprine brucellosis (*B. melitensis*),
  - Bluetongue in endemic or high risk areas,
  - African swine fever,
  - Swine vesicular disease,
  - Classical swine fever,
  - Anthrax,
  - Contagious bovine pleuropneumonia,
  - Avian influenza,
  - Rabies,
  - Echinococcosis,
  - Transmissible spongiform encephalopathies (TSE),
  - Campylobacteriosis,
  - Listeriosis,
  - Salmonellosis (zoonotic salmonella),
  - Trichinellosis,
  - Verotoxigenic *E. coli*,
  - Viral haemorrhagic septicaemia (VHS),
  - Infectious haematopoietic necrosis (IHN),
  - Koi herpes virus disease (KHV),
  - Infectious salmon anaemia (ISA),
  - Infection with *Marteilia refringens*,
  - Infection with *Bonamia ostreae*,
  - White spot disease in crustaceans.
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## ANNEX II

## REPEALED DECISION WITH LIST OF ITS SUCCESSIVE AMENDMENTS

Council Decision 90/424/EEC (OJ L 224, 18.8.1990, p. 19)	
Council Decision 91/133/EEC (OJ L 66, 13.3.1991, p. 18)	
Council Regulation (EEC) No 3763/91 (OJ L 356, 24.12.1991, p. 1)	Only Article 10(1)
Council Decision 92/337/EEC (OJ L 187, 7.7.1992, p. 45)	
Council Decision 92/438/EEC (OJ L 243, 25.8.1992, p. 27)	Only Article 11
Council Directive 92/117/EEC (OJ L 62, 15.3.1993, p. 38)	Only Article 9(2)
Council Directive 92/119/EEC (OJ L 62, 15.3.1993, p. 69)	Only Article 23(2)
Commission Decision 93/439/EEC (OJ L 203, 13.8.1993, p. 34)	
Commission Decision 94/77/EC (OJ L 36, 8.2.1994, p. 15)	
Council Decision 94/370/EC (OJ L 168, 2.7.1994, p. 31)	
Council Regulation (EC) No 1258/1999 (OJ L 160, 26.6.1999, p. 103)	Only Article 17
Council Decision 2001/12/EC (OJ L 3, 6.1.2001, p. 27)	
Council Decision 2001/572/EC (OJ L 203, 28.7.2001, p. 16)	
Council Regulation (EC) No 806/2003 (OJ L 122, 16.5.2003, p. 1)	Only point 9 of Annex III
Directive 2003/99/EC of the European Parliament and of the Council (OJ L 325, 12.12.2003, p. 31)	Only Article 16
Council Decision 2006/53/EC (OJ L 29, 2.2.2006, p. 37)	
Council Decision 2006/782/EC (OJ L 328, 24.11.2006, p. 57)	
Council Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1)	Only as regards the reference to Decision 90/424/EEC in the second indent of Article 1(2) and point 3 of Part 5B(I) in the Annex
Council Decision 2006/965/EC (OJ L 397, 30.12.2006, p. 22)	Only Article 1
Commission Decision 2008/685/EC (OJ L 224, 22.8.2008, p. 11)	

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## ANNEX III

## CORRELATION TABLE

Decision 90/424/EEC	This Decision
Articles 1 and 2	Articles 1 and 2
Article 3(1) and (2)	Article 3(1) and (2)
Article 3(2a)	Article 3(3)
Article 3(3)	Article 3(4)
Article 3(4)	Article 3(5)
Article 3(5)	Article 3(6)
Article 3a	Article 4
Article 3b	Article 5
Article 4	Article 6
Article 5	Article 7
Article 6	Article 8
Article 7	Article 9
Article 8	Article 10
Article 9	Article 11
Article 10	Article 12
Article 10a	Article 13
Article 11(1) to (5)	Article 14(1) to (5)
Article 11(6)	—
Article 12	Article 15
Article 13	Article 16
Article 14	Article 17
Article 15	Article 18
Article 16	Article 19
Article 17	Article 20
Article 18	Article 21
Article 19	Article 22
Article 20	Article 23
Article 21	Article 24
Article 22(1)	Article 25
Article 22(2)	—
Article 23(1)	Article 26(1)
Article 23(2)	—
Article 23(3)	Article 26(2)
Article 23(4)	—
Article 24	Article 27

Decision 90/424/EEC	This Decision
Article 25(1) and (2)	Article 28(1) and (2)
Article 25(3)	—
Article 25(4)	—
Article 26	Article 29
Article 27	Article 30
Article 28	Article 31
Article 34	Article 32
Article 35	Article 33
Article 36	Article 34
Article 37	Article 35
Article 37a	Article 36
Article 38	Article 37
Article 39	Article 38
Article 40a	Article 39
Article 41(1)	Article 40(1)
Article 41(2)	Article 40(2)
Article 42(1)	—
Article 42(2)	Article 40(3)
Article 41(3)	Article 40(4)
Article 43(1)	—
Article 43(2)	—
Article 43a	Article 41
—	Article 42
Article 44	Article 43
Annex	Annex I
—	Annex II
—	Annex III

