

Official Journal

of the European Union

L 156



English edition

Legislation

Volume 52

19 June 2009

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I

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

REGULATIONS

COMMISSION REGULATION (EC) No 522/2009**of 18 June 2009****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 19 June 2009.

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

Done at Brussels, 18 June 2009.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, p. 1.

ANNEX

Standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	CL	55,0
	MA	32,7
	MK	41,2
	TR	56,3
	ZZ	46,3
0707 00 05	MK	29,2
	TR	141,0
	ZZ	85,1
0709 90 70	TR	112,7
	ZZ	112,7
0805 50 10	AR	57,3
	BR	104,3
	TR	64,0
	ZA	66,6
	ZZ	73,1
0808 10 80	AR	119,9
	BR	73,5
	CL	76,3
	CN	100,3
	NZ	109,0
	US	120,0
	UY	49,5
	ZA	83,5
	ZZ	91,5
0809 10 00	TR	163,1
	US	174,4
	ZZ	168,8
0809 20 95	TR	401,6
	ZZ	401,6
0809 30	MA	405,8
	TR	166,2
	US	203,1
	ZZ	258,4
0809 40 05	AU	289,7
	CL	108,6
	ZZ	199,2

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). Code 'ZZ' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 523/2009
of 18 June 2009
fixing the export refunds on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Article 164(2), in conjunction with Article 4, thereof,

Whereas:

- (1) Article 162(1) of Regulation (EC) No 1234/2007 provides that the difference between prices on the world market for the products listed in Part XVI of Annex I to that Regulation and prices for those products on the Community market may be covered by an export refund.
- (2) Given the present situation on the market in milk and milk products, export refunds should be fixed in accordance with the rules and certain criteria provided for in Articles 162, 163, 164, 167, 169 and 170 of Regulation (EC) No 1234/2007.
- (3) Article 164(1) of Regulation (EC) No 1234/2007 provides that export refunds may vary according to destination, especially where the world market situation, the

specific requirements of certain markets or obligations resulting from agreements concluded in accordance with Article 300 of the Treaty make this necessary.

- (4) Export refunds for the Dominican Republic have been differentiated to take into account the reduced custom duties applied on imports under the import tariff quota under the Memorandum of Understanding between the European Community and the Dominican Republic on import protection for milk powder in the Dominican Republic ⁽²⁾, approved by Council Decision 98/486/EC ⁽³⁾. Due to a changed market situation in the Dominican Republic, characterised by increased competition for milk powder, the quota is no longer fully used. In order to maximise the use of the quota, the differentiation of export refunds for the Dominican Republic should be abolished.
- (5) The Management Committee for the Common Organisation of Agricultural Markets has not delivered an opinion within the time limit set by its Chair,

HAS ADOPTED THIS REGULATION:

Article 1

Export refunds as provided for in Article 164 of Regulation (EC) No 1234/2007 shall be granted on the products and for the amounts set out in the Annex to this Regulation, subject to the conditions provided for in Article 3(2) of Commission Regulation (EC) No 1282/2006 ⁽⁴⁾.

Article 2

This Regulation shall enter into force on 19 June 2009.

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

Done at Brussels, 18 June 2009.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 218, 6.8.1998, p. 46.

⁽³⁾ OJ L 218, 6.8.1998, p. 45.

⁽⁴⁾ OJ L 234, 29.8.2006, p. 4.

ANNEX

Export refunds on milk and milk products applicable from 19 June 2009

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
0401 30 31 9100	L20	EUR/100 kg	10,43	0402 29 19 9900	L20	EUR/100 kg	35,00
0401 30 31 9400	L20	EUR/100 kg	16,34	0402 29 99 9100	L20	EUR/100 kg	35,20
0401 30 31 9700	L20	EUR/100 kg	18,02	0402 29 99 9500	L20	EUR/100 kg	37,40
0401 30 39 9100	L20	EUR/100 kg	10,43	0402 91 10 9370	L20	EUR/100 kg	3,48
0401 30 39 9400	L20	EUR/100 kg	16,34	0402 91 30 9300	L20	EUR/100 kg	4,11
0401 30 39 9700	L20	EUR/100 kg	18,02	0402 91 99 9000	L20	EUR/100 kg	20,56
0401 30 91 9100	L20	EUR/100 kg	20,56	0402 99 10 9350	L20	EUR/100 kg	8,94
0401 30 99 9100	L20	EUR/100 kg	20,56	0402 99 31 9300	L20	EUR/100 kg	10,43
0401 30 99 9500	L20	EUR/100 kg	30,26	0403 90 11 9000	L20	EUR/100 kg	22,80
0402 10 11 9000	L20	EUR/100 kg	22,80	0403 90 13 9200	L20	EUR/100 kg	22,80
0402 10 19 9000	L20	EUR/100 kg	22,80	0403 90 13 9300	L20	EUR/100 kg	31,81
0402 10 99 9000	L20	EUR/100 kg	22,80	0403 90 13 9500	L20	EUR/100 kg	33,02
0402 21 11 9200	L20	EUR/100 kg	22,80	0403 90 13 9900	L20	EUR/100 kg	35,00
0402 21 11 9300	L20	EUR/100 kg	31,81	0403 90 33 9400	L20	EUR/100 kg	31,81
0402 21 11 9500	L20	EUR/100 kg	33,02	0403 90 59 9310	L20	EUR/100 kg	10,43
0402 21 11 9900	L20	EUR/100 kg	35,00	0403 90 59 9340	L20	EUR/100 kg	16,34
0402 21 17 9000	L20	EUR/100 kg	22,80	0403 90 59 9370	L20	EUR/100 kg	18,02
0402 21 19 9300	L20	EUR/100 kg	31,81	0404 90 21 9120	L20	EUR/100 kg	19,45
0402 21 19 9500	L20	EUR/100 kg	33,02	0404 90 21 9160	L20	EUR/100 kg	22,80
0402 21 19 9900	L20	EUR/100 kg	35,00	0404 90 23 9120	L20	EUR/100 kg	22,80
0402 21 91 9100	L20	EUR/100 kg	35,20	0404 90 23 9130	L20	EUR/100 kg	31,81
0402 21 91 9200	L20	EUR/100 kg	35,38	0404 90 23 9140	L20	EUR/100 kg	33,02
0402 21 91 9350	L20	EUR/100 kg	35,71	0404 90 23 9150	L20	EUR/100 kg	35,00
0402 21 99 9100	L20	EUR/100 kg	35,20	0404 90 81 9100	L20	EUR/100 kg	22,80
0402 21 99 9200	L20	EUR/100 kg	35,38	0404 90 83 9110	L20	EUR/100 kg	22,80
0402 21 99 9300	L20	EUR/100 kg	35,71	0404 90 83 9130	L20	EUR/100 kg	31,81
0402 21 99 9400	L20	EUR/100 kg	37,40	0404 90 83 9150	L20	EUR/100 kg	33,02
0402 21 99 9500	L20	EUR/100 kg	38,01	0404 90 83 9170	L20	EUR/100 kg	35,00
0402 21 99 9600	L20	EUR/100 kg	40,38	0405 10 11 9500	L20	EUR/100 kg	63,41
0402 21 99 9700	L20	EUR/100 kg	41,69	0405 10 11 9700	L20	EUR/100 kg	65,00
0402 29 15 9200	L20	EUR/100 kg	22,80				
0402 29 15 9300	L20	EUR/100 kg	31,81				
0402 29 15 9500	L20	EUR/100 kg	33,02				
0402 29 19 9300	L20	EUR/100 kg	31,81				
0402 29 19 9500	L20	EUR/100 kg	33,02				

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
0405 10 19 9500	L20	EUR/100 kg	63,41	0406 30 39 9500	L04	EUR/100 kg	4,62
0405 10 19 9700	L20	EUR/100 kg	65,00		L40	EUR/100 kg	5,77
0405 10 30 9100	L20	EUR/100 kg	63,41	0406 30 39 9700	L04	EUR/100 kg	4,96
0405 10 30 9300	L20	EUR/100 kg	65,00		L40	EUR/100 kg	6,20
0405 10 30 9700	L20	EUR/100 kg	65,00	0406 30 39 9930	L04	EUR/100 kg	5,31
0405 10 50 9500	L20	EUR/100 kg	63,41		L40	EUR/100 kg	6,64
0405 10 50 9700	L20	EUR/100 kg	65,00	0406 30 39 9950	L04	EUR/100 kg	5,11
0405 10 90 9000	L20	EUR/100 kg	67,38		L40	EUR/100 kg	6,39
0405 20 90 9500	L20	EUR/100 kg	59,45	0406 40 50 9000	L04	EUR/100 kg	12,47
0405 20 90 9700	L20	EUR/100 kg	61,83		L40	EUR/100 kg	15,59
0405 90 10 9000	L20	EUR/100 kg	78,71	0406 40 90 9000	L04	EUR/100 kg	13,82
0405 90 90 9000	L20	EUR/100 kg	65,00		L40	EUR/100 kg	17,28
0406 10 20 9640	L04	EUR/100 kg	11,78	0406 90 13 9000	L04	EUR/100 kg	17,58
	L40	EUR/100 kg	14,72		L40	EUR/100 kg	21,98
0406 10 20 9650	L04	EUR/100 kg	9,82	0406 90 15 9100	L04	EUR/100 kg	18,17
	L40	EUR/100 kg	12,27		L40	EUR/100 kg	22,71
0406 10 20 9830	L04	EUR/100 kg	7,03	0406 90 17 9100	L04	EUR/100 kg	18,17
	L40	EUR/100 kg	8,79		L40	EUR/100 kg	22,71
0406 10 20 9850	L04	EUR/100 kg	6,85	0406 90 21 9900	L04	EUR/100 kg	17,60
	L40	EUR/100 kg	8,56		L40	EUR/100 kg	22,00
0406 20 90 9913	L04	EUR/100 kg	8,54	0406 90 23 9900	L04	EUR/100 kg	15,93
	L40	EUR/100 kg	10,68		L40	EUR/100 kg	19,91
0406 20 90 9915	L04	EUR/100 kg	11,61	0406 90 25 9900	L04	EUR/100 kg	15,53
	L40	EUR/100 kg	14,51		L40	EUR/100 kg	19,41
0406 20 90 9917	L04	EUR/100 kg	12,34	0406 90 27 9900	L04	EUR/100 kg	14,06
	L40	EUR/100 kg	15,42		L40	EUR/100 kg	17,58
0406 20 90 9919	L04	EUR/100 kg	13,79	0406 90 32 9119	L04	EUR/100 kg	13,02
	L40	EUR/100 kg	17,24		L40	EUR/100 kg	16,28
0406 30 31 9730	L04	EUR/100 kg	5,29	0406 90 35 9190	L04	EUR/100 kg	18,63
	L40	EUR/100 kg	6,61		L40	EUR/100 kg	23,29
0406 30 31 9930	L04	EUR/100 kg	5,69	0406 90 35 9990	L04	EUR/100 kg	18,63
	L40	EUR/100 kg	7,11		L40	EUR/100 kg	23,29
0406 30 31 9950	L04	EUR/100 kg	5,17	0406 90 37 9000	L04	EUR/100 kg	17,58
	L40	EUR/100 kg	6,46		L40	EUR/100 kg	21,98
				0406 90 61 9000	L04	EUR/100 kg	20,31
					L40	EUR/100 kg	25,39

Product code	Destination	Unit of measurement	Refunds	Product code	Destination	Unit of measurement	Refunds
0406 90 63 9100	L04	EUR/100 kg	19,93	0406 90 86 9200	L04	EUR/100 kg	17,30
	L40	EUR/100 kg	24,91		L40	EUR/100 kg	21,63
0406 90 63 9900	L04	EUR/100 kg	19,93	0406 90 86 9400	L04	EUR/100 kg	17,60
	L40	EUR/100 kg	24,91		L40	EUR/100 kg	22,00
0406 90 69 9910	L04	EUR/100 kg	19,56	0406 90 86 9900	L04	EUR/100 kg	18,12
	L40	EUR/100 kg	24,45		L40	EUR/100 kg	22,65
0406 90 73 9900	L04	EUR/100 kg	16,20	0406 90 87 9300	L04	EUR/100 kg	15,89
	L40	EUR/100 kg	20,25		L40	EUR/100 kg	19,86
0406 90 75 9900	L04	EUR/100 kg	16,61	0406 90 87 9400	L04	EUR/100 kg	15,61
	L40	EUR/100 kg	20,76		L40	EUR/100 kg	19,51
0406 90 76 9300	L04	EUR/100 kg	14,65	0406 90 87 9951	L04	EUR/100 kg	16,12
	L40	EUR/100 kg	18,31		L40	EUR/100 kg	20,15
0406 90 76 9400	L04	EUR/100 kg	16,41	0406 90 87 9971	L04	EUR/100 kg	16,12
	L40	EUR/100 kg	20,51		L40	EUR/100 kg	20,15
0406 90 76 9500	L04	EUR/100 kg	15,02	0406 90 87 9973	L04	EUR/100 kg	15,82
	L40	EUR/100 kg	18,77		L40	EUR/100 kg	19,78
0406 90 78 9100	L04	EUR/100 kg	16,53	0406 90 87 9974	L04	EUR/100 kg	16,85
	L40	EUR/100 kg	20,66		L40	EUR/100 kg	21,06
0406 90 78 9300	L04	EUR/100 kg	15,87	0406 90 87 9975	L04	EUR/100 kg	16,50
	L40	EUR/100 kg	19,84		L40	EUR/100 kg	20,63
0406 90 79 9900	L04	EUR/100 kg	13,22	0406 90 87 9979	L04	EUR/100 kg	15,93
	L40	EUR/100 kg	16,53		L40	EUR/100 kg	19,91
0406 90 81 9900	L04	EUR/100 kg	16,41	0406 90 88 9300	L04	EUR/100 kg	13,82
	L40	EUR/100 kg	20,51		L40	EUR/100 kg	17,28
0406 90 85 9930	L04	EUR/100 kg	18,12	0406 90 88 9500	L04	EUR/100 kg	13,52
	L40	EUR/100 kg	22,65		L40	EUR/100 kg	16,90
0406 90 85 9970	L04	EUR/100 kg	16,61				
	L40	EUR/100 kg	20,76				

The destinations are defined as follows:

L20: All destinations with the exception of:

- (a) third countries: Andorra, Holy See (Vatican City State), Liechtenstein and the United States of America;
- (b) territories of the EU Member States not forming part of the customs territory of the Community: the Faeroe Islands, Greenland, Heligoland, Ceuta, Melilla, the Communes of Livigno and Campione d'Italia, and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control;
- (c) European territories for whose external relations a Member State is responsible and not forming part of the customs territory of the Community: Gibraltar
- (d) the destinations referred to in Article 36(1), Article 44(1) and Article 45(1) of Commission Regulation (EC) No 800/1999 (OJ L 102, 17.4.1999, p. 11).

L04: Albania, Bosnia and Herzegovina, Serbia, Kosovo (*), Montenegro and the former Yugoslav Republic of Macedonia.