# COMMISSION

## COMMISSION DECISION

of 15 June 2009

**amending Decisions 2008/603/EC, 2008/691/EC and 2008/751/EC as regards extension of the temporary derogations from the rules of origin laid down in Annex II to Council Regulation (EC) No 1528/2007 to take account of the special situation of Mauritius, Seychelles and Madagascar with regard to tuna and tuna loins**

(notified under document number C(2009) 4543)

(2009/471/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1528/2007 of 20 December 2007 applying the arrangements for goods originating in certain states which are part of the African, Caribbean and Pacific (ACP) Group of States provided for in agreements establishing, or leading to the establishment of, Economic Partnership Agreements<sup>(1)</sup>, and in particular Article 36(4) of Annex II thereto,

Whereas:

- (1) On 17 July 2008 Commission Decision 2008/603/EC<sup>(2)</sup> was adopted granting a temporary derogation from the rules of origin laid down in Annex II to Regulation (EC) No 1528/2007 to take account of the special situation of Mauritius with regard to preserved tuna and tuna loins. On 29 October 2008 Mauritius requested in accordance with Article 36 of Annex II to Regulation (EC) No 1528/2007 a new derogation from the rules of origin set out in that Annex. According to the information received from Mauritius the catches of raw tuna remain unusually low even compared to the normal seasonal variations. Given that the abnormal situation in 2008 remains unchanged for 2009 a new derogation should be granted with effect from 1 January 2009.
- (2) On 14 August 2008 Commission Decision 2008/691/EC<sup>(3)</sup> was adopted granting a temporary derogation from the rules of origin laid down in Annex II to Regulation (EC) No 1528/2007 to take account of the special situation of Seychelles with regard to preserved tuna. On 18 December 2008 Seychelles requested in accordance with Article 36 of Annex II to Regulation (EC) No 1528/2007 a new derogation from the rules

of origin set out in that Annex. According to the information provided by Seychelles the catches of raw tuna remain very low even compared to the normal seasonal variations. Given that the abnormal situation in 2008 remains unchanged for 2009 a new derogation should be granted with effect from 1 January 2009.

- (3) On 18 September 2008 Commission Decision 2008/751/EC<sup>(4)</sup> was adopted granting a temporary derogation from the rules of origin laid down in Annex II to Regulation (EC) No 1528/2007 to take account of the special situation of Madagascar with regard to preserved tuna and tuna loins. On 10 December 2008 Madagascar requested in accordance with Article 36 of Annex II to Regulation (EC) No 1528/2007 a new derogation from the rules of origin set out in that Annex. According to the information provided by Madagascar sourcing of raw originating tuna remains difficult due to their unavailability. Given that the abnormal situation in 2008 remains unchanged for 2009 a new derogation should be granted with effect from 1 January 2009.
- (4) Decisions 2008/603/EC, 2008/691/EC and 2008/751/EC applied until 31 December 2008 because the Interim Economic Partnership Agreement between the eastern and southern Africa States on the one part and the European Community and its Member States on the other part (ESA-EU Interim Partnership Agreement) did not enter into force or was not provisionally applied before that date.
- (5) In accordance with Article 4(2) of Regulation (EC) No 1528/2007 the rules of origin set out in Annex II to that Regulation and the derogations to them are to be superseded by the rules of the ESA-EU Interim Partnership Agreement of which the entry into force or the provisional application is foreseen to take place in 2009.

<sup>(1)</sup> OJ L 348, 31.12.2007, p. 1.

<sup>(2)</sup> OJ L 194, 23.7.2008, p. 9.

<sup>(3)</sup> OJ L 225, 23.8.2008, p. 17.

<sup>(4)</sup> OJ L 255, 23.9.2008, p. 31.

- (6) It is necessary to ensure continuity of importations from the ACP countries to the Community as well as a smooth transition to the Interim Economic Partnership Agreement. Decisions 2008/603/EC, 2008/691/EC and 2008/751/EC should therefore be prolonged with effect from 1 January 2009.
- (7) Mauritius, Seychelles and Madagascar will benefit from an automatic derogation from the rules of origin for tuna of HS heading 1604 pursuant to the relevant provisions of the Origin Protocol attached to the ESA-EU Interim Partnership Agreement signed by them, when this Agreement enters into force or is provisionally applied. It would be inappropriate to grant by this Decision derogations in accordance with Article 36 of Annex II to Regulation (EC) No 1528/2007 which exceed the annual quota granted to the ESA region under the ESA-EU Interim Partnership Agreement. Therefore, it has been agreed to include a Joint Interpretative Declaration to the ESA-EU Interim Partnership Agreement at the time of its signature reflecting the common understanding that the annual quotas provided in the ESA-EU Interim Partnership Agreement are to be appropriately adjusted for the year 2009. Consequently the quota amounts for 2009 should be set at the same level as for 2008.
- (8) Decisions 2008/603/EC, 2008/691/EC and 2008/751/EC should therefore be amended accordingly.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS DECISION:

*Article 1*

Decision 2008/603/EC is amended as follows:

1. Article 2 is replaced by the following:

*'Article 2*

The derogation provided for in Article 1 shall apply to the products and the quantities set out in the Annex which are declared for free circulation into the Community from Mauritius during the periods of 1 January 2008 until 31 December 2008 and 1 January 2009 until 31 December 2009.'

2. In Article 6, the second paragraph is replaced by the following:

'It shall apply until the rules of origin set out in Annex II to Regulation (EC) No 1528/2007 are superseded by those annexed to any agreement with Mauritius when that agreement is either provisionally applied, or enters into force, whichever is the earlier but in any event not later than 31 December 2009.'

3. The Annex is replaced by the text set out in Annex I to this Decision.

*Article 2*

Decision 2008/691/EC is amended as follows:

1. Article 2 is replaced by the following:

*'Article 2*

The derogation provided for in Article 1 shall apply to the products and the quantities set out in the Annex which are declared for free circulation into the Community from Seychelles during the periods of 1 January 2008 until 31 December 2008 and 1 January 2009 until 31 December 2009.'

2. In Article 6, the second paragraph is replaced by the following:

'It shall apply until the rules of origin set out in Annex II to Regulation (EC) No 1528/2007 are superseded by those annexed to any agreement with Seychelles when that agreement is either provisionally applied, or enters into force, whichever is the earlier but in any event not later than 31 December 2009.'

3. The Annex is replaced by the text set out in Annex II to this Decision.

*Article 3*

Decision 2008/751/EC is amended as follows:

1. Article 2 is replaced by the following:

*'Article 2*

The derogation provided for in Article 1 shall apply to the products and the quantities set out in the Annex which are declared for free circulation into the Community from Madagascar during the periods of 1 January 2008 until 31 December 2008 and 1 January 2009 until 31 December 2009.'

2. In Article 6, the second paragraph is replaced by the following:

'It shall apply until the rules of origin set out in Annex II to Regulation (EC) No 1528/2007 are superseded by those annexed to any agreement with Madagascar when that agreement is either provisionally applied, or enters into force, whichever is the earlier but in any event not later than 31 December 2009.'

3. The Annex is replaced by the text set out in Annex III to this Decision.

*Article 4*

This Decision shall apply from 1 January 2009.

*Article 5*

This Decision is addressed to the Member States.

Done at Brussels, 15 June 2009.

*For the Commission*

László KOVÁCS

*Member of the Commission*

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## ANNEX I

## 'ANNEX

Order No	CN code	Description of goods	Periods	Quantities
09.1668	ex 1604 14 11, ex 1604 14 18, ex 1604 20 70	Preserved tuna <sup>(1)</sup>	1.1.2008 to 31.12.2008	3 000 tonnes
			1.1.2009 to 31.12.2009	3 000 tonnes
09.1669	1604 14 16	Tuna loins	1.1.2008 to 31.12.2008	600 tonnes
			1.1.2009 to 31.12.2009	600 tonnes

<sup>(1)</sup> In any form of packaging whereby the product is considered as preserved within the meaning of HS heading ex 1604.'

## ANNEX II

## 'ANNEX

Order No	CN code	Description of goods	Periods	Quantity
09.1666	ex 1604 14 11, ex 1604 14 18, ex 1604 20 70	Preserved tuna <sup>(1)</sup>	1.1.2008 to 31.12.2008	3 000 tonnes
			1.1.2009 to 31.12.2009	3 000 tonnes

<sup>(1)</sup> In any form of packaging whereby the product is considered as preserved within the meaning of HS heading ex 1604.'

## ANNEX III

## 'ANNEX

Order No	CN code	Description of goods	Periods	Quantities
09.1645	ex 1604 14 11, ex 1604 14 18, ex 1604 20 70	Preserved tuna <sup>(1)</sup>	1.1.2008 to 31.12.2008	2 000 tonnes
			1.1.2009 to 31.12.2009	2 000 tonnes
09.1646	1604 14 16	Tuna loins	1.1.2008 to 31.12.2008	500 tonnes
			1.1.2009 to 31.12.2009	500 tonnes

<sup>(1)</sup> In any form of packaging whereby the product is considered as preserved within the meaning of HS heading ex 1604.'

**CORRIGENDA****Corrigendum to 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**

*(Official Journal of the European Union L 151 of 16 June 2009)*

On page 15, Annex, 'List of persons, groups and entities referred to in Article 1', '1. PERSONS', No 15:

*for:* '15. AHAS, Sofiane Yacine, born 10.9.1971 in Algiers (Algeria) – member of "al Takfir" and "al Hijra" ',

*read:* '15. FAHAS, Sofiane Yacine, born 10.9.1971 in Algiers (Algeria) – member of "al Takfir" and "al Hijra" '.

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**Commission**

2009/471/EC:

- ★ **Commission Decision of 15 June 2009 amending Decisions 2008/603/EC, 2008/691/EC and 2008/751/EC as regards extension of the temporary derogations from the rules of origin laid down in Annex II to Council Regulation (EC) No 1528/2007 to take account of the special situation of Mauritius, Seychelles and Madagascar with regard to tuna and tuna loins (notified under document number C(2009) 4543).....** 46
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**Corrigenda**

- ★ **Corrigendum to 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 (OJ L 151, 16.6.2009)** 50



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