L40: All destinations with the exception of:

- (a) third countries: L04, Andorra, Iceland, Liechtenstein, Norway, Switzerland, Holy See (Vatican City State), the United States of America, Croatia, Turkey, Australia, Canada, New Zealand and South Africa;
- (b) territories of the EU Member States not forming part of the customs territory of the Community: the Faeroe Islands, Greenland, Heligoland, Ceuta, Melilla, the Communes of Livigno and Campione d'Italia, and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control;
- (c) European territories for whose external relations a Member State is responsible and not forming part of the customs territory of the Community: Gibraltar.
- (d) the destinations referred to in Article 36(1), Article 44(1) and Article 45(1) of Commission Regulation (EC) No 800/1999 (OJ L 102, 17.4.1999, p. 11).

(*) As defined by United Nations Security Council Resolution 1244 of 10 June 1999.

COMMISSION REGULATION (EC) No 524/2009**of 18 June 2009****fixing the maximum export refund for butter in the framework of the standing invitation to tender
provided for in Regulation (EC) No 619/2008**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Article 164(2), in conjunction with Article 4, thereof,

Whereas:

- (1) Commission Regulation (EC) No 619/2008 of 27 June 2008 opening a standing invitation to tender for export refunds concerning certain milk products ⁽²⁾ provides for a standing invitation to tender procedure.
- (2) Pursuant to Article 6 of Commission Regulation (EC) No 1454/2007 of 10 December 2007 laying down common rules for establishing a tender procedure for fixing export refunds for certain agricultural products ⁽³⁾, and following an examination of the tenders submitted in response to

the invitation to tender, it is appropriate to fix a maximum export refund for the tendering period ending on 16 June 2009.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the standing invitation to tender opened by Regulation (EC) No 619/2008, for the tendering period ending on 16 June 2009, the maximum amount of refund for the products and destinations referred to in Article 1(a) and (b) and in Article 2 respectively of that Regulation shall be as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 19 June 2009.

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

Done at Brussels, 18 June 2009.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 168, 28.6.2008, p. 20.

⁽³⁾ OJ L 325, 11.12.2007, p. 69.

ANNEX

(EUR/100 kg)

Product	Export refund Code	Maximum amount of export refund for exports to the destinations referred to in Article 2 of Regulation (EC) No 619/2008
Butter	ex 0405 10 19 9700	70,00
Butteroil	ex 0405 90 10 9000	84,50

COMMISSION REGULATION (EC) No 525/2009**of 18 June 2009****fixing the maximum export refund for skimmed milk powder in the framework of the standing invitation to tender provided for in Regulation (EC) No 619/2008**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Article 164(2), in conjunction with Article 4, thereof,

Whereas:

(1) Commission Regulation (EC) No 619/2008 of 27 June 2008 opening a standing invitation to tender for export refunds concerning certain milk products ⁽²⁾ provides for a standing invitation to tender procedure.

(2) Pursuant to Article 6 of Commission Regulation (EC) No 1454/2007 of 10 December 2007 laying down common rules for establishing a tender procedure for fixing export

refunds for certain agricultural products ⁽³⁾ and following an examination of the tenders submitted in response to the invitation to tender, it is appropriate to fix a maximum export refund for the tendering period ending on 16 June 2009.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the standing invitation to tender opened by Regulation (EC) No 619/2008, for the tendering period ending on 16 June 2009, the maximum amount of refund for the product and destinations referred to in Article 1(c) and in Article 2 of that Regulation shall be EUR 25,80/100 kg.

Article 2

This Regulation shall enter into force on 19 June 2009.

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

Done at Brussels, 18 June 2009.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 168, 28.6.2008, p. 20.

⁽³⁾ OJ L 325, 11.12.2007, p. 69.

COMMISSION REGULATION (EC) No 526/2009**of 18 June 2009****fixing the maximum buying-in price for butter for the 7th individual invitation to tender within the tendering procedure opened by Regulation (EC) No 186/2009**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Article 43, in conjunction with Article 4 thereof,

Whereas:

(1) Commission Regulation (EC) No 186/2009 ⁽²⁾ has opened buying-in of butter by a tendering procedure for the period expiring on 31 August 2009, in accordance with the conditions provided for in Commission Regulation (EC) No 105/2008 of 5 February 2008 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in butter ⁽³⁾.

(2) In the light of the tenders received in response to individual invitations to tender, a maximum buying-in price is to be fixed or a decision to make no award is to be

taken, in accordance with Article 16(2) of Regulation (EC) No 105/2008.

(3) In the light of the tenders received for the 7th individual invitation to tender, a maximum buying-in price should be fixed.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 7th individual invitation to tender for the buying-in of butter within the tendering procedure opened by Regulation (EC) No 186/2009, in respect of which the time limit for the submission of tenders expired on 16 June 2009, the maximum buying-in price shall be EUR 220,00/100 kg.

Article 2

This Regulation shall enter into force on 19 June 2009.

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

Done at Brussels, 18 June 2009.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 64, 10.3.2009, p. 3.

⁽³⁾ OJ L 32, 6.2.2008, p. 3.

COMMISSION REGULATION (EC) No 527/2009**of 18 June 2009****fixing the maximum buying-in price for skimmed milk powder for the 5th individual invitation to tender within the tendering procedure opened by Regulation (EC) No 310/2009**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Article 43, in conjunction with Article 4 thereof,

Whereas:

- (1) Commission Regulation (EC) No 310/2009 ⁽²⁾ has opened buying-in of skimmed milk powder by a tendering procedure for the period expiring on 31 August 2009, in accordance with the conditions provided for in Commission Regulation (EC) No 214/2001 of 12 January 2001 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards intervention on the market in skimmed milk powder ⁽³⁾.
- (2) In the light of the tenders received in response to individual invitations to tender, a maximum buying-in price is to be fixed or a decision to make no award is to be

taken, in accordance with Article 17 of Regulation (EC) No 214/2001.

- (3) In the light of the tenders received for the 5th individual invitation to tender, a maximum buying-in price should be fixed.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

For the 5th individual invitation to tender for the buying-in of skimmed milk powder within the tendering procedure opened by Regulation (EC) No 310/2009, in respect of which the time limit for the submission of tenders expired on 16 June 2009, the maximum buying-in price shall be EUR 167,90/100 kg.

Article 2

This Regulation shall enter into force on 19 June 2009.

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

Done at Brussels, 18 June 2009.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 97, 16.4.2009, p. 13.

⁽³⁾ OJ L 37, 7.2.2001, p. 100.

COMMISSION REGULATION (EC) No 528/2009**of 18 June 2009****on the issue of import licences for applications lodged during the first seven days of June 2009
under the tariff quotas opened by Regulation (EC) No 533/2007 for poultrymeat**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Whereas:

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences ⁽²⁾, and in particular Article 7(2) thereof,

Having regard to Commission Regulation (EC) No 533/2007 of 14 May 2007 opening and providing for the administration of tariff quotas in the poultrymeat sector ⁽³⁾, and in particular Article 5(6) thereof,

(1) Regulation (EC) No 533/2007 opened tariff quotas for imports of poultrymeat products.

(2) The applications for import licences lodged during the first seven days of June 2009 for the subperiod from 1 July to 30 September 2009 relate, for some quotas, to quantities exceeding those available. The extent to which import licences may be issued should therefore be determined by establishing the allocation coefficient to be applied to the quantities requested,

HAS ADOPTED THIS REGULATION:

Article 1

The quantities for which import licence applications have been lodged under Regulation (EC) No 533/2007 for the subperiod from 1 July to 30 September 2009 shall be multiplied by the allocation coefficients set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 19 June 2009.

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

Done at Brussels, 18 June 2009.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 238, 1.9.2006, p. 13.

⁽³⁾ OJ L 125, 15.5.2007, p. 9.

ANNEX

Group No	Order No	Allocation coefficient for import licence applications lodged for the subperiod from 1.7.2009-30.9.2009 (%)
P1	09.4067	1,996875
P2	09.4068	3,853812
P3	09.4069	0,881057
P4	09.4070	18,867924

COMMISSION REGULATION (EC) No 529/2009**of 18 June 2009****on the issue of import licences for applications lodged during the first seven days of June 2009 under the tariff quotas opened by Regulation (EC) No 539/2007 for certain products in the egg sector and for egg albumin**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences ⁽²⁾, and in particular Article 7(2) thereof,

Having regard to Commission Regulation (EC) No 539/2007 of 15 May 2007 opening and providing for the administration of tariff quotas in the egg sector and for egg albumin ⁽³⁾, and in particular Article 5(6) thereof,

Whereas:

- (1) Regulation (EC) No 539/2007 opened tariff quotas for imports of egg products and egg albumin.
- (2) The applications for import licences lodged during the first seven days of June 2009 for the subperiod from 1 July to 30 September 2009 relate, for some quotas, to quantities exceeding those available. The extent to which import licences may be issued should therefore be determined by establishing the allocation coefficient to be applied to the quantities requested,

HAS ADOPTED THIS REGULATION:

Article 1

The quantities for which import licence applications have been lodged under Regulation (EC) No 539/2007 for the subperiod from 1 July to 30 September 2009 shall be multiplied by the allocation coefficients set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 19 June 2009.

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

Done at Brussels, 18 June 2009.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 238, 1.9.2006, p. 13.

⁽³⁾ OJ L 128, 16.5.2007, p. 19.

ANNEX

Group No	Order No	Allocation coefficient for import licence applications lodged for the subperiod from 1.7.2009-30.9.2009 (%)
E2	09.4401	33,640907

COMMISSION REGULATION (EC) No 530/2009**of 18 June 2009****on the issue of import licences for applications lodged during the first seven days of June 2009
under the tariff quota opened by Regulation (EC) No 1385/2007 for poultrymeat**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences ⁽²⁾, and in particular Article 7(2) thereof,

Having regard to Commission Regulation (EC) No 1385/2007 of 26 November 2007 laying down detailed rules for the application of Council Regulation (EC) No 774/94 as regards opening and providing for the administration of certain Community tariff quotas for poultrymeat ⁽³⁾, and in particular Article 5(6) thereof,

Whereas:

- (1) The applications for import licences lodged during the first seven days of June 2009 for the subperiod from 1 July to 30 September 2009 relate, for some quotas, to quantities exceeding those available. The extent to

which import licences may be issued should therefore be determined by establishing the allocation coefficient to be applied to the quantities requested.

- (2) The applications for import licences lodged during the first seven days of June 2009 for the subperiod from 1 July to 30 September 2009 do not, for some quotas, 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

1. The quantities for which import licence applications have been lodged for the subperiod from 1 July to 30 September 2009 under Regulation (EC) No 1385/2007 shall be multiplied by the allocation coefficients set out in the Annex hereto.

2. The quantities for which applications have not been lodged, to be added to the quantity fixed for the subperiod from 1 October to 31 December 2009, are set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 19 June 2009.

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

Done at Brussels, 18 June 2009.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 238, 1.9.2006, p. 13.

⁽³⁾ OJ L 309, 27.11.2007, p. 47.

ANNEX

Group No	Order No	Allocation coefficient for import licence appli- cations lodged for the subperiod from 1.7.2009-30.9.2009 (%)	Quantities not applied for, to be added to the quantity for the subperiod from 1.10.2009-31.12.2009 (kg)
1	09.4410	0,527539	—
2	09.4411	(¹)	3 825 000
3	09.4412	0,563656	—
4	09.4420	0,761626	—
5	09.4421	4,484381	—
6	09.4422	0,80776	—

(¹) Not applicable: no licence application has been sent to the Commission.

COMMISSION REGULATION (EC) No 531/2009**of 18 June 2009****on the issue of import licences for applications lodged during the first seven days of June 2009 under the tariff quota opened by Regulation (EC) No 1384/2007 for poultrymeat originating in Israel**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences ⁽²⁾, and in particular Article 7(2) thereof,

Having regard to Commission Regulation (EC) No 1384/2007 of 26 November 2007 laying down detailed rules for the application of Council Regulation (EC) No 2398/96 as regards opening and providing for the administration of certain quotas for imports into the Community of poultrymeat products originating in Israel ⁽³⁾, and in particular Article 5(5) thereof,

Whereas:

The applications for import licences lodged during the first seven days of June 2009 for the subperiod from 1 July to 30 September 2009 do not cover the quantities 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 applications have not been lodged, to be added to the quantity fixed for the subperiod from 1 October to 31 December 2009, are set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 19 June 2009.

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

Done at Brussels, 18 June 2009.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 238, 1.9.2006, p. 13.

⁽³⁾ OJ L 309, 27.11.2007, p. 40.

ANNEX

Group No	Order No	Allocation coefficient for import licence applications lodged for the subperiod from 1.7.2009-30.9.2009 (%)	Quantities not applied for, to be added to the quantity for the subperiod from 1.10.2009-31.12.2009 (kg)
IL1	09.4092	(¹)	284 480
IL2	09.4091	(²)	420 000

(¹) Not applicable: the applications do not cover the total quantity available.

(²) Not applicable: no licence application has been sent to the Commission.

COMMISSION REGULATION (EC) No 532/2009**of 18 June 2009****on the issue of import licences for applications lodged during the first seven days of June 2009 under the tariff quota opened by Regulation (EC) No 1383/2007 for poultrymeat originating in Turkey**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1383/2007 of 26 November 2007 laying down detailed rules for the application of Council Regulation (EC) No 779/98 as regards opening and providing for the administration of certain quotas for imports into the Community of poultrymeat products originating in Turkey ⁽²⁾, and in particular Article 5(5) thereof,

Whereas:

- (1) Regulation (EC) No 1383/2007 opened tariff quotas for imports of poultrymeat products.

- (2) The applications for import licences lodged during the first seven days of June 2009 for the subperiod from 1 July to 30 September 2009 do not cover the quantities 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 pursuant to Regulation (EC) No 1383/2007 under the quota with order number 09.4103 have not been lodged, to be added to the subperiod from 1 October to 31 December 2009, shall be 750 000 kg.

Article 2

This Regulation shall enter into force on 19 June 2009.

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

Done at Brussels, 18 June 2009.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 309, 27.11.2007, p. 34.

COMMISSION REGULATION (EC) No 533/2009**of 18 June 2009****fixing the rates of the refunds applicable to milk and milk products exported in the form of goods not covered by Annex I to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (single CMO Regulation) ⁽¹⁾, and in particular Article 164(2) thereof,

Whereas:

- (1) Article 162(1)b of Regulation (EC) No 1234/2007 provides that the difference between prices in international trade for the products referred to in Article 1(1)(p) and listed in Part XVI of Annex I to that Regulation and prices within the Community may be covered by an export refund where these goods are exported in the form of goods listed in Part IV of Annex XX to that Regulation.
- (2) Commission Regulation (EC) No 1043/2005 of 30 June 2005 implementing Council Regulation (EC) No 3448/93 as regards the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds ⁽²⁾, specifies the products for which a rate of refund is to be fixed, to be applied where these products are exported in the form of goods listed in Part IV of Annex XX to Regulation (EC) No 1234/2007.
- (3) In accordance with the second paragraph, subparagraph (a) of Article 14 of Regulation (EC) No 1043/2005, the rate of the refund per 100 kilograms for each of the basic products in question is to be fixed for a period of the same duration as that for which refunds are fixed for the same products exported unprocessed.
- (4) Article 11 of the Agreement on Agriculture concluded under the Uruguay Round lays down that the export refund for a product contained in a good may not exceed the refund applicable to that product when exported without further processing.
- (5) However, in the case of certain milk products exported in the form of goods not covered by Annex I to the Treaty, there is a danger that, if high refund rates are fixed in advance, the commitments entered into in relation to those refunds may be jeopardised. In order to avert that danger, it is therefore necessary to take appropriate precautionary measures, but without precluding the conclusion of long-term contracts. The fixing of specific refund rates for the advance fixing of refunds in respect of those products should enable those two objectives to be met.
- (6) Article 15(2) of Regulation (EC) No 1043/2005 provides that, when the rate of the refund is being fixed, account is to be taken, where appropriate, of production refunds, aids or other measures having equivalent effect applicable in all Member States in accordance with the Regulation on the common organisation of the agricultural markets to the basic products listed in Annex I to Regulation (EC) No 1043/2005 or to assimilated products.
- (7) Article 100(1) of Regulation (EC) No 1234/2007 provides for the payment of aid for Community-produced skimmed milk processed into casein if such milk and the casein manufactured from it fulfil certain conditions.
- (8) Commission Regulation (EC) No 1898/2005 of 9 November 2005 laying down detailed rules for implementing Council Regulation (EC) No 1255/1999 as regards measures for the disposal of cream, butter and concentrated butter ⁽³⁾, lays down that butter and cream at reduced prices should be made available to industries which manufacture certain goods.

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 172, 5.7.2005, p. 24.

⁽³⁾ OJ L 308, 25.11.2005, p. 1.

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

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products listed in Annex I to Regulation (EC) No 1043/2005 and in Part XVI of Annex I to Regulation (EC) No 1234/2007, and exported in the form of goods listed in Part IV of Annex XX to Regulation (EC) No 1234/2007, shall be fixed as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 19 June 2009.

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

Done at Brussels, 18 June 2009.

For the Commission

Heinz ZOUREK

Director-General Enterprise and Industry

ANNEX

Rates of the refunds applicable from 19 June 2009 to certain milk products exported in the form of goods not covered by Annex I to the Treaty ⁽¹⁾

(EUR/100 kg)

CN code	Description	Rate of refund	
		In case of advance fixing of refunds	Other
ex 0402 10 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content not exceeding 1,5 % by weight (PG 2):		
	(a) on exportation of goods of CN code 3501	—	—
	(b) on exportation of other goods	22,80	22,80
ex 0402 21 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content of 26 % by weight (PG 3):		
	(a) where goods incorporating, in the form of products assimilated to PG 3, reduced-price butter or cream obtained pursuant to Regulation (EC) No 1898/2005 are exported	37,48	37,48
	(b) on exportation of other goods	35,00	35,00
ex 0405 10	Butter, with a fat content by weight of 82 % (PG 6):		
	(a) where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EC) No 1898/2005 are exported	65,00	65,00
	(b) on exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat	66,52	66,52
	(c) on exportation of other goods	65,00	65,00

⁽¹⁾ The rates set out in this Annex are not applicable to exports to

- (a) third countries: Andorra, the Holy See (Vatican City State), Liechtenstein, the United States of America and the goods listed in Tables I and II of Protocol 2 to the Agreement between the European Community and the Swiss Confederation of 22 July 1972 exported to the Swiss Confederation.
- (b) territories of EU Member States not forming part of the customs territory of the Community: Ceuta, Melilla, the Communes of Livigno and Campione d'Italia, Heligoland, Greenland, the Faeroe Islands and the areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control.
- (c) European territories for whose external relations a Member State is responsible and not forming part of the customs territory of the Community: Gibraltar.
- (d) the destinations referred to in Article 36(1), Article 44(1) and Article 45(1) of Commission Regulation (EC) No 800/1999 (OJ L 102, 17.4.1999, p. 11).

COMMISSION REGULATION (EC) No 534/2009**of 18 June 2009****fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and amending Regulation (EC) No 1484/95**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Article 143 thereof,

Having regard to Regulation (EEC) No 2783/75 of the Council of 29 October 1975 on the common system of trade for ovalbumin and lactalbumin, and in particular Article 3(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1484/95 ⁽²⁾ lays down detailed rules for implementing the system of additional import duties and fixes representative prices for poultrymeat and egg products and for egg albumin.
- (2) Regular monitoring of the data used to determine representative prices for poultrymeat and egg products and

for egg albumin shows that the representative import prices for certain products should be amended to take account of variations in price according to origin. The representative prices should therefore be published.

- (3) In view of the situation on the market, this amendment should be applied as soon as possible.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 1484/95 is replaced by 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*.

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

Done at Brussels, 18 June 2009.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 145, 29.6.1995, p. 47.

ANNEX

**to the Commission Regulation of 18 June 2009 fixing representative prices in the poultrymeat and egg sectors
and for egg albumin, and amending Regulation (EC) No 1484/95**

‘ANNEX I

CN code	Description of goods	Representative price (EUR/100 kg)	Security under Article 3(3) (EUR/100 kg)	Origin ⁽¹⁾
0207 12 10	Fowls of the species <i>Gallus domesticus</i> , not cut in pieces, presented as “70 % chickens”, frozen	105,0	0	BR
		106,4	0	AR
0207 12 90	Fowls of the species <i>Gallus domesticus</i> , not cut in pieces, presented as “65 % chickens”, frozen	112,9	2	BR
		98,6	6	AR
0207 14 10	Fowls of the species <i>Gallus domesticus</i> , boneless cuts, frozen	200,0	30	BR
		220,7	24	AR
		270,2	9	CL
0207 14 50	Fowls of the species <i>Gallus domesticus</i> , breasts, frozen	191,9	6	BR
0207 14 60	Fowl of the species <i>Gallus domesticus</i> , legs, frozen	112,0	9	BR
		99,4	13	AR
0207 25 10	Turkeys, not cut in pieces, presented as “80 % turkeys”, frozen	223,4	0	BR
0207 27 10	Turkeys, boneless cuts, frozen	230,2	20	BR
		229,8	20	CL
0408 11 80	Egg yolks	368,7	0	AR
0408 91 80	Eggs, not in shell, dried	348,3	0	AR
1602 32 11	Preparations of fowls of the species <i>Gallus domesticus</i> , uncooked	257,7	9	BR
3502 11 90	Egg albumin, dried	555,5	0	AR

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). The code “ZZ” represents “other origins”.

II

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

DECISIONS

COUNCIL

COUNCIL DECISION

of 6 April 2009

concerning the conclusion of consultations with the Islamic Republic of Mauritania under Article 96 of the ACP-EC Partnership Agreement

(2009/472/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the ACP-EC Partnership Agreement signed in Cotonou on 23 June 2000 (hereinafter referred to as the ACP-EC Agreement), and in particular Article 96 thereof,

Having regard to the Internal Agreement between the representatives of the governments of the Member States, meeting within the Council, on measures to be taken and procedures to be followed for the implementation of the ACP-EC Partnership Agreement ⁽¹⁾, and in particular Article 3 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The essential elements referred to in Article 9 of the ACP-EC Agreement have been violated.
- (2) On 20 October 2008, pursuant to Article 96 of the ACP-EC Agreement, consultations started with the African, Caribbean and Pacific States (ACP) and the Islamic Republic of Mauritania during which representatives of the ruling military junta failed to present satisfactory proposals or commitments. Despite a one-month extension of the deadline, no new element has been noted,

HAS DECIDED AS FOLLOWS:

Article 1

Consultations with the Islamic Republic of Mauritania under Article 96 of the ACP-EC Agreement are hereby concluded.

Article 2

The measures set out in the annexed Letter are hereby adopted as appropriate measures under Article 96(2)(c) of the ACP-EC Agreement.

Article 3

This Decision shall enter into force on the day of its adoption.

This Decision shall expire on 6 April 2011. It shall be reviewed regularly at least once every six months in the light of joint monitoring missions by the Presidency of the European Union and the Commission.

Article 4

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

Done at Luxembourg, 6 April 2009.

For the Council
The President
J. POSPÍŠIL

⁽¹⁾ OJ L 317, 15.12.2000, p. 376.

ANNEX

DRAFT LETTER

Sir,

The European Union attaches great importance to the essential elements listed in Article 9 of the ACP-EC Partnership Agreement signed in Cotonou on 23 June 2000, hereinafter referred to as the 'ACP-EC Agreement' concerning respect for human rights, democratic principles and the rule of law, on which the ACP-EC partnership is founded.

With this in mind, following the seizure of power by the military on 6 August 2008, the European Union immediately condemned the coup d'état and called repeatedly for respect for democracy and the legal institutional framework that had been in place since 2007. In application of Article 96 of the ACP-EC Agreement and as the coup constitutes a serious violation of the essential elements listed in Article 9 of that Agreement, the European Union engaged in a political dialogue with the ruling regime that resulted in the opening of consultations aimed at studying the situation and possible consensual solutions for an early return to constitutional order.

Following the opening meeting of the consultations in Paris on 20 October 2008, the European Union did not consider that any satisfactory proposals had been made by the Mauritanian side. In a spirit of openness to dialogue, and being aware of the complexity of the political situation in Mauritania, the European Union initially proposed to the Mauritanian side that the consultations remain open for a period of one month until it came up with a potentially satisfactory solution that would enable another consultation meeting to be arranged. It also informed the ACP States and Mauritanian side that, in the absence of any new elements, the consultations would be closed and appropriate measures adopted.

At a series of meetings chaired by the African Union, the European Union and the five international organisations that made up the international contact group on Mauritania clearly identified the essential elements of a consensual political solution to the crisis.

The international contact group met again on 28 January 2009 on the eve of the effective implementation of the individual sanctions adopted by the African Union, and on 20 February 2009 to note that there were a number of proposals for putting an end to the crisis, including that by the ruling power which was considered to be still inadequate. The international contact group invited the Mauritanian parties to an inclusive national political dialogue under the auspices of the President of the African Union in order to secure a consensual return to constitutional order.

Appropriate flanking measures for a return to constitutional order

In the light of the above, the European Union has decided to bring the consultation period to an end and to adopt, under Article 96(2)(c) of the ACP-EC Agreement, the appropriate measures described below. Starting from the unsatisfactory situation at present and the fact that a large part of cooperation is already being put on ice, these appropriate measures aim at a gradual reopening of cooperation in response to the following steps towards a consensual return to constitutional order:

1. Present situation and immediate measures.
2. A consensual solution for ending the crisis consistent with the essential elements proposed by the international community, in particular the establishment in the context of inclusive and open political dialogue of an electoral framework for the holding of free, transparent and representative presidential elections, organised by credible institutions, under the auspices of a neutral government.
3. The actual and irreversible implementation of the solution for ending the crisis referred to above.
4. Mauritania's full return to constitutional order. That situation will pertain when a legitimate Head of State is in power and the Constitution is in force and respected.

1. Present situation and immediate measures

The measures described below are adopted. The restrictions on cooperation will not affect humanitarian aid or direct aid to the people of Mauritania and Mauritanian civil society.

The political dialogue provided for under Article 8 of the ACP-EC Agreement will be continued with all the Mauritanian parties in parallel with the appropriate measures as indicated in Annex VII, Article 2(5) of the ACP-EC Agreement. This dialogue will be conducted in coordination with the International Contact Group on Mauritania and may be stepped up once a consensual solution for a return to constitutional order has been accepted.

- A. The implementation of ongoing projects and of the 10th EDF indicative programme, subject to the exceptions and modifications below, is suspended pending the gradual resumption of cooperation under the conditions set out below.
- B. The European Commission reserves the right to take over immediately the duties of the EDF National Authorising Officer on its own account.
- C. In so far as the monitoring of developments and sectoral policy decisions implemented by the *de facto* but not *de iure* regime affect ongoing cooperation projects and in the hope of a future resumption of cooperation in the light of an internationally acceptable solution to the crisis, Commission departments will continue to take part in the dialogue on sectoral policies in Mauritania at a technical level so long as such dialogue is not regarded as recognition of the legality of the regime installed following the coup d'état of 6 August 2008.
- D. Payments relating to ongoing contracts will be honoured in accordance with the relevant financing decisions. This concerns the following projects:

- Rosso-Boghé and Kaedi-Gouraye roads and technical assistance to the Transport Ministry,
- 'rehabilitation of the Adrar oasis' project (closure of ongoing commitments),
- Water Facility: continuation of three ongoing contracts,
- Energy Facility: continuation of ongoing contracts,
- NAO support programme: necessary measures for programme completion,
- regional solar programme: continuation of ongoing projects in Mauritania,
- civil society support programme. Continued implementation of governance-related activities under calls for proposals managed directly by the European Commission,
- programme to support the national road maintenance body (ENER): continuation of ongoing contractual commitments only,
- grant contract under the regional B envelope for the rehabilitation of flooded areas in the Senegal river region,
- support to local authorities (non-EDF): project to improve municipal water management in Nouakchott and partnership to support the school system in the Bousteila municipality,
- Zazou sanitation project (non-EDF, NGO cofinancing).

- E. New contracts may be signed for the following programmes in accordance with the financing agreements:

- launch of local calls for proposals in the 'non-State actors and democracy and human rights' area (non-EDF). Calls for proposals for the benefit of local authorities remain suspended,
- implementation of the migration management support project under ACP 9 EDF regional funding,

- implementation of the 'refugee return support' project in coordination and liaison with the Commission's Humanitarian Aid Office (ECHO) provided conditions in Mauritania allow implementation and given compliance with the terms of contract.

F. New projects may be appraised in the following areas:

- as part of the proposed response to the food crisis through mobilisation of the 10th EDF regional B envelope, a targeted operation to support inhabitants may be programmed for a total of EUR 2 080 000 to be carried out by an international organisation and/or NGO provided the activity does not involve direct aid to the administration, the state or state agencies,
- programming of the envelope allocated to Mauritania under the new Food Facility and the Food Security thematic line involving agricultural support projects that can be implemented by international organisations and/or NGOs,
- the 10th EDF National Indicative Programme set aside an indicative amount of EUR 40 million in budgetary support. That project may not be appraised before a full return to constitutional order as described in point 4, subject to compliance with the general eligibility conditions required for implementation of programmes of this type,
- the indicative amount of this programme is reduced to EUR 25 million with immediate effect. EUR 10 million of the EUR 15 million committed will be kept in reserve for possible election support in the framework of a constitutional solution to the crisis in line with the international community's demands. The remaining EUR 5 million will be kept in reserve, inter alia, for any humanitarian crises resulting from the crisis caused by the coup d'état of 6 August 2008,
- by way of exception, the EUR 8 million migration management support programme included in the National Indicative Programme will be appraised before any resumption of cooperation on the basis of objectives and priorities which have not yet been set.

2. Consensual solution accepted

This situation implies that an actual agreement exists with the Mauritanian parties as described in the Introduction, in point 2.

G. The following projects will be unblocked:

- Nouadhibou ore port. Negotiation and signing of the contract for renovation of the port in so far as this is allowed by the rules in force and the results of the tender. Since the non-extendable deadline for execution of this project is 31 December 2011, there is a real risk that financing for the project (EUR 45 million) will be lost. The Commission will consider all possible ways of minimising that risk, which is increasing over time,
- reprogramming of a project to clear the port of Nouadhibou of wrecks following the transfer to the 10th EDF from 31 December 2008 of the Stabex funds earmarked for that purpose (EUR 23 million). But for the coup d'état, a contract for the project would have been signed before the end of 2008. Procedures for reprogramming and appraisal of the new project will commence forthwith in order to move to the implementation phase as soon as possible once the political situation allows (consensual solution accepted),
- launch of previously suspended local calls for proposal for the benefit of local authorities.

3. Implementation of the solution for ending the crisis

This situation involves irreversibly implementing the consensual solution for ending the crisis as described in point 3.

H. A further resumption of cooperation will be effected. This may include:

- possible support for and observation of new elections,

- continued implementation of the justice support programme,
- implementation of the EU institution-building programme for local authorities and their services,
- implementation of all projects and programmes signed or planned under the 8th and 9th EDFs but not yet contracted out.

4. Full return to constitutional order

- I. Mauritania's full return to constitutional order will enable all the restrictions listed above to be lifted in accordance with the fourth paragraph of Article 96(2)(a) of the ACP-EC Agreement. That will allow the 10th EDF indicative programme (EUR 156 million) to be implemented in full, taking account of the possible need to revise the programme in view of the negative social, economic and political impacts of the coup d'état of 6 August 2008.

Monitoring of appropriate measures

The European Union will continue to monitor the situation in Mauritania closely and may support the introduction of a consensual political solution to the crisis if it is based on the abovementioned essential elements in accordance with the demands of the international community. Regular monitoring missions will be organised for that purpose.

The European Union reserves the right to review and revise the above measures in the light of developments in the situation in Mauritania.

We have the honour to be, Sir, yours faithfully,

For the Commission

José Manuel BARROSO

For the Council

J. POSPÍŠIL

COUNCIL DECISION

of 28 May 2009

concerning the conclusion of an Agreement in the form of an Exchange of Letters on the provisional application of the Fisheries Partnership Agreement between the European Community and the Republic of Guinea

(2009/473/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 37 in conjunction with the first sentence of the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) The Community has negotiated with the Republic of Guinea a Fisheries Partnership Agreement providing Community vessels with fishing opportunities in the waters over which the Republic of Guinea has sovereignty or jurisdiction in respect of fisheries.
- (2) As a result of those negotiations, a new Fisheries Partnership Agreement was initialled on 20 December 2008.
- (3) The Fisheries Agreement between the European Community, of the one part, and the Government of the Republic of Guinea, of the other part, of 28 March 1983 should be repealed by the new Fisheries Partnership Agreement.
- (4) In order to guarantee the continuation of fishing activities by Community vessels, it is essential that the new Fisheries Partnership Agreement be applied as quickly as possible. Both parties have therefore initialled an Agreement in the form of an Exchange of Letters providing for the provisional application of the new Fisheries Partnership Agreement as from 1 January 2009.
- (5) It is in the Community's interest to approve the Agreement in the form of an Exchange of Letters on the provisional application of the Fisheries Partnership Agreement.
- (6) The method for allocating the fishing opportunities among the Member States should be defined,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an Exchange of Letters on the provisional application of the Fisheries Partnership Agreement

between the European Community and the Republic of Guinea on fishing off the coast of Guinea for the period from 1 January 2009 to 31 December 2012 is hereby approved on behalf of the Community, subject to the Council Decision on the conclusion of the Agreement.

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

Article 2

1. The fishing opportunities set out in the Protocol shall be allocated among the Member States as follows:

(a) tuna seiners:

Spain	15 vessels
France	11 vessels
Italy	2 vessels

(b) pole-and-line vessels:

Spain	8 vessels
France	4 vessels

2. If applications for fishing authorisations from the Member States referred to in paragraph 1 do not cover all the fishing opportunities set by the Protocol, the Commission may consider applications for fishing authorisations from any other Member State.

Article 3

The Member States whose vessels fish under the Agreement referred to in Article 1 shall notify the Commission of the quantities of each stock caught within the Republic of Guinea's fishing zone in accordance with Commission Regulation (EC) No 500/2001 of 14 March 2001 laying down detailed rules for the application of Council Regulation (EEC) No 2847/93 on the monitoring of catches taken by Community fishing vessels in third country waters and on the high seas ⁽¹⁾ until the date of entry into force of the regulation establishing detailed rules within the meaning of Article 30 of Council Regulation (EC) No 1006/2008 ⁽²⁾, and in accordance with those rules thereafter.

⁽¹⁾ OJ L 73, 15.3.2001, p. 8.

⁽²⁾ Council Regulation (EC) No 1006/2008 of 29 September 2008 concerning authorisations for fishing activities of Community fishing vessels outside Community waters and the access of third country vessels to Community waters, amending Regulations (EEC) No 2847/93 and (EC) No 1627/94 and repealing Regulation (EC) No 3317/94 (OJ L 286, 29.10.2008, p. 33).

Article 4

The President of the Council is hereby authorised to designate the persons empowered to sign the Agreement in the form of an Exchange of Letters in order to bind the Community.

Done at Brussels, 28 May 2009.

For the Council
The President
V. TOŠOVSKÝ

AGREEMENT IN THE FORM OF AN EXCHANGE OF LETTERS
on the provisional application of the Fisheries Partnership Agreement between the European
Community and the Republic of Guinea

A. Letter from the Government of the Republic of Guinea

Sir,

I am delighted that the Republic of Guinea and European Community negotiators have been able to reach a consensus on a Fisheries Partnership Agreement between the Republic of Guinea and the European Community, and on a Protocol setting out the fishing opportunities and financial contribution and the annexes thereto.

The result of these negotiations improves on the earlier Agreement and will strengthen our fisheries relations and establish a true partnership framework in which to develop a sustainable and responsible fisheries policy in Guinea's waters. To this end, I would propose launching in parallel the procedures for approval and ratification of the texts of the Agreement, the Protocol and the Annex and Appendices thereto in accordance with the procedures in force in the Republic of Guinea and the European Community and necessary for their entry into

In order to avoid interrupting fishing activities by Community vessels in Guinea's waters, and referring to the Agreement and the Protocol initialled on 20 December 2008 and setting out the fishing opportunities and financial contribution from 1 January 2009 to 31 December 2012, I have the honour to inform you that the Government of the Republic of Guinea is willing to apply this Agreement and this Protocol provisionally from 1 January 2009 pending their entry into force in accordance with Article 19 of the Agreement, provided that the European Community is prepared to do likewise.

This is on the understanding that the first instalment of the financial contribution, laid down by Article 2 of the Protocol, must be paid before 30 November 2009.

I should be grateful if you would confirm the agreement of the European Community to such a provisional application.

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

B. Letter from the European Community

Sir,

I have the honour to acknowledge receipt of your letter of today's date which reads as follows:

'I am delighted that the Republic of Guinea and European Community negotiators have been able to reach a consensus on a Fisheries Partnership Agreement between the Republic of Guinea and the European Community, and on a Protocol setting out the fishing opportunities and financial contribution and the annexes thereto.

The result of these negotiations improves on the earlier Agreement and will strengthen our fisheries relations and establish a true partnership framework in which to develop a sustainable and responsible fisheries policy in Guinea's waters. To this end, I would propose launching in parallel the procedures for approval and ratification of the texts of the Agreement, the Protocol and the Annex and Appendices thereto in accordance with the procedures in force in the Republic of Guinea and the European Community and necessary for their entry into force.

In order to avoid interrupting fishing activities by Community vessels in Guinea's waters, and referring to the Agreement and the Protocol initialled on 20 December 2008 and setting out the fishing opportunities and financial contribution from 1 January 2009 to 31 December 2012, I have the honour to inform you that the Government of the Republic of Guinea is willing to apply this Agreement and this Protocol provisionally from 1 January 2009 pending their entry into force in accordance with Article 19 of the Agreement, provided that the European Community is prepared to do likewise

This is on the understanding that the first instalment of the financial contribution, laid down by Article 2 of the Protocol, must be paid before 30 November 2009.

I should be grateful if you would confirm the agreement of the European Community to such a provisional application.'

I am pleased to confirm the agreement of the European Community to a provisional application.

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

FISHERIES PARTNERSHIP AGREEMENT
between the Republic of Guinea and the European Community

THE REPUBLIC OF GUINEA,

hereinafter referred to as 'Guinea',

and

THE EUROPEAN COMMUNITY,

hereinafter referred to as 'the Community',

hereinafter referred to as 'the Parties',

CONSIDERING the close working relationship between the Community and Guinea, particularly in the context of the Cotonou Agreement, and their mutual desire to intensify that relationship.

CONSIDERING the desire of the two Parties to promote the sustainable exploitation of fishery resources by means of cooperation.

HAVING REGARD TO the United Nations Convention on the Law of the Sea.

DETERMINED to apply the decisions and recommendations of the International Commission for the Conservation of Atlantic Tunas, hereinafter referred to as 'ICCAT'.

AWARE of the importance of the principles established by the Code of Conduct for Responsible Fisheries adopted at the FAO Conference in 1995.

DETERMINED to cooperate, in their mutual interest, in promoting the introduction of responsible fisheries to ensure the long-term conservation and sustainable exploitation of living marine resources.

CONVINCED that such cooperation must take the form of initiatives and measures which, whether taken jointly or separately, are complementary and ensure consistent policies and synergy of effort.

INTENDING, to these ends, to commence a dialogue on the sectoral fisheries policy adopted by the Government of Guinea and to identify the appropriate means of ensuring that this policy is effectively implemented and that economic operators and civil society are involved in the process.

DESIROUS of establishing terms and conditions governing the fishing activities of Community vessels in Guinean waters and Community support for the introduction of responsible fishing in those waters.

RESOLVED to pursue closer economic cooperation in the fishing industry and related activities through the setting up and development of joint enterprises involving companies from both Parties,

HEREBY AGREE AS FOLLOWS:

Article 1

Scope

This Agreement establishes the principles, rules and procedures governing:

- economic, financial, technical and scientific cooperation in the fisheries sector with a view to promoting responsible fishing in Guinea's fishing zones to guarantee the conservation and sustainable exploitation of fishery resources and develop Guinea's fisheries sector,

- the conditions governing access by Community fishing vessels to Guinea's fishing zones,

- cooperation on the arrangements for policing fisheries in Guinea's fishing zones with a view to ensuring that the above rules and conditions are complied with, that the measures for the conservation and management of fishery resources are effective and that illegal, undeclared and unregulated fishing is prevented,

— partnerships between companies aimed at developing economic activities in the fisheries sector and related activities, in the common interest.

Article 2

Definitions

For the purposes of this Agreement:

- (a) 'Guinean authorities' means the Ministry responsible for fisheries;
- (b) 'Community authorities' means the European Commission;
- (c) 'Guinea's fishing zone' means the waters over which, as regards fisheries, Guinea has jurisdiction. The fishing activities by Community vessels provided for in this Agreement shall be carried out only in the zones in which fishing is authorised under Guinean law;
- (d) 'fishing vessel' means any vessel equipped for commercial exploitation of living aquatic resources;
- (e) 'Community vessel' means a fishing vessel flying the flag of a Member State of the Community and registered in the Community;
- (f) 'Joint Committee' means a committee made up of representatives of the Community and Guinea as specified in Article 10 of this Agreement;
- (g) 'transhipment' means the transfer in or off the port of some or all of the catch from one fishing vessel to another vessel;
- (h) 'unusual circumstances' means circumstances, other than natural phenomena, which are beyond the reasonable control of one of the Parties and are such as to prevent fishing activities in Guinean waters;
- (i) 'ACP seamen' means any seamen who are nationals of a non-European signatory to the Cotonou Agreement. To this end, a Guinean seaman is an ACP seaman;
- (j) 'surveillance' means the Centre National de Surveillance et de Protection des Pêches (CNSP);
- (k) 'Delegation' means the European Commission Delegation to Guinea;
- (l) 'shipowner' means any person legally responsible for a fishing vessel;

(m) 'fishing authorisation' means the right to engage in fishing activities for a specific period, in a specific zone or specific fishery in accordance with this Agreement.

Article 3

Principles and objectives underlying the implementation of this Agreement

1. The Parties hereby undertake to promote responsible fishing in Guinea's fishing zones on the basis of the principles of non-discrimination between the different fleets fishing in those waters, without prejudice to the agreements concluded between developing countries within a geographical region, including reciprocal fisheries agreements.
2. The Parties undertake to establish the principles of dialogue and of prior consultations, in particular as regards implementation of the sectoral fisheries policy on the one hand and of Community policies and measures which could have an impact on the Guinean fisheries industry on the other.
3. The Parties shall also cooperate in carrying out *ex-ante*, ongoing and *ex-post* evaluations, both jointly and unilaterally, of measures, programmes and actions implemented on the basis of this Agreement.
4. The Parties hereby undertake to ensure that this Agreement is implemented in accordance with the principles of good economic and social governance, taking care to contribute towards the creation of jobs in Guinea and respecting the state of fishery resources.
5. In particular, the employment of ACP seamen on board Community vessels shall be governed by the International Labour Organisation (ILO) Declaration on Fundamental Principles and Rights at Work, which shall apply as of right to the corresponding contracts and general terms of employment. This concerns in particular the freedom of association and the effective recognition of the right to collective bargaining, and the elimination of discrimination in respect of employment and occupation.

Article 4

Scientific cooperation

1. During the period covered by this Agreement, the Community and Guinea shall endeavour to monitor the evolution of resources in Guinea's fishing zone.

2. The two Parties, on the basis of the recommendations and resolutions adopted within all the relevant international fisheries development and management organisations, and in the light of the best available scientific advice, shall consult each other within the Joint Committee provided for in Article 10 of the Agreement and adopt, where appropriate after a scientific meeting and by mutual agreement, measures to ensure the sustainable management of fishery resources affecting the activities of Community vessels.

3. The Parties undertake to consult one other, either directly, including at subregional level, or within the international organisations concerned, to ensure the management and conservation of living resources in the Atlantic Ocean, and to cooperate in the relevant scientific research.

Article 5

Access by Community vessels to the fisheries in Guinean waters

1. Guinea undertakes to authorise Community vessels to engage in fishing activities in its fishing zone in accordance with this Agreement, including the Protocol and Annex thereto.

2. The fishing activities governed by this Agreement shall be subject to the laws and regulations in force in Guinea. The Guinean authorities shall notify the Community of any amendments to that legislation. Without prejudice to any provisions which might be agreed between the Parties, Community vessels shall comply with such amendments within one month of their notification.

3. Guinea undertakes to take all the appropriate steps required for the effective application of the fisheries control provisions in the Protocol. Community vessels shall cooperate with the Guinean authorities responsible for carrying out such controls.

4. The Community undertakes to take all the appropriate steps required to ensure that its vessels comply with this Agreement and the legislation governing fisheries in the waters over which Guinea has jurisdiction, in accordance with the United Nations Convention on the Law of the Sea.

Article 6

Conditions governing fishing activities — Exclusivity clause

1. Community vessels may fish in Guinea's fishing zone only if they are in possession of a valid fishing authorisation issued by Guinea under this Agreement and the Protocol hereto.

2. For fishing categories not covered by the Protocol in force, and for exploratory fishing, the Ministry may grant fishing authorisations to Community vessels. However, the granting

of these authorisations remains dependent on a favourable opinion from the two Parties.

3. The procedure for obtaining a fishing authorisation for a vessel, the charges applicable and the method of payment to be used by shipowners shall be as set out in the Annex to the Protocol.

Article 7

Financial contribution

1. The Community shall grant Guinea a financial contribution in accordance with the terms and conditions laid down in the Protocol and Annexes. This single contribution shall be based on two elements, namely:

- (a) access by Community vessels to Guinea's waters and fishery resources; and
- (b) Community financial support for introducing a national fisheries policy based on responsible fishing and on the sustainable exploitation of fishery resources in Guinean waters.

2. The element of the financial contribution referred to in paragraph 1(b) above shall be determined in the light of objectives identified by mutual agreement between the Parties in accordance with the Protocol, to be achieved in the context of the sectoral fisheries policy drawn up by the Government of Guinea and an annual and multiannual programme for its implementation.

3. The financial contribution granted by the Community shall be paid each year in accordance with the Protocol and subject to this Agreement and the Protocol in the event of any change to the amount of the contribution as a result of:

- (a) unusual circumstances;
- (b) a reduction in the fishing opportunities granted to Community vessels, made by mutual agreement for the purposes of managing the stocks concerned, where this is considered necessary for the conservation and sustainable exploitation of resources on the basis of the best available scientific advice;
- (c) an increase in the fishing opportunities granted to Community vessels, made by mutual agreement between the Parties where the best available scientific advice concurs that the state of resources so permits;
- (d) a joint reassessment of the terms of financial support for implementing a sectoral fisheries policy in Guinea, where this is warranted by the results of the annual and multi-annual programming observed by both Parties;

- (e) termination of this Agreement under Article 15;
- (f) suspension of the application of this Agreement under Article 14.

Article 8

Promoting cooperation among economic operators and civil society

1. The Parties shall encourage economic, scientific and technical cooperation in the fisheries sector and related sectors. They shall consult one another with a view to coordinating the different measures that might be taken to this end.
2. The Parties undertake to promote exchanges of information on fishing techniques and gear, preservation methods and the processing of fishery products.
3. The Parties shall endeavour to create conditions favourable to the promotion of relations between their enterprises in the technical, economic and commercial spheres, by working towards establishing an environment favourable to the development of business and investment.
4. The Parties shall encourage, in particular, the setting-up of joint enterprises in their mutual interest which shall systematically comply with Guinean and Community legislation.

Article 9

Administrative cooperation

The Contracting Parties, desirous of ensuring the effectiveness of the measures for the development and conservation of fishery resources, shall:

- develop administrative cooperation with a view to ensuring that their vessels comply with the provisions of this Agreement and with Guinean sea fisheries rules, each on its own behalf,
- cooperate to prevent and combat illegal, undeclared and unregulated fishing, in particular through the exchange of information and close administrative cooperation.

Article 10

Joint Committee

1. A Joint Committee shall be set up to monitor and check the application of this Agreement. The Joint Committee shall perform the following functions:
 - (a) monitoring the performance, interpretation and smooth operation of the application of the Agreement, and the settlement of disputes;

- (b) monitoring and evaluating the contribution of the Fisheries Partnership Agreement to the implementation of Guinea's sectoral fisheries policy;
- (c) providing the necessary liaison for matters of mutual interest relating to fisheries;
- (d) acting as a forum for the amicable settlement of any disputes regarding the interpretation or application of the Agreement;
- (e) reassessing, where appropriate, the level of fishing opportunities and, consequently, of the financial contribution;
- (f) defining the conditions governing fishing in accordance with the Protocol;
- (g) fixing the practical arrangements for the administrative co-operation provided for in Article 9 of this Agreement;
- (h) any other function that the Parties decide by mutual agreement to confer on it, including with regard to combating illegal, undeclared and unregulated fishing and administrative cooperation.

2. The Joint Committee shall meet at least once a year, alternately in Guinea and in the Community, and shall be chaired by the Party hosting the meeting. It shall hold a special meeting at the request of either of the Parties.

Article 11

Geographical area to which the Agreement applies

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Community applies, under the conditions laid down in that Treaty, and, on the other, to the territory of Guinea and the waters under Guinean jurisdiction.

Article 12

Duration

This Agreement shall apply for four years from the date of its entry into force; it shall be tacitly renewed for four-year periods, unless notice of termination is given in accordance with Article 15.

Article 13

Settlement of disputes

The Contracting Parties shall consult each other on any dispute concerning the interpretation and/or application of this Agreement.

Article 14

Suspension

1. Application of this Agreement may be suspended at the initiative of one of the Parties in the event of a serious disagreement as to the application of provisions laid down in the Agreement. Suspension of application of the Agreement shall require the interested Party to notify its intention in writing at least three months before the date on which suspension is due to take effect. On receipt of this notification, the Parties shall enter into consultations with a view to resolving their differences amicably.

2. Payment of the financial contribution referred to in Article 7 shall be reduced proportionately and *pro rata temporis*, according to the duration of the suspension.

Article 15

Termination

1. This Agreement may be terminated by either Party in the event of unusual circumstances such as the degradation of the stocks concerned, the discovery of a reduction in the level of fishing opportunities granted by Guinea to Community vessels, or failure to comply with undertakings made by the Parties with regard to combating illegal, undeclared and unregulated fishing.

2. The Party concerned shall notify the other Party in writing of its intention to terminate the Agreement at least six months before the date of expiry of the initial period or each additional period.

3. Dispatch of the notification referred to in paragraph 2 shall open consultations by the Parties.

4. Payment of the financial contribution referred to in Article 7 for the year in which the termination takes effect shall be reduced proportionately and *pro rata temporis*.

Article 16

Protocol and Annex

The Protocol and the Annex shall form an integral part of this Agreement.

Article 17

National law

The activities of Community fishing vessels operating in Guinean waters shall be governed by the applicable law in Guinea, unless otherwise provided for in the Agreement, this Protocol and the Annex and Appendices hereto.

Article 18

Repeal

On the date of its entry into force, this Agreement repeals and replaces the Agreement between the European Economic Community and the Republic of Guinea on fishing off the coast of Guinea which entered into force on 28 March 1983.

Article 19

Entry into force

This Agreement, drawn up in duplicate in the Bulgarian, Spanish, Czech, Danish, German, Estonian, Greek, English, French, Italian, Latvian, Lithuanian, Hungarian, Maltese, Dutch, Polish, Portuguese, Romanian, Slovak, Slovenian, Finnish and Swedish languages, each of these texts being equally authentic, shall enter into force on the date on which the Parties notify each other in writing that they have completed their respective necessary internal procedures to that end.

PROTOCOL

setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Community and the Republic of Guinea on fishing off the coast of Guinea for the period from 1 January 2009 to 31 December 2012

Article 1

Period of application and fishing opportunities

1. For a period of four years from 1 January 2009, the fishing opportunities granted under Article 5 of the Agreement shall be, for highly migratory species (species listed in Annex 1 to the 1982 United Nations Convention) as follows:

— freezer tuna seiners: 28 vessels,

— pole-and-line vessels: 12 vessels.

2. From the second year of application of this Protocol and following the joint evaluation of the state of shrimp stocks and the management of Guinean fisheries in this category, fishing opportunities for shrimp trawlers, at a rate of 800 grt per quarter, may be granted on an annual basis on the following conditions:

— implementation of transparent management of access to the shrimp fishery and, in particular, of the fishing effort deployed by national and foreign fleets on this species. To this end, Guinea shall transmit annually, by 31 October of each year, a summary table of the fishing effort on this species in Guinean waters,

— implementation of a surveillance, monitoring and control plan in Guinean waters,

— scientific analysis of the state of the resource and results of scientific surveys, which shall be communicated annually at the same time as the information on the fishing effort.

The conditions governing fishing for this category shall be defined by mutual agreement each year prior to the issue of the fishing authorisations and in any event prior to the payment of the additional annual financial contribution in proportion to the increase in fishing opportunities provided for in Article 2 of this Protocol.

3. Paragraphs 1 and 2 shall apply subject to Articles 4 and 5 of this Protocol.

4. Vessels flying the flag of a Member State of the European Community may engage in fishing activities in Guinea's fishing zone only if they are in possession of a valid fishing authorisation issued by Guinea under this Protocol in accordance with the Annex hereto.

Article 2

Financial contribution — Methods of payment

1. The financial contribution referred to in Article 7 of the Agreement shall comprise, for the period referred to in Article 1(1), an annual amount of EUR 325 000 equivalent to a reference tonnage of 5 000 tonnes per year and a specific amount of EUR 125 000 per year for the support and implementation of Guinea's sectoral fisheries policy. This specific amount shall form an integral part of the single financial contribution ⁽¹⁾ defined in Article 7 of the Agreement.

If additional fishing opportunities are granted, in accordance with Article 1(2), the financial contribution referred to in Article 7 of the Agreement shall also comprise, for the period referred to in Article 1(2), an amount of up to EUR 300 000 per year in proportion to the increase in fishing opportunities.

The amounts referred to above shall be supplemented by a specific Community contribution of EUR 600 000 for the first year, EUR 400 000 for the second year and EUR 300 000 for the following years in order to reinforce the monitoring, control and surveillance system in Guinea's fishing zones and enable Guinea to acquire a satellite surveillance system by 30 June 2010. This contribution shall be managed in accordance with Article 7 of this Protocol.

2. Paragraph 1 shall apply subject to Articles 4, 5, 6 and 7 of this Protocol.

3. The Community shall pay the total amount fixed in paragraph 1 (i.e. EUR 1 050 000 for the first year and, where appropriate, EUR 1 150 000 for the second year and EUR 1 050 000 for the following years) each year during the period of application of this Protocol ⁽²⁾. These amounts shall not prejudice any changes in fishing opportunities or any inclusion of new fishing opportunities which may be decided in accordance with Articles 4 and 5 of this Protocol.

⁽¹⁾ The contribution referred to in the first subparagraph of Article 1 shall be supplemented by the contributions provided for in Chapter II of this Annex, which are paid direct to Guinea and are estimated at EUR 118 000 per year, exclusive of charges in connection with the surveillance and research contribution.

⁽²⁾ These amounts shall be supplemented by the contributions provided for in Chapter II of this Annex, which are paid directly to Guinea and are estimated at EUR 118 000 per year, exclusive of charges in connection with the surveillance and research contribution.

4. If the overall quantity of catches by Community vessels in Guinea's fishing zones exceeds the reference tonnage, the amount of the annual financial contribution shall be increased by EUR 65 for each additional tonne caught. However, the total annual amount paid by the Community may not be more than twice the amount indicated in paragraph 3 (i.e. EUR 1 050 000 for the first year and, where appropriate, EUR 1 150 000 for the second year and EUR 1 050 000 for the following years). Where the quantities caught by Community vessels exceed the quantities corresponding to twice the total annual amount, the amount due for the quantity exceeding that limit shall be paid the following year.

5. Payment of the financial contribution laid down in paragraph 1 shall be made no later than 30 November 2009 in the first year and no later than 1 February in the following years.

6. Subject to Article 6, the allocation of these funds, except for the specific contribution provided for in the third subparagraph of Article 2(1) of this Protocol, shall be decided within the framework of the Guinean Finance Act and, this being the case, the Guinean authorities shall have full discretion regarding the use to which it is put.

7. The payments provided for in this Article shall be paid into a Public Treasury account opened at the Banque Centrale de la République de Guinée, the details of which shall be notified each year by the Ministry, except in the case of the specific contribution provided for in the third subparagraph of Article 2(1), which shall be paid directly into a Centre National de Surveillance et de Protection des Pêches account, and the first year following the adoption by the two Parties of the programming of these funds.

Article 3

Cooperation on responsible fishing — Scientific cooperation

1. The Parties hereby undertake to promote responsible fishing in Guinean waters on the basis of the principles of non-discrimination between the different fleets fishing in those waters.

2. During the period covered by this Protocol, the Community and the Guinean authorities shall endeavour to monitor the evolution of resources in Guinea's fishing zone.

3. The Parties undertake to promote cooperation at subregional level on responsible fishing and, in particular, within the International Commission for the Conservation of Atlantic Tunas (ICCAT) and any other subregional or international organisation concerned.

4. In accordance with Article 4 of the Agreement and in the light of the best available scientific advice, the Parties shall consult each other within the Joint Committee provided for in Article 10 of the Agreement and adopt, where appropriate after a scientific meeting possibly at subregional level, and by

mutual agreement, measures to ensure the sustainable management of fishery resources affecting the activities of Community vessels. Those measures shall take account of the recommendations and resolutions adopted within the International Commission for the Conservation of Atlantic Tunas (ICCAT).

Article 4

Review of fishing opportunities by mutual agreement

1. The fishing opportunities referred to in Article 1 may be increased by mutual agreement provided that the conclusions of the scientific meeting referred to in Article 3(4) of this Protocol confirm that such an increase will not endanger the sustainable management of Guinea's resources. In this case the financial contribution referred to in Article 2(1) shall be increased proportionately and *pro rata temporis*.

2. Conversely, if the Parties agree to adopt a reduction in the fishing opportunities provided for in Article 1, the financial contribution shall be reduced proportionately and *pro rata temporis*.

3. The allocation of the fishing opportunities among different categories of vessels may also be reviewed, following consultations and by mutual agreement between the Parties, provided that any changes comply with recommendations made by the scientific meeting referred to in Article 3(4) of this Protocol regarding the management of stocks liable to be affected by such redistribution. The Parties shall agree on the corresponding adjustment of the financial contribution where the redistribution of fishing opportunities so warrants.

Article 5

Other fishing opportunities

1. Should Community vessels be interested in fishing activities which are not indicated in Article 1, the Community shall consult Guinea in order to seek authorisation for these new activities. Where appropriate, the Parties shall agree on the conditions applicable to these new fishing opportunities and, if necessary, make amendments to this Protocol and to the Annex hereto.

2. The Parties may carry out joint exploratory fishing surveys in Guinea's fishing zones, subject to an opinion by the scientific meeting provided for in Article 3(4) of this Protocol. To this end, they shall hold consultations whenever one of the Parties so requests and determine, on a case-by-case basis, relevant new resources, conditions and other parameters.

3. The two Parties shall carry out exploratory fishing activities in accordance with scientific, administrative and financial parameters adopted by mutual agreement. The authorisations for exploratory fishing shall be granted for test purposes, for a maximum of two six-month trips, from the date decided by mutual agreement between the two Parties.

4. Where the Parties conclude that the exploratory surveys have produced positive results, while preserving ecosystems and conserving living marine resources, new fishing opportunities may be awarded to Community vessels following the consultation procedure provided for in Article 4 of this Protocol and until the expiry of the Protocol and in accordance with the allowable effort. The financial contribution shall be increased accordingly.

Article 6

Suspension and review of the payment of the financial contribution in the event of unusual circumstances

1. Where unusual circumstances, other than natural phenomena, prevent fishing activities in Guinea's exclusive economic zone (EEZ), the European Community may suspend payment of the financial contribution provided for in Article 2(1) of this Protocol.

2. The suspension decision in the cases provided for in paragraph 1 above shall be taken following consultations between the two Parties within a period of two months following the request of one of the Parties, and provided that the Community has paid in full any amounts due at the time of suspension.

3. Payment of the financial contribution shall resume as soon as the Parties find, by mutual agreement following consultations, that the circumstances preventing fishing activities are no longer present and/or that the situation allows a resumption of fishing activities.

4. Where the validity of the fishing authorisations granted to Community vessels is suspended along with the payment of the financial contribution, it shall be extended by a period equal to the period during which fishing activities were suspended.

Article 7

Promotion of responsible fishing in Guinean waters

1. The entire amount of the financial contribution and specific contribution set in Article 2(1) of this Protocol shall be allocated each year to the support and implementation of initiatives taken in the context of the sectoral fisheries policy drawn up by the Government of Guinea and approved by the two Parties as detailed below.

Guinea shall manage the corresponding amount following the identification by mutual agreement between the two Parties, in accordance with the current priorities of Guinea's fisheries policy for ensuring sustainable and responsible management of the sector, of the objectives to be attained and the annual and multiannual programming required to attain them, pursuant to paragraph 2 below, in particular as regards control and surveillance, the management of resources, improving the health and hygiene conditions of fishery

products and strengthening the inspection capacity of the competent authorities.

2. On a proposal from Guinea and for the purposes of implementing the preceding paragraph, as soon as this Protocol enters into force and no later than three months after that date, the Community and Guinea shall agree, within the Joint Committee provided for in Article 10 of the Agreement, on a multiannual sectoral programme and detailed implementing rules covering, in particular:

(a) annual and multiannual guidelines for using the percentage of the financial contribution referred to in paragraph 1 above and its specific amounts for the initiatives to be carried out each year;

(b) objectives, both annual and multiannual, to be achieved with a view to promoting over the long term responsible fishing and sustainable fisheries, taking account of the priorities expressed by Guinea in its national fisheries policy and other policies relating to or having an impact on the promotion of responsible fishing and sustainable fisheries;

(c) criteria and procedures for evaluating the results obtained each year.

3. The two Parties agree, however, to place particular emphasis on all the support measures for fisheries monitoring, control and surveillance, including surveillance of Guinean waters by sea and by air, setting up a satellite-based vessel monitoring system (VMS) and improving the legal framework and its application in the event of infringements.

4. Any proposed amendments to the multiannual sectoral programme or to the use of the specific amounts for the initiatives to be carried out each year must be approved by both Parties within the Joint Committee.

5. Each year, Guinea shall allocate the share corresponding to the amount referred to in paragraph 1 with a view to implementing the multiannual programme. For the first year of application of the Protocol, that allocation shall be notified to the Community as soon as possible and in any event before the multiannual sectoral programme is approved within the Joint Committee. For each year thereafter, Guinea shall notify the Community of the allocation no later than 31 January of the previous year.

6. Where the joint annual evaluation of the progress made in implementing the multiannual sectoral programme so warrants, the European Community may adjust the amount earmarked for the support and implementation of Guinea's sectoral fisheries policy within the financial contribution referred to in Article 2(1) of this Protocol in order to bring the actual amount of financial resources allocated to implementation of the programme into line with its results.

7. The Community reserves the right to suspend payment of the specific contribution provided for in the third subparagraph of Article 2(1) of this Protocol where, save in exceptional and duly justified circumstances, the results obtained from the first year of application of the Protocol are found to be inconsistent with the programming following the evaluation carried out within the Joint Committee.

Article 8

Disputes — Suspension of application of the Protocol

1. Any dispute between the Parties over the interpretation of this Protocol or its application shall be the subject of consultations between the Parties within the Joint Committee provided for in Article 10 of the Agreement, in a special meeting if necessary.
2. Without prejudice to Article 9, application of the Protocol may be suspended at the initiative of one Party if the dispute between the two Parties is deemed to be serious and the consultations held within the Joint Committee under paragraph 1 have not resulted in an amicable settlement.
3. Suspension of application of the Protocol shall require the interested Party to notify its intention in writing at least three months before the date on which suspension is due to take effect.
4. In the event of suspension, the Parties shall continue to consult with a view to finding an amicable settlement to their dispute. As soon as an amicable settlement is reached, application of the Protocol shall resume and the amount of the financial contribution shall be reduced proportionately and *pro rata temporis* according to the period during which application of the Protocol was suspended.

Article 9

Suspension of application of the Protocol on grounds of non-payment

Subject to Article 6, if the Community fails to make the payments provided for in Article 2, application of this Protocol may be suspended on the following terms:

- (a) the competent Guinean authorities shall notify the European Commission of the non-payment. The latter shall perform the appropriate checks and, where necessary, transmit the payment within no more than 60 working days of the date of receipt of the notification;
- (b) if no payment is made and non-payment is not adequately justified within the period provided for in Article 2(5) of this Protocol, the competent Guinean authorities shall be entitled to suspend application of the Protocol. They shall inform the European Commission of such action forthwith;
- (c) application of the Protocol shall resume as soon as the payment concerned has been made.

Article 10

National law

The activities of Community fishing vessels operating in Guinean waters shall be governed by the applicable law in Guinea, unless otherwise provided for in the Agreement, this Protocol and the Annex and Appendices hereto.

Article 11

Review clause

1. In the event of significant changes in the policy guidelines which led to the conclusion of this Protocol, either Party may request a review of the provisions with a view to a possible amendment thereof.
2. The Party concerned shall notify the other Party in writing of its intention to launch a review of this Protocol.
3. No later than 60 days following notification, the two Parties shall enter into consultations to this end. If no agreement is reached on the review of the provisions, the Party concerned may terminate the Protocol in accordance with Article 14 thereof.

Article 12

Repeal

This Protocol and its Annexes repeal and replace the current fisheries Protocol and the framework Agreement between the European Economic Community and Guinea on fishing off the Guinean coast.

Article 13

Duration

This Protocol and the Annexes hereto shall apply for a period of four years from 1 January 2009, unless notice of termination is given in accordance with Article 14.

Article 14

Termination

In the event of termination of the Protocol, the Party concerned shall notify the other Party in writing of its intention to terminate it at least six months before the date on which such termination would take effect. Dispatch of the notification referred to in the previous paragraph shall open consultations by the Parties.

Article 15

Entry into force

1. This Protocol with its Annex shall enter into force on the date on which the Parties notify each other of the completion of the procedures necessary for that purpose.
2. They shall apply with effect from 1 January 2009.

ANNEX

Conditions governing tuna fishing by Community vessels in Guinea's fishing zone

CHAPTER I

APPLICATION AND ISSUE FORMALITIES FOR FISHING AUTHORISATIONS

SECTION 1

Issue of fishing authorisations

1. Only eligible vessels may obtain an authorisation to fish in Guinea's fishing zone.
2. For a vessel to be eligible, the shipowner, the skipper and the vessel itself must not be prohibited from fishing in Guinea. They must be in order vis-à-vis the Guinean authorities in so far as they must have fulfilled all prior obligations arising from their fishing activities in Guinea under fisheries agreements concluded with the Community, particularly as regards signing on seamen.
3. The relevant Community authorities shall submit (by electronic means) to the Ministry responsible for fisheries in Guinea an application for each vessel wishing to fish under the Agreement at least 30 working days before the date of commencement of the period of validity requested.
4. Applications shall be submitted to the Ministry responsible for fisheries on a form drawn up in accordance with the specimen in Appendix I. The Guinean authorities shall take all the necessary steps to ensure that the data received as part of the fishing authorisation application are treated as confidential. Those data shall be used exclusively in the context of the implementation of the Fisheries Agreement.
5. All fishing authorisation applications shall be accompanied by the following documents:
 - proof of payment of the flat-rate advance for the period of validity of the fishing authorisation,
 - any other documents or certificates required under the specific rules applicable to the type of vessel concerned pursuant to this Protocol.
6. The fee shall be paid into the account specified by the Guinean authorities in accordance with Article 2(7) of the Protocol.
7. The fees shall include all national and local charges with the exception of the charge in connection with the fishing surveillance contribution, the charge in connection with the fisheries research contribution and service charges. The surveillance and research charges shall be applicable in proportion to actual presence in Guinea's fishing zone and shall be paid by operators when the final statement of fees is drawn up in accordance with Section 2 of this Annex.

At the request of Guinea, and pending the signature of a VMS Protocol with the Community, the latter shall provide Guinea with satellite data on the periods when vessels were present in the Guinean fishing zone with a view to calculating the charges payable by shipowners under the surveillance contribution.

8. Fishing authorisations for all vessels shall be issued to shipowners or their representatives via the European Commission Delegation to Guinea within 15 working days of receipt of all the documents referred to in point 5 above by the Ministry responsible for fisheries in Guinea.
9. Fishing authorisations shall be issued for a given vessel and shall not be transferable.
10. However, at the request of the European Community and where *force majeure* is proven, a vessel's fishing authorisation shall be replaced by a new fishing authorisation for another vessel of the same category as the first vessel, as referred to in Article 1 of the Protocol, with no further fee due. In this case, the calculation of the catch levels to determine whether an additional payment should be made shall take account of the sum of the total catches of the two vessels.

11. The owner of the first vessel, or his or her representative, shall return the cancelled fishing authorisation to the Ministry responsible for fisheries in Guinea via the European Commission Delegation.
12. The new fishing authorisation shall take effect on the day that the shipowner returns the cancelled fishing authorisation to the Ministry responsible for fisheries in Guinea. The Delegation of the European Commission to Guinea shall be informed of the fishing authorisation transfer.
13. The fishing authorisation shall be kept on board at all times. The European Community shall keep an up-to-date draft list of the vessels for which a fishing authorisation has been requested under this Protocol. This draft shall be notified to the Guinean authorities as soon as it is drawn up, and then each time it is updated. On receipt of this draft list and of notification of payment of the advance sent to the coastal State authorities by the Commission, the vessel shall be entered by the competent Guinean authority on a list of vessels authorised to fish, which shall be notified to the authorities responsible for fisheries control. In this case, a certified copy of this list shall be sent to the shipowner and kept on board instead of the fishing authorisation until the authorisation has been issued.
14. The two Parties shall seek agreement for the purposes of promoting the introduction of a fishing authorisation system based exclusively on the electronic exchange of all the information and documents described above. The two Parties shall seek agreement for the purposes of promoting the rapid replacement of the paper fishing authorisation by an electronic equivalent such as the list of vessels authorised to fish in Guinea's fishing zone.
15. The Parties, acting in the Joint Committee, undertake to replace all references to grt in this Protocol with gt and to adapt all the provisions affected thereby accordingly. This replacement shall be preceded by appropriate technical consultations between the Parties.

SECTION 2

Fishing authorisation conditions — Fees and advance payments

1. Fishing authorisations shall be valid for a period of one year. They shall be renewable.
2. The fee per tonne caught within Guinea's fishing zone shall be EUR 35 in the case of tuna seiners and EUR 25 in the case of pole-and-line vessels.
3. Fishing authorisations shall be issued once the following standard amounts have been paid to the competent national authorities:
 - EUR 4 025 per tuna seiner, equivalent to the fees due for 115 tonnes per year,
 - EUR 500 per pole-and-line vessel, equivalent to the fees due for 20 tonnes per year.
4. Member States shall inform the European Commission not later than 15 June each year of the tonnages caught during the past year, as confirmed by the scientific institutes referred to in point 5 below.
5. The final statement of the fees due for year n shall be drawn up by the European Commission by 31 July of year $n + 1$ at the latest on the basis of the catch declarations made by each shipowner and confirmed by the scientific institutes responsible for verifying catch data in the Member States, such as the Institut de Recherche pour le Développement (IRD), the Instituto Español de Oceanografía (IEO), the Instituto Português de Investigação Marítima (IPIMAR) and the Centre National des Sciences Halieutiques de Boussoura (CNSHB). It shall be sent via the Delegation of the European Commission.
6. This statement shall be sent simultaneously to the Ministry responsible for fisheries in Guinea and to the shipowners.
7. Any additional payments (for quantities caught in excess of 115 tonnes for tuna seiners and 20 tonnes for pole-and-line vessels) shall be made by the shipowners to the competent Guinean national authorities by 31 August of year $n + 1$, into the account referred to in point 6 of Section 1 of this Chapter, on the basis of EUR 35 per tonne for seiners and EUR 25 for pole-and-line vessels.
8. However, if the amount of the final statement is lower than the advance referred to in point 3 of this Section, the resulting balance shall not be reimbursable to the shipowner.

CHAPTER II

FISHING ZONES

Community vessels may carry out fishing activities in waters beyond 12 nautical miles from the base lines or, where appropriate, beyond the 20 m isobath in the case of tuna seiners and pole-and-line vessels.

CHAPTER III

CATCH REPORTING ARRANGEMENTS

1. For the purposes of this Annex, the duration of a trip by a Community vessel in Guinea's fishing zone shall be defined as follows:
 - the period elapsing between entering and leaving Guinea's fishing zone, or
 - the period elapsing between entering Guinea's fishing zone and a transshipment and/or landing in Guinea.
2. All vessels authorised to fish in Guinean waters under the Agreement shall notify their catches to the Ministry responsible for fisheries in Guinea so that it can check the quantities caught, which shall be validated by the competent scientific institutes in accordance with the procedure referred to in point 5 of Section 2 of Chapter I of this Annex. Catches shall be notified as follows:
 - 2.1. During an annual period of validity of the fishing authorisation within the meaning of Section 2 of Chapter I of this Annex, declarations shall include the catches made by the vessel during each trip. The original of the declarations shall be transmitted on a physical medium to the Ministry responsible for fisheries in Guinea within 45 days following the end of the last trip made during the period. These notifications shall also be made by fax (+ 224 30 41 36 60) or e-mail (cnspkaly@yahoo.fr).
 - 2.2. Vessels shall declare their catches on the corresponding form in the logbook, in accordance with the specimen in Appendix 3. The words 'Outside Guinea's fishing zone' shall be entered in the logbook in respect of periods during which the vessel is not in Guinea's fishing zone.
 - 2.3. The forms shall be filled in legibly and signed by the skipper of the vessel or by his or her legal representative.
 - 2.4. Catch declarations shall be reliable in order to contribute to the monitoring of the evolution of stocks.
3. Where the provisions set out in this Chapter are not complied with, the Guinean Government reserves the right to suspend the fishing authorisation of the offending vessel until formalities have been completed and to apply the penalty laid down in current Guinean legislation to the shipowner. The European Commission and the flag Member State shall be informed thereof.
4. The two Parties shall seek agreement for the purposes of promoting a catch reporting system based exclusively on the electronic exchange of all the information and documents described above. The two Parties shall seek agreement for the purposes of promoting the rapid replacement of the written declaration (logbook) by an equivalent in the form of an electronic file.

CHAPTER IV

TRANSHIPMENT AND LANDINGS

The two Parties shall cooperate with a view to improving landing or transshipment options in the ports of the Republic of Guinea.

1. Landings

Community tuna vessels which opt to land their catches in a Guinean port shall benefit from a reduction of EUR 5 per tonne fished in Guinea's fishing zone in the fee indicated in point 2 of Section 2 of Chapter 1 of this Annex.

An additional reduction of EUR 5 shall be granted where fisheries products are sold to a processing factory in Guinea.

This mechanism shall apply, for all Community vessels, up to a maximum of 50 % of the final statement of catches (as defined in Chapter III of the Annex) from the first year of this Protocol.

2. Detailed rules on checks on the tonnages landed or transhipped shall be laid down at the first meeting of the Joint Committee.

3. Evaluation

The level of the financial incentives and the maximum percentage of the final statement of catches shall be adjusted within the Joint Committee, in accordance with the socioeconomic impact of landings in the year concerned.

CHAPTER V

EMBARKING SEAMEN

1. Shipowners shall undertake to employ, for the tuna-fishing season in Guinea's fishing zone, at least 20 % of seamen of ACP origin, giving priority to Guinean seamen. Where those provisions are not complied with, the shipowners concerned may be considered by Guinea not to be eligible for a fishing authorisation under Section 1 of Chapter 1 of this Annex.
2. Shipowners shall endeavour to take on board additional Guinean seamen.
3. The International Labour Organisation (ILO) Declaration on Fundamental Principles and Rights at Work shall apply as of right to seamen signed on by Community vessels. This concerns in particular the freedom of association and the effective recognition of the right to collective bargaining, and the elimination of discrimination in respect of employment and occupation.
4. The employment contracts of ACP seamen shall be drawn up between the shipowners' representative(s) and the seamen and/or their trade unions or representatives; a copy of these contracts shall be given to the signatories. These contracts shall guarantee the seamen the social security cover applicable to them, including life assurance and sickness and accident insurance.
5. The wages of the ACP seamen shall be paid by the shipowners. They shall be fixed by mutual agreement between the shipowners or their representatives and the seamen and/or their trade unions or representatives. However, the wage conditions granted to ACP seamen shall not be lower than those applied to crews from their respective countries and shall under no circumstances be below ILO standards. The guaranteed gross wage for non-Community seamen signed on freezer tuna seiners fishing under a Fisheries Partnership Agreement between the European Community and a third country shall be equal to the basic minimum wage laid down by the ILO resolution applicable to merchant shipping under the Maritime Labour Convention. This guaranteed wage shall be incorporated in labour contracts. If, however, the Convention concerning work in the fishing sector lays down more favourable provisions on the minimum wage or social rights than the Maritime Labour Convention, the former shall apply.
6. All seamen employed on board Community vessels shall report to the skipper of the vessel designated on the day before their proposed embarkation date. Where a seaman fails to report at the date and time agreed for embarkation, shipowners shall be automatically absolved of their obligation to take the seaman on board.

CHAPTER VI

TECHNICAL MEASURES

Vessels shall comply with the measures and recommendations adopted by ICCAT in the region regarding fishing gear and the technical specifications thereof and all other technical measures applicable to their fishing activities.

CHAPTER VII

OBSERVERS

1. Vessels authorised to fish in Guinean waters under the Agreement shall take on board observers appointed by the competent regional fisheries organisation on the terms set out below:
 - 1.1. At the request of the competent authority, Community vessels shall take on board an observer designated by the authority in order to check catches made in Guinean waters.
 - 1.2. The competent authority shall draw up a list of vessels designated to take an observer on board and a list of the appointed observers. These lists shall be kept up to date. They shall be forwarded to the European Commission as soon as they have been drawn up and every three months thereafter where they have been updated.
 - 1.3. The competent authority shall inform the shipowners concerned, or their representatives, of the name of the observer appointed to be taken on board their vessel at the time the fishing authorisation is issued, or no later than 15 days before the observer's planned embarkation date.

2. The time spent on board by observers shall be one fishing trip. However, at the express request of the competent Guinean authorities, this embarkation may be spread over several trips according to the average duration of trip for a particular vessel. This request shall be made by the competent authority when the name of the observer appointed to board the vessel in question is notified.
3. The conditions under which observers are taken on board shall be agreed between shipowners or their representatives and the competent authority.
4. Observers shall be taken on board at a port chosen by the shipowner at the beginning of the first trip in Guinean waters after notification of the list of designated vessels.
5. Within two weeks and giving 10 days' notice, the shipowners concerned shall make known at which ports in the subregion and on what dates they intend to take observers on board.
6. Where observers are taken on board in a country outside the subregion, their travel costs shall be borne by the shipowner. Should a vessel with a regional observer on board leave the regional fishing zone, all measures shall be taken to ensure the observer's return as soon as possible at the expense of the shipowner.
7. If the observer is not present at the time and place agreed or within the 12 hours following the time agreed, shipowners shall be automatically absolved of their obligation to take the observer on board.
8. Observers shall be treated as officers. Where vessels are operating in Guinean waters, they shall carry out the following tasks:
 - 8.1. observe the fishing activities of the vessels;
 - 8.2. verify the position of vessels engaged in fishing operations;
 - 8.3. perform biological sampling in the context of scientific programmes;
 - 8.4. note the fishing gear used;
 - 8.5. verify the catch data for Guinean waters recorded in the logbook;
 - 8.6. verify the percentages of by-catches and estimate the quantity of discards of species of marketable fish;
 - 8.7. report by any appropriate means fishing data, including the quantity of catches and by-catches on board, to their competent authority.
9. Skippers shall do everything in their power to ensure the physical safety and welfare of observers during performance of their duties.
10. Observers shall be offered every facility needed to carry out their duties. The skipper shall give them access to the means of communication needed for the discharge of their duties, to documents directly concerned with the vessel's fishing activities, including in particular the logbook and the navigation log, and to those parts of the vessel necessary to facilitate the exercise of their tasks.
11. While on board, observers shall:
 - 11.1. take all appropriate steps to ensure that the conditions of their boarding and presence on the vessel neither interrupt nor hamper fishing operations;
 - 11.2. respect the material and equipment on board and the confidentiality of all documents belonging to the vessel.
12. At the end of the observation period and before leaving the vessel, observers shall draw up an activity report to be transmitted to the competent authorities, with a copy to the European Commission. They shall sign it in the presence of the skipper, who may add or cause to be added to it any observations considered relevant, followed by the skipper's signature. A copy of the report shall be handed to the skipper when the scientific observer is put ashore.

13. Shipowners shall bear the cost of accommodating observers in the same conditions as the officers, within the confines of the practical possibilities offered by the vessel.
14. The salary and social contributions of observers shall be paid by the Ministry responsible for fisheries. Shipowners shall pay the Centre National de Surveillance et de Protection des Pêches EUR 15 for each day spent by an observer on board a vessel.
15. The two Parties shall consult each other, and interested third parties, as soon as possible as regards the definition of a system of regional observers and the choice of the competent regional fisheries organisation. Pending the implementation of a system of regional observers, vessels authorised to fish in Guinea's fishing zone under the Agreement shall take on board, instead of regional observers, observers designated by the competent Guinean authorities in accordance with the rules set out above.

CHAPTER VIII

CONTROL

1. In accordance with point 13 of Section 1 of Chapter I of this Annex, the European Community shall keep an up-to-date draft list of the vessels to which a fishing authorisation has been issued under this Protocol. This list shall be notified to the Guinean authorities responsible for fisheries control as soon as it is drawn up and each time it is updated.
2. On receipt of this draft list and of notification of payment of the advance (referred to in point 3 of Section 2 of Chapter I of this Annex) sent to the coastal State authorities by the European Commission, the vessel shall be entered by the competent Guinean authority on a list of vessels authorised to fish, which shall be sent to the authorities responsible for fisheries control. In this case, a certified copy of this list may be obtained by the shipowner and kept on board instead of the fishing authorisation until the authorisation has been issued.
3. Entering and leaving the zone
 - 3.1. At least three hours in advance Community vessels shall notify the competent Guinean authorities responsible for fisheries control of their intention to enter or leave Guinea's fishing zone; they shall also declare the overall quantities and the species on board.
 - 3.2. When notifying leaving, vessels shall also communicate their position. This information should preferably be communicated by fax (+ 224 30 41 36 60) or e-mail (cnspkaly@yahoo.fr) or, for vessels not equipped with a fax or e-mail, by radio (call sign of the Centre National de Surveillance et de Protection des Pêches).
 - 3.3. Vessels found to be fishing without having informed the competent Guinean authority shall be regarded as vessels in breach of the legislation.
 - 3.4. Vessels shall also be informed of the fax and telephone numbers and e-mail address when the fishing authorisation is issued.
4. Control procedures
 - 4.1. Skippers of Community fishing vessels engaged in fishing activities in Guinea's waters shall allow and facilitate boarding and the discharge of their duties by any Guinean official responsible for the inspection and control of fishing activities.
 - 4.2. These officials shall not remain on board for longer than is necessary for the discharge of their duties.
 - 4.3. Once the inspection and control has been completed, a certificate shall be issued to the skipper of the vessel.

5. Satellite control

All Community vessels fishing under this Agreement shall be subject to satellite monitoring in line with Appendix 2. These provisions shall enter into force on the 10th day following notification by the Guinean Government to the European Community Delegation to Guinea of the entry into operation of the Guinea's Centre National de Surveillance des Pêches.

6. Boarding

- 6.1. The competent Guinean authorities shall inform the flag State and the European Commission, within no more than 36 hours, of all boardings of and penalties imposed on Community vessels in Guinean waters.

- 6.2. The flag State and the European Commission shall at the same time receive a brief report of the circumstances and reasons leading to the boarding.

7. Statement of boarding

- 7.1. After the competent Guinean authority has drawn up a statement, the skipper of the vessel shall sign it.
- 7.2. This signature shall not prejudice the rights of the skipper or any defence which he or she may make to the alleged infringement. If the skipper refuses to sign this document, he or she shall specify the reasons for doing so in writing and the inspector shall write 'refusal to sign' on it.
- 7.3. The skipper shall take the vessel to the port indicated by the Guinean authorities. In the case of minor infringements, the competent Guinean authorities may authorise the boarded vessel to continue fishing.

8. Consultation meeting in the event of boarding

- 8.1. Before any measures regarding the skipper or the crew of the vessel or any action regarding the cargo and equipment of the vessel are considered, other than those to safeguard evidence relating to the presumed infringement, a consultation meeting shall be held, within one working day of the receipt of the above information, between the European Commission and the competent Guinean authorities, possibly attended by a representative of the Member State concerned.
- 8.2. At the meeting, the Parties shall exchange any relevant documentation or information helping to clarify the circumstances of the findings. The shipowner or his or her representative shall be informed of the outcome of the meeting and of any measures resulting from the boarding.

9. Settlement of boarding

- 9.1. Before any judicial procedure, an attempt shall be made to resolve the presumed infringement by means of an amicable settlement. This procedure shall end no later than three working days after the boarding.
- 9.2. In the event of an amicable settlement, the amount of the fine shall be determined in accordance with Guinean legislation.
- 9.3. If the case cannot be resolved by means of an amicable settlement and has to be brought before a competent judicial body, a bank security set to take account of the boarding costs and the fines and compensation payable by the parties responsible for the infringement shall be paid by the shipowner into a bank account specified by the competent Guinean authorities.
- 9.4. The bank security shall be irrevocable until the legal proceedings have been concluded. It shall be released once legal proceedings end without a conviction. Similarly, in the event of a conviction leading to a fine of less than the security lodged, the balance shall be released by the competent Guinean authorities.
- 9.5. The vessel shall be released and its crew authorised to leave the port:
- once the obligations arising under the amicable settlement have been fulfilled, or
 - when the bank security referred to in point 9.3 above has been lodged and accepted by the competent Guinean authorities, pending completion of the legal proceedings.

10. Transshipments

- 10.1. All Community vessels wishing to tranship catches in Guinean waters shall do so in or off Guinean ports.
- 10.2. The owners of such vessels shall notify the following information to the competent Guinean authorities at least 24 hours in advance:
- the names of the transshipping fishing vessels,
 - the names, IMO numbers and flag of the cargo vessels,

— the tonnage by species to be transhipped,

— the day and place of transhipment.

10.3. Transhipment shall be considered as an exit from Guinea's fishing zone. Skippers of vessels must submit their catch declarations to the competent Guinean authorities and state whether they intend to continue fishing or leave Guinea's fishing zone.

10.4. Any transhipment of catches not covered above shall be prohibited in Guinea's fishing zone. Any person infringing this provision shall be liable to the penalties provided for by Guinean law.

11. Skippers of Community fishing vessels engaged in landing or transhipment operations in a Guinean port shall allow and facilitate the control of such operations by Guinean inspectors. Once the inspection has been completed in the port, a certificate shall be issued to the skipper of the vessel.

Appendices

1. Application form for a fishing authorisation.
 2. Provisions applicable to the satellite-based vessel monitoring system (VMS) and the coordinates of Guinea's fishing zone.
 3. ICCAT logbook.
-

Appendix 1

APPLICATION FORM FOR A FISHING LICENCE

For official use only	Comments
Nationality:
Licence number:
Date of signature:
Date of issue:

APPLICANT

Name of firm:

Trade register number:

Name and first name of person responsible:

Date and place of birth:

Occupation:

Address:

.....

Number of employees:

Name and address of agent:

.....

.....

VESSEL

Type of vessel: Registration number:

New name: Former name:

Date and place of construction:

Original nationality:

Length: Breadth: Depth:

Gross tonnage: Net tonnage:

Type of construction materials:

Make of main engine: Type: HP rating:

Propeller: Fixed: ☐ Variable: ☐ Ducted: ☐

Speed:

Call sign: Frequency:

List of sounding, navigating and transmission instruments:

Radar: ☐ Sonar: ☐ Net sounder: ☐

VHF: ☐ BLU: ☐ Satellite navigation: ☐ Other:

Number of crew:

CONSERVATION

Ice: ☐ Ice and refrigeration: ☐

Freezing: in brine: ☐ dry: ☐ in refrigerated sea water: ☐

Total refrigeration power:

Freezing capacity in tonnes/24 hours:

Hold capacity:

TYPE OF FISHING

A. Demersal

Inshore demersal: ☐Deep-sea demersal: ☐Type of trawl: cephalopod: ☐ shrimp: ☐ fish: ☐

Length of trawl: Length of headline:

Mesh size in the body:

Mesh size in the wings:

Trawling speed:

B. Deep-sea pelagic (tuna)

Pole and line: ☐Number of poles and lines: ☐Seine: ☐

Length of net: Depth of net:

Number of tanks: Capacity (tonnes):

C. Longlines and pots

Surface: ☐Bottom: ☐

Length of line: Number of hooks:

Number of lines:

Number of pots:

SHORE INSTALLATIONS

Address and authorisation number:

Name of firm:

Activities:

Domestic wholesale fish trade: ☐export: ☐

Type and number of wholesale trader's card:

Description of processing and conservation plant:

.....

.....

.....

.....

.....

Number of employees:

NB: Indicate affirmative answers by a tick in the appropriate box.

Technical remarks

Authorisation of the Ministry responsible for fisheries

Appendix 2

The two Parties shall consult each other at a later stage within the Joint Committee to define the provisions applicable to the satellite-based vessel monitoring system (VMS) and the coordinates of Guinea's fishing zone.

Appendix 3

ICCAT LOGBOOK FOR TUNA FISHERY

ICCAT LOGBOOK FOR TUNA FISHERY									
Name of vessel:	Gross tonnage:	Vessel DEPARTED:			Month	Day	Year	Port	<div> <div>Longline</div> <div></div> <div>Live bait</div> <div></div> <div>Purse seine</div> <div></div> <div>Trawl</div> <div></div> <div>Outros (Others)</div> <div></div> </div>
Flag country:	Capacity — (M.T.):	Vessel RETURNED:							
Registration number	Skipper:								
Shipowner:	Number of crew:								
Address:	Reporting date:	Number of days at sea:							
	(Reported by):						Number of fishing days:		Trip number:
							Number of sets made:		

[illegible]

Notes

- 1 — Use one sheet per month and one line per day.
- 2 — At the end of each trip, forward a copy of the log to your correspondent or to ICCAT, Calle Corazón de María 8, 28002 Madrid, Spain.
- 3 — 'Day' refers to the day you set the line.
- 4 — Fishing area refers to the position of the vessel. Round off minutes and record degree of latitude and longitude. Be sure to record N/S and E/W.
- 5 — The last line (landing weight) should be completed only at the end of the trip. Actual weight at the time of unloading should be recorded.
- 6 — All information reported herein will be kept strictly confidential.

COUNCIL DECISION
of 9 June 2009
appointing a Judge to the European Union Civil Service Tribunal
(2009/474/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 225a thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 140b thereof,

Whereas:

- (1) The European Union Civil Service Tribunal (hereinafter referred to as the Civil Service Tribunal) was established by Council Decision 2004/752/EC, Euratom ⁽¹⁾. To that end, that Decision added an Annex to the Protocol on the Statute of the Court of Justice (hereinafter referred to as Annex I to the Statute of the Court of Justice).
- (2) By Decision 2005/150/EC, Euratom ⁽²⁾, the Council determined the conditions and arrangements governing the submission and processing of applications for appointment as a judge of the Civil Service Tribunal, as provided for in Article 3(2) of Annex I to the Statute of the Court of Justice.
- (3) By Decision 2005/49/EC, Euratom ⁽³⁾, the Council determined the operating rules of the committee provided for in Article 3(3) of Annex I to the Statute of the Court of Justice, (hereinafter referred to as the Committee).
- (4) Pursuant to the resignation of one of the Judges of the Civil Service Tribunal, a public call for applications for the appointment of a judge to the Civil Service Tribunal for the period from 1 September 2009 to 31 August 2015 was published on 6 March 2009 ⁽⁴⁾.
- (5) The Committee met on 26 March, on 7 May and on 25 and 26 May 2009. On completion of its discussions, it finalised the opinion and list provided for in Article 3(4) of Annex I to the Statute of the Court of Justice.

(6) Under the fourth paragraph of Article 225a of the EC Treaty and the fourth paragraph of Article 140b of the EAEC Treaty, Judges of the Civil Service Tribunal are appointed by the Council.

(7) Accordingly, it is appropriate to appoint one of the persons included on the list provided for in Article 3(4) of Annex I to the Statute of the Court of Justice, ensuring a balanced composition of the Tribunal on as broad a geographical basis as possible from among nationals of the Member States and with respect to the national legal systems represented, as provided for in Article 3(1) of Annex I to the Statute of the Court of Justice,

HAS DECIDED AS FOLLOWS:

Article 1

Maria Isabel ROFES i PUJOL is hereby appointed Judge to the European Union Civil Service Tribunal for a period of six years, from 1 September 2009 to 31 August 2015.

Article 2

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

Article 3

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

Done at Luxembourg, 9 June 2009.

For the Council
The President
E. JANOTA

⁽¹⁾ OJ L 333, 9.11.2004, p. 7.

⁽²⁾ OJ L 50, 23.2.2005, p. 7.

⁽³⁾ OJ L 21, 25.1.2005, p. 13.

⁽⁴⁾ OJ C 53, 6.3.2009, p. 15.

III

(Acts adopted under the EU Treaty)

ACTS ADOPTED UNDER TITLE V OF THE EU TREATY

COUNCIL JOINT ACTION 2009/475/CFSP

of 11 June 2009

on the European Union Integrated Rule of Law Mission for Iraq, EUJUST LEX

THE COUNCIL OF THE EUROPEAN UNION,

bility of the Head of Mission towards the Commission
for implementing the budget of the Mission,Having regard to the Treaty on European Union, and in
particular Article 14 thereof,

HAS ADOPTED THIS JOINT ACTION:

Whereas:

Article 1

Mission

(1) On 7 March 2005 the Council adopted Joint Action 2005/190/CFSP on the European Union Integrated Rule of Law Mission in Iraq, EUJUST LEX ⁽¹⁾. That Joint Action, as subsequently amended and extended, expires on 30 June 2009.

1. The European Union hereby establishes the European Union Integrated Rule of Law Mission for Iraq, EUJUST LEX.

(2) On 24 March 2009, the Political and Security Committee agreed that EUJUST LEX should be extended for another 12 months until 30 June 2010. During this period EUJUST LEX should conduct, in addition to continuing its core business, a pilot phase including activities in Iraq.

2. EUJUST LEX shall operate in accordance with the objectives and other provisions as contained in the mission statement set out in Article 2.

Article 2

Mission statement

(3) The financial reference amount of EUR 10 million provided for in Joint Action 2005/190/CFSP was supplemented by EUR 11,2 million in Council Joint Action 2006/708/CFSP ⁽²⁾ and by EUR 7,2 million in Council Joint Action 2008/304/CFSP ⁽³⁾, in order to cover expenditure related to EUJUST LEX until 30 June 2009. Another financial reference amount should be provided in order to cover expenditure related to the new Mission for the period from 1 July 2009 to 30 June 2010.

1. EUJUST LEX shall address the urgent needs in the Iraqi criminal justice system through providing training for high and mid-level officials in senior management and criminal investigation. This training shall aim to improve the capacity, coordination and collaboration of the different components of the Iraqi criminal justice system.

(4) The mandate of the Mission is being carried out in a security context that is liable to deteriorate and which is liable to undermine the objectives of the Common Foreign and Security Policy (CFSP) as defined in Article 11 of the Treaty.

2. EUJUST LEX shall promote closer collaboration between the different actors across the Iraqi criminal justice system and strengthen the management capacity of senior and high-potential officials primarily from the police, judiciary and penitentiary and improve skills and procedures in criminal investigation in full respect for the rule of law and human rights.

(5) The command and control structure of the Mission should be without prejudice to the contractual responsi-

3. The training activities shall take place in the EU and in Iraq or in the region and EUJUST LEX shall have a liaison office in Baghdad. During the period from 1 July 2009 until 30 June 2010, EUJUST LEX shall start a pilot phase of activities in Iraq, including providing strategic advice, follow-up mentoring and training activities, as and where security conditions and resources allow.

⁽¹⁾ OJ L 62, 9.3.2005, p. 37.

⁽²⁾ OJ L 291, 21.10.2006, p. 43.

⁽³⁾ OJ L 105, 15.4.2008, p. 10.

Taking into account further developments in the security conditions in Iraq and the availability of appropriate infrastructure, the Council shall examine the results of the pilot phase and shall decide on the future of the Mission after 30 June 2010.

4. An effective strategic and technical partnership with the Iraqi counterparts shall be developed throughout the Mission, particularly in relation to the design of the curricula during the planning phase. Coordination will also be needed for the selection, vetting, evaluation, follow-up and coordination of personnel attending the training with the aim of rapid appropriation by the Iraqis. There shall also be a need for close coordination during the planning and operational phases between EUJUST LEX and the Member States providing training. This shall include the involvement of the relevant Member States' diplomatic missions in Iraq and liaison with those Member States with current experience in providing training relevant for the mission.

5. EUJUST LEX shall be secure, independent and distinct but shall be complementary and bring added value to the efforts of the Government of Iraq and the international community, in particular those of the United Nations and the United States of America, and also develop synergies with relevant activities of the Community and Member States. In this context, EUJUST LEX shall liaise with the relevant Iraqi authorities and the Member States which presently conduct training projects.

Article 3

Structure

EUJUST LEX shall, in principle, be structured as follows:

- (a) the Head of Mission;
- (b) a coordinating office in Brussels;
- (c) a liaison office in Baghdad;
- (d) training facilities, trainers and experts provided by the Member States and coordinated by EUJUST LEX.

These elements shall be developed in the Concept of Operations (CONOPS) and the Operation Plan (OPLAN).

Article 4

Civilian Operation Commander

1. The Civilian Planning and Conduct Capability Director shall be the Civilian Operation Commander for EUJUST LEX.
2. The Civilian Operation Commander, under the political control and strategic direction of the Political and Security Committee (PSC) and the overall authority of the Secretary-General/High Representative (SG/HR), shall exercise command and control of EUJUST LEX at the strategic level.

3. The Civilian Operation Commander shall ensure proper and effective implementation of the Council's decisions as well as the PSC's decisions, including by issuing instructions at strategic level as required to the Head of Mission.

4. All seconded staff shall remain under the full command of the national authorities of the sending State or EU institution. National authorities shall transfer operational control of their personnel, teams and units to the Civilian Operation Commander.

5. The Civilian Operation Commander shall have overall responsibility for ensuring that the EU's duty of care is properly discharged.

Article 5

Head of Mission

1. The Head of Mission shall assume responsibility and exercise command and control of the mission at theatre level.
2. The Head of Mission shall exercise command and control over personnel, teams and units from contributing States as assigned by the Civilian Operation Commander together with administrative and logistic responsibility including over assets, resources and information put at the disposal of the mission.
3. The Head of Mission shall issue instructions to all mission staff, including the Brussels coordinating office and the Baghdad liaison office, for the effective conduct of EUJUST LEX, assuming its coordination and day-to-day management, following the instructions at strategic level of the Civilian Operation Commander.
4. The Head of Mission shall be responsible for the implementation of the Mission's budget. For this purpose, the Head of Mission shall sign a contract with the Commission.
5. The Head of Mission shall be responsible for disciplinary control over the staff. For seconded staff, disciplinary action shall be exercised by the national or EU authority concerned.
6. The Head of Mission shall represent EUJUST LEX and shall ensure appropriate visibility of the Mission.

Article 6

Staff

1. The numbers and skills of EUJUST LEX staff shall be consistent with the Mission statement set out in Article 2 and the structure set out in Article 3.
2. EUJUST LEX staff shall be seconded by EU Member States or institutions. Each Member State shall bear the costs related to EUJUST LEX staff seconded by it, including salaries, medical coverage, allowances other than *per diems* and travel expenses as defined in the financial statement.

3. International and local staff may also be recruited, as required, on a contractual basis.

4. All staff shall carry out their duties and act in the interest of the Mission. All staff shall respect the security principles and minimum standards established by Council Decision 2001/264/EC of 19 March 2001 adopting the Council's security regulations.⁽¹⁾

Article 7

Status of staff

1. Where required, the status of EUJUST LEX staff, including where appropriate the privileges, immunities and further guarantees necessary for the completion and smooth functioning of EUJUST LEX shall be agreed in accordance with the procedure laid down in Article 24 of the Treaty. The SG/HR, assisting the Presidency, may negotiate such an agreement on its behalf.

2. The EU Member State or institution having seconded a staff member shall be responsible for answering any claims linked to the secondment, from or concerning the staff member. The EU Member State or institution in question shall be responsible for bringing any action against the person seconded.

Article 8

Chain of command

1. EUJUST LEX shall have a unified chain of command, as a crisis management operation.

2. Under the responsibility of the Council, the PSC shall exercise political control and strategic direction of EUJUST LEX.

3. The Civilian Operation Commander, under the political control and strategic direction of the PSC and the overall authority of the SG/HR, is the commander of EUJUST LEX at strategic level and, as such, shall issue instructions to the Head of Mission and provide him with advice and technical support.

4. The Civilian Operation Commander shall report to the Council through the SG/HR.

5. The Head of Mission shall exercise command and control of EUJUST LEX at theatre level and shall be directly responsible to the Civilian Operation Commander.

Article 9

Political control and strategic direction

1. The PSC shall exercise, under the responsibility of the Council, political control and strategic direction of the mission. The Council hereby authorises the PSC to take the relevant decisions for this purpose in accordance with Article 25 of the Treaty.

2. This authorisation shall include the powers to amend the CONOPS and the OPLAN. It shall also include powers to take decisions regarding the appointment of the Head of Mission. The powers of decision with respect to the objectives and termination of the mission shall remain vested in the Council.

3. The PSC shall report to the Council at regular intervals.

4. The PSC shall receive on a regular basis and as required reports by the Civilian Operation Commander and the Head of Mission on issues within their areas of responsibility.

Article 10

Security

1. The Civilian Operation Commander shall direct the Head of Mission's planning of security measures and ensure their proper and effective implementation for EUJUST LEX in accordance with Articles 4 and 8 and in coordination with the Council Security Office.

2. The Head of Mission shall be responsible for the security of the operation and for ensuring compliance with minimum security requirements applicable to the operation, in line with the policy of the European Union on the security of personnel deployed outside the EU in an operational capacity under Title V of the Treaty on European Union and its supporting documents.

3. For the elements of the Mission which are carried out in Member States, the host Member State shall take all necessary and appropriate measures to ensure the security of the participants and the trainers on its territory.

4. For the coordinating office in Brussels, the necessary and appropriate measures shall be organised by the GSC security office in collaboration with the host Member State authorities.

5. Should the training take place in a third State, the EU, with the involvement of the Member States concerned, shall ask the third State's authorities to make the appropriate arrangements regarding the security of the participants and the trainers or experts on its territory.

6. EUJUST LEX shall have a dedicated mission Security Officer reporting to the Head of Mission.

7. The Head of Mission shall consult with the PSC on security issues affecting the deployment of the Mission as directed by the SG/HR.

8. EUJUST staff members, trainers and experts shall undergo mandatory security training organised by the GSC Security Office and, when appropriate, medical checks prior to any deployment or travel to Iraq.

⁽¹⁾ OJ L 101, 11.4.2001, p. 1.

9. Member States shall endeavour to provide EUJUST LEX, in particular the Liaison Office, staff, trainers and experts travelling to and in Iraq, with secure accommodation, body armour and close protection and other security requirements, as appropriate, within Iraq. For such purpose, the Head of Mission may conclude appropriate arrangements with Member States, or local authorities as necessary.

Article 11

Financial arrangements

1. The financial reference amount intended to cover the expenditure related to the Mission between 1 July 2009 and 30 June 2010 shall be EUR 10,8 million.

2. The expenditure financed by the amount stipulated in paragraph 1 shall be managed in accordance with the procedures and rules applicable to the general budget of the European Union with the exception that any pre-financing shall not remain the property of the Community. Should a part of the training be conducted in third States, nationals of third States shall be allowed to tender for contracts. In this case, goods and services procured for EUJUST LEX may also have their origin in third States.

3. Given the particular security situation in Iraq, services in Baghdad and other parts of the country as appropriate shall be provided through the contracts entered into by the United Kingdom, other Member States where appropriate or through arrangements concluded with the Iraqi authorities with the companies providing and invoicing for these services. The budget of EUJUST LEX shall cover these expenses. The United Kingdom or other Member States concerned shall, in consultation with the Head of Mission, report with adequate information to the Council on these expenses.

4. The Head of Mission shall report fully to, and be supervised by, the Commission on the activities undertaken in the framework of his contract.

5. The financial arrangements shall respect the operational requirements of EUJUST LEX, including compatibility of equipment.

6. Expenditure shall be eligible as of the date of entry into force of this Joint Action.

7. The equipment and supplies for the Coordination Office in Brussels shall be purchased or rented on behalf of the EU.

Article 12

Coordination

1. Without prejudice to the chain of command, the Head of Mission shall act in close coordination with the Commission delegation to ensure the consistency of EU action in support of Iraq.

2. The Head of Mission shall coordinate closely with the local EU Presidency and other EU Heads of Missions.

3. The Head of Mission shall cooperate with the other international actors present in the country, in particular the UN.

Article 13

Release of classified information

The SG/HR is authorised to release to the host State and the United Nations, as appropriate and in accordance with the operational needs of the mission, EU classified information and documents up to the level 'RESTREINT UE' generated for the purposes of the operation, in accordance with the Council's security regulations. Local arrangements shall be drawn up for this purpose.

Article 14

Watch-keeping

The Watch-keeping Capability shall be activated for EUJUST LEX.

Article 15

Entry into force

This Joint Action shall enter into force on 1 July 2009.

It shall expire on 30 June 2010.

Article 16

Publication

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

Done at Luxembourg, 11 June 2009.

For the Council

The President

G. SLAMEČKA

